

Resettlement Planning Document

Resettlement Plan
Document Stage: Revised
Project Number: 30286
April 2011

Viet Nam: Central Region Small and Medium Towns Development – Water Supply System in Ninh Hoa Town, Khanh Hoa Province

Prepared by Provincial Project Management Unit, Khanh Hoa Provincial People's
Committee

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KHANH HOA PROVINCIAL PEOPLE'S COMMITTEE

PROVINCIAL PROJECT MANAGEMENT UNIT

Central Region Small and Medium Towns Development Project

ADB Loan No: VIE - 2272 (SF)

RESETTLEMENT PLAN

FOR

WATER SUPPLY SYSTEM

Contract KH5/A/10/ICB

LOCATION: NINH HOA TOWN

Updated April, 2011

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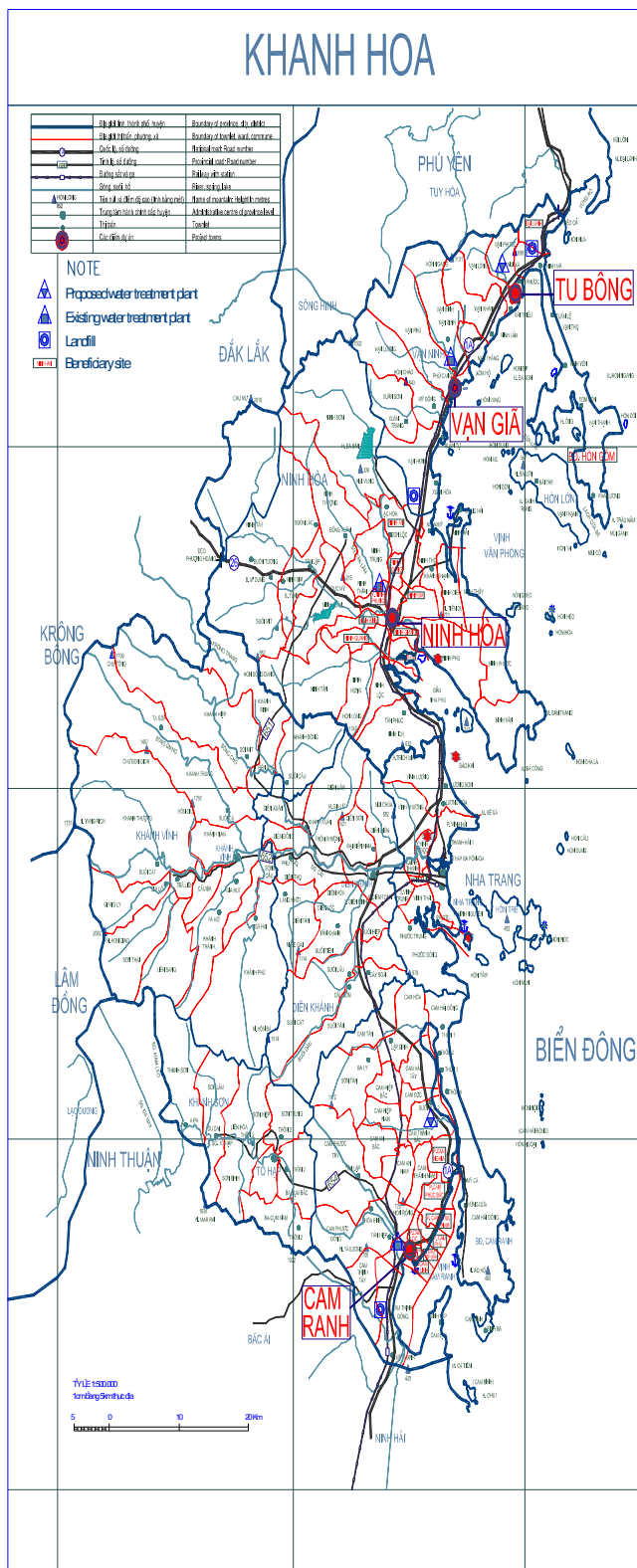
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KHANH HOA



LIST OF ABBREVIATIONS

ADB	Asian Development Bank
AH	Affected Household
AP	Affected Person
CPC	Commune People's Committee
DMS	Detailed Measurement Survey
DOC	Department of Construction
DOF	Department of Finance
DOLISA	Department of Labor, Invalids and Social Assistance
DONRE	Department of Natural Resources and Environment
DP	Displaced Person
DPC	District People's Committee
DRC	District Resettlement Committee
EMDP	Ethnic Minorities Development Plan
EMP	Environmental Management Plan
GOV	Government of Vietnam
HH	Household
IOL	Inventory Of Losses
LAR	Land acquisition and Resettlement
LURC	Land Use Rights Certificate
MABUTIP	Management Board for Urban Technical Infrastructure Development Project
MOC	Ministry of Construction
MOF	Ministry of Finance
MOLISA	Ministry of Labor, Invalids and Social Assistance
MoNRE	Ministry of Natural Resources and Environment
NGO	Non-Governmental Organization
PPC	Provincial People's Committee
PPMU	Provincial Project Management Unit
PRA	Participatory Rural Appraisal
PRC	Provincial Resettlement Committee
RP	Resettlement Plan
TRC	Town Resettlement Committee
TOR	Terms of Reference
USD	US Dollar
VHLSS	Vietnam Household Living Standard Survey
VND	Vietnam Dong
WSP	Water Supply Plan

DEFINITION OF TECHNICAL TERMS

Affected person (AP): means any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term AP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a subproject or any of its components.

Affected community: village impacted by (a) land acquisition due to any project activity, whether anyone will be relocated or not; (b) receiving relocated households or (c) in the vicinity and likely to be socially or culturally impacted by the project in a negative manner.

Cut-off date: means the date of completion of the Detailed Measurement Survey (DMS) for each subcomponent, and establishes the eligibility of APs to entitlements for the compensation, resettlement, and rehabilitation measures in the resettlement plan. Affected people and local communities will be informed of the cut-off date for the component. People moving into the area impacted upon by the subcomponent after the cut-off date will not be entitled to compensation and assistance under the Project. *In this subproject, the cut-off date is September 30, 2010, the date when the DMS was completed.* This cut-off date was widely announced for affected households and the communities.

Detailed measurement survey: validation of the inventory of losses, severity of impacts, and list of project affected households following the detailed design. The final cost of compensation, assistance and resettlement is determined following completion of the DMS.

Entitlement: resettlement entitlements include compensation and assistance.

Compensation payment: compensation in kind, in cash or both, at full replacement value, for lost assets.

Assistance and rehabilitation: support provided to project affected households losing assets, employment or livelihood sources, in addition to compensation payment for acquired assets provided, in order to restore livelihoods.

Host community: community already in residence at a proposed resettlement site.

Inventory of loss: process of identification, location, measurement and valuation of replacement cost of all fixed assets that will be recovered or adversely affected following the preliminary design. It also includes the assessment of the severity of the impact on land and property and on livelihoods.

Land recovery: process by which land and property are compulsorily acquired by the State.

Livelihood: capabilities, assets and activities required to maintain living standards and quality of life, including cash incomes and self-consumption.

Safeguard policy statement: policies of the Asian Development Bank of social and environmental safeguard.

Plan: set of principles, objectives, procedures and budget defined in advance to ensure sound and smooth operation of the project. Quantitative targets (land, persons) in the plan are foreseen targets. They will be adjusted as needed during the subproject implementation.

Relocation: physical resettlement of a project affected household from its pre-project place of residence and/or business.

Replacement cost study: study based on surveys and other data sources to determine the replacement cost of land, houses and other affected assets.

Replacement value: amount calculated before displacement which is needed to replace affected lands, crops, trees, houses and other assets and plus any transaction costs such as administrative charges, taxes, registration and titling costs.

Resettlement: loss of fixed assets (house, land, other productive assets) with or without relocation. This also includes all measures taken to mitigate any and all adverse impacts of a project on households' properties and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.

Resettlement site: location with planned investments into houses, infrastructure, agricultural land and irrigation for relocated households.

Severely affected household: project affected household that will, due to the project, (a) lose 10% or more of its productive land or assets or both, and/or (b) have to relocate.

Vulnerable groups: distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of land and property recovery or other project impact. RP defines as vulnerable households (1) female headed households with dependents, (2) illiterate individuals, (3) households with disabled household heads, (4) households falling under the current Ministry of Labor, Invalids and Social Affairs (MOLISA) benchmark poverty line, (5) children and elderly households who are landless and with no other means of support, (6) landless households other than households with stable non-farm incomes.

Exchange Rate:

1 USD = 20,600 VND (February, 2011)
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EXECUTIVE SUMMARY

Project Summary and RP Objective

The Central Region Small and Medium Towns Development Project, VIE - 2272 (SF), aims to improve the urban environment and enhance poverty reduction activities in five provinces of the Central Region of Viet Nam. The Khanh Hoa subproject in Khanh Hoa province will involve the improvement wastewater disposal and management in Cam Ranh, through the upgrade of the drainage network and the introduction of a WSP in Cam Linh ward, and construction of several pumping stations. Solid waste management will also be addressed in Cam Ranh town with the development of a landfill site to serve the surrounding communes. In Ninh Hoa, the Project will introduce a safe water supply system, and effectively deal with raw water by constructing a water treatment plant which will be served by a 48 km expansion of the existing transmission pipes.

The overall objective of the RP is to ensure that all APs will be compensated at replacement cost at current market value for their losses, and provided with rehabilitation measures, including transition allowance, so they are at least as well off as they would have been in the absence of the Project.

Impacts by the Ninh Hoa WSP component

Despite various measures applied to avoid as much as practical involuntary resettlement, land acquisition for the Ninh Hoa WSP component will have some unavoidable social impacts. The water supply and development component acquires a total of around 4.14 hectares, consisting of 3.38 hectares of land to be acquired temporarily and 0.76 hectares to be acquired permanently. Most of the 3.38 hectares of land to be acquired temporarily is land for transportation (nearly 3.00 hectares) and the remaining are of agricultural land, residential land and other land-uses.. A total of 381 households will be affected by this component, including 12 organizations but none of them will be affected severely, i.e. losing over 10% of the total landholdings or relocating.

Characteristics of Affected Persons

Population and Households

The average size of AHs in Ninh Hoa is 4.1 persons. Though, 381 HHs are affected but 369 AHs are family HHs. All 369 AHs were surveyed with a total of 1,549 APs, none are from ethnic minorities. The overall sex ratio of the total population surveyed is 47.7 percent male and 52.3 percent female. Average age of household heads is 51.38, and of household members is 24.23. The population is nevertheless concentrated in the main working age groups with two-thirds aged between 16 and 55 years.

Title to landholdings

All households have been residents in the area for over 10 years and all have permanent resident status in the area.

Occupation and Income

Among 369 AHs, nearly half of them are rice farming households (43%) and that most also undertake off-farm work in nearby Ninh Hoa throughout the year. The median monthly household income of AHs is around VND 3.74 million while the median per capita income is VND 912,000 per month. Using the general MOLISA poverty line, no AH would be classified as poor. This reflects the importance of the additional incomes that households receive from off-farm activities.

Mitigation of Adverse Impacts

National Legal Framework and ADB Safeguard Policies

Resettlement arrangements in the subproject are based on the laws of the Government of Vietnam and the ADB Policy on Involuntary Resettlement (Safeguard Policy Statement 2009). The policy of Government of Vietnam on compensation, assistance and relocation has improved significantly in recent years and is today very close to the requirements of the ADB policy on involuntary resettlement. There are however still gaps between these policies. The Vietnamese legal system of land tenure and right to compensation fully applies in the RP. There is an institutional structure through which people are informed and can appeal.

In application of the resettlement policy frameworks, project affected households have not only been informed but feedback has also been sought from those directly affected. All eligible affected households are entitled to compensation for their losses at replacement costs. Significantly affected households will receive additional assistance (the percentage of affected assets defining significant impact varies between the policy frameworks; it is set at 10 percent for the RP). Users without official documentation and non-legal users, micro-enterprises not holding a business certificate and employees without a contract are eligible provided if they have been in the project area prior to the cut-off date. The deductions from assets compensation provided by the land law and its implementation decrees are not applicable. Houses and structures are compensated to rebuild the new ones with similar technical conditions. Vulnerable households are entitled to additional support in the restoration of their livelihoods.

Principles and Entitlement Policy

Resettlement is implemented in the Ninh Hoa WSP component on the basis of four overall principles: (i) every effort has been made to minimize land acquisition impact and other adverse social impact; (ii) if resettlement, with or without relocation, is unavoidable, affected people will receive compensation so that their living standards and income-earning capacity will be at least as high as they would have been in the absence of the project; compensation is provided before land or other assets are acquired from APs; (iii) the project provides an opportunity for the local population to derive benefits from it; and (iv) the local population participates in planning and implementation.

Relocation APs refer to persons, households, communities and institutions defined as affected by losing in full or in part of land, residence, or other assets or resources as a result of the main canal subproject. Severely affected displaced persons are defined as affected households that will lose 10 percent or more of their total area of the landholding and/or assets, or have to relocate their house or shop.

September 30, 2010 is defined as the cut-off date. This date is when the detailed measurement survey census is completed. It determines eligibility to the status of APs.

The entitlement policy is fully defined by the resettlement policy, includes some specific principles as: (i) Compensation for assets other than land is provided at full replacement cost, without deduction for depreciation or salvage materials for houses and other structures; (ii) Compensation for agricultural land is provided through land of equal productive capacity acceptable to the displaced person, or in cash at replacement cost in accordance with AHs preference. Replacement of residential/premise land is made through land of equal size and productive capacity acceptable to the relocation AHs, or in cash at replacement cost, in accordance with the AHs' preference; (iii) Replacement residential and agricultural land is as close as possible to the land that was lost, and is acceptable to the AHs; (iv) The previous level of public infrastructure, community services and resources is maintained or improved; and (v) Plans for acquisition of land and other assets and provision of rehabilitation measures are carried out in consultation with the AHs.

Resettlement Implementation Arrangements

The Khanh Hoa PPC is the Executing Agency (EA) for the subproject and is responsible for providing overall policy direction and approvals for all aspects of the Ninh Hoa WSP component including approval of the RP and all resettlement related issues.

A Provincial Project Management Unit (PPMU) was established to manage and monitor all day to day project implementation activities. In term of resettlement related aspects, the PPMU's functions include: supervising and monitoring project-related resettlement and environmental activities; and preparing periodic project progress and annual reports (including internal monitoring report on resettlement) and submit to PPC and then PCU for aggregation in project progress reports to GOV and ADB.

Central Level

The PCU has specific responsibility for the following resettlement activities: (i) Submit the approved RP for Ninh Hoa WSP component to the ADB; (ii) Consolidate project progress reports (including financial accounts) on land acquisition and resettlement for relevant ministries and ADB; and (iii) Recruit and supervise the external independent organization (or consultants) for external resettlement monitoring.

Provincial Level

The Provincial Peoples' Committee (PPC) will be responsible for issuing all decisions and approvals relating to the implementation of the resettlement plan of Ninh Hoa WSP component including those relating to its formal adoption, unit compensation costs, notices and approvals for information disclosure, land acquisition and compensation payments, allocations of replacement land (if applicable) and grievance redress. The PPC will also be responsible for establishing the institutional arrangements and allocation of responsibilities to town and district based organizations.

District/Town and Commune Levels

The Peoples' Committee of Ninh Hoa town established the Town Resettlement Committee (TRC) to implement the RP. TRC in combination with PPMU and project CPCs carry out resettlement activities of the project.

Complaints and Grievances

Complaints and grievances related to any aspect of RP will be in the first instance being handled through negotiation aimed at achieving consensus. The internal monitoring system of RP will monitor complaints in order to improve quality of the resettlement process. Complaints in relation to dissatisfaction about matters such as process (time taken, complexity, lack of information, services provided, fees charged; demands for informal payments; damage to property) and quality will be reported by the affected household/organization in written or oral form through mechanism of grievant redress established in the RP.

Costs

The estimated total cost of resettlement in Ninh Hoa WSP component will be around VND 1,074 million (US\$ 52,147). This cost is for the direct costs associated with the Ninh Hoa WSP, i.e. compensation for land, crops, trees, and the administration, land demarcation and land acquisition. The major cost item in the RP budget is the compensation for structures and works which constitute almost 50% of the overall total compensation. The compensation for crops and trees counts for only 11.7% of the total compensation, and the remaining 38.3% of the overall compensation is as an allowance for recovery of the playground of Ninh Son town where is permanently acquired.

Monitoring and Evaluation

Monitoring and evaluation will be undertaken in an integrated manner for all aspects of RP. The RP indicator framework also defines indicators in relation to inputs (financial and human resources made available to the plan), outputs (resettlement activities, livelihood improvement activities, specific ethnic minority measures), and outcome of each component. The detailed indicators of actual delivery of RP entitlements which are listed in the resettlement planning framework will also be monitored.

Internal monitoring

The PPMU is responsible for the internal monitoring of RP implementation. They will prepare and submit monitoring reports to PCU. The monitoring reports will summarize land acquisition and resettlement progress against monitoring indicators; and, where necessary, recommend changes to ensure that the implementation of the RP conforms to the objectives and procedures in the RP. These reports will be submitted to PCU for review and approval and also to be submitted to ADB.

External monitoring

External monitoring of the RP implementation will be carried out by an independent social monitoring team/organization. External monitoring will commence as soon as the updated RP has been approved, and will carry out twice a year or per requested by the PCU during the RP implementation. A Post-Resettlement Evaluation will be carried out 6 months after completion of all resettlement activities, using the same survey questionnaire and sample as used during monitoring activities.

I. INTRODUCTION

A. The Project

1. The Central Region Small and Medium Town Development Project (CRSMTDP), ADB Loan No. VIE - 2272 (SF), aims to improve the urban environment and enhance poverty reduction activities in five provinces of the Central Region of Viet Nam, namely, Phu Yen, Binh Thuan, Ninh Thuan, Dak Nong and Khanh Hoa. The provinces of Phu Yen, Khanh Hoa, Ninh Thuan and Binh Thuan are located in the low lying South Central Coast Region while Dak Nong is located on the Dak Lak Plateau in the Central Highlands. The five project provinces have a combined population of about 4.2 million (2004) of which 1.4 million live in urban areas; the urban population is growing at an average annual rate of 2.3 percent. The average level of urbanization for the five provinces is about 33 percent ranging from 13 percent in Dak Nong to 45 percent in Binh Thuan.

2. The Project will consist of improvements to water supply, drainage, wastewater management and solid waste management systems in up to 8 towns where inadequate urban infrastructure poses serious environmental and health risks, and inhibits social and economic development. The Project will also strengthen local management capacities and the institutional framework for urban environmental services in the towns, and improve community health through a targeted program of community environmental sanitation and awareness.

3. The Ministry of Construction is the Executing Agency for the Project with responsibility delegated to the Management Board for Urban Technical Infrastructure Development Projects (MABUTIP).

B. The Khanh Hoa Subproject

4. Khanh Hoa Province is located in the South Central Coastal Region of Viet Nam. The total population of the province in 2009 was around 1,156,903. The Khanh Hoa subproject will involve improvements to drainage and wastewater management and solid waste management in three locations, Cam Ranh and Ninh Hoa. The urban population in the densely populated town of Cam Ranh in 2010 was around 95,650 but forecasted to reach 105,900 by 2015. Ninh Hoa, of which the urban population is currently 24,450, is expected to see a demographic rise to 27,200 people by 2015.

5. The Khanh Hoa subproject will involve the improvement wastewater disposal and management in Cam Ranh, through the upgrade of the drainage network and the introduction of a WSP in Cam Linh ward, and construction of several pumping stations. Solid waste management will also be addressed in Cam Ranh town with the development of a landfill site to serve the surrounding communes. In Ninh Hoa, the Project will introduce a safe water supply system, and effectively deal with raw water by constructing a water treatment plant (WSP) which will be served by a 48 km expansion of the existing transmission pipes. **Table SA2 -1. Khanh Hoa Subproject - Ninh Hoa WSP Component** gives a summary of the proposed principal civil works associated with these subcomponents.

Table SA2- 1. Khanh Hoa Subproject – Ninh Hoa WSP Component

Town	Subcomponent	Scheme Elements	Comments
Ninh Hoa	Water Supply Expansion and Development	Utilize 1000m ³ elevated reservoirs and pipe system. Construct a new pumping station at Da Ban lake. Install 4.4km of new raw water transmission line. Build a new water treatment plant and management route. Expansion of existing network by installing 48km of transmission and distributive lines from DN32 to DN250 including 27km for Ninh Hoa town and 21km for Ninh Thuy, Ninh Phuoc, Ninh An, Ninh Tho, and Ninh Hai.	The 4.4km D300 transmission line will carry raw water from the pumping station to the treatment plant.

Source: SAMT Consultants.

C. The Resettlement Plan for Ninh Hoa WSP component

6. A key component of ADB's resettlement policy is to avoid wherever possible the need for involuntary resettlement. During the project implementation, discussions amongst the engineering team and between local officials and the resettlement experts have resulted in a number of changes that have reduced the potential resettlement impact of the Ninh Hoa Water supply component (Ninh Hoa WSP). These include alerting APs to the likelihood of some of their land being acquired, thereby avoiding the construction of buildings which would require subsequent demolition, and the selection of site for the water treatment plant.

7. Despite the above measures, land acquisition for the Ninh Hoa WSP component will have some unavoidable social impacts. The water supply and development component acquires a total of around 4.14 hectares of which 3.38 hectares are temporarily affected, and 0.76 hectares are acquired permanently. 3.38 hectares of land to be acquired temporarily, comprises of land for transportation (nearly 3.00 hectares), agricultural land, residential land and others. A total of 369 households (excluding 12 organizations affected) will be affected by this component but none of them will be affected severely, i.e. losing over 10% of the total landholdings or relocating. The land of these AHs is only marginally and temporarily affected. The subcomponent acquires the land temporarily for construction and setting up of water pipes which will be buried 1 m deep within the right of way. After the construction of works, the land shall be leveled and returned to the land-owners without changing the land-use purposes. Therefore, the land acquisition only temporarily and marginally affects AHs.

8. This resettlement plan (RP) has been prepared to address the unavoidable adverse impacts arising from land and property acquisition as a result of the construction of the water supply and development component in Ninh Hoa. The overall objective of the RP is to ensure that all APs will be compensated at replacement cost at current market value for their losses, and provided with rehabilitation measures, including transition allowance, so that they are at least as well off as they would have been in the absence of the project. This RP is based on (i) engineering investigations and designs carried out for 2010 updated Feasibility Studies for this Project, (ii) results of the detailed measurement survey (DMS) conducted in September 2010, (iii) a socioeconomic survey of these APs conducted in September 2010, and (iv) discussions with local officials and consultation with APs.

9. The policies and principles adopted for the Project have been established based on the above-mentioned surveys, on Vietnamese legislation, and the Asian Development Bank's (ADB) *Policy on Involuntary Resettlement*. Wherever a gap exists between ADB's *Policy on Involuntary Resettlement* and Vietnamese law, ADB policy supersedes the provisions of relevant Vietnamese decrees (see **Chapter IV**). The provisions and policies of this RP will form the legal basis for the implementation of resettlement activities for the Ninh Hoa WSP component.

10. This updated RP includes a revision of the compensation rates based on the most recent rates published by the Khanh Hoa PPC and a survey of current market values of key items, e.g. land, house rebuilding and crop prices in Sept. 2010.

11. The Resettlement Plan begins with **Chapter II - Project Impacts** describes the land acquisition and resettlement impacts that will ensue from the subproject's implementation while **Chapter III – Socioeconomic Survey** presents a socioeconomic profile of affected persons and households. **Chapter IV - Legal Framework** reviews the legal background to resettlement and land acquisition in Viet Nam and the relationship between this and ADB policy and describes the overall resettlement policy to be adopted for the Ninh Hoa WSP component in Khanh Hoa subproject and presents the detailed eligibility criteria and entitlements that will be applied. **Chapter V – Resettlement Policy** presents rehabilitation programs for APs. **Chapter VI – Public Participation and Consultation** describes the consultation and public participation procedures adopted in the preparation of this RP and the implementation period and the grievance redress procedures to settle complaints of APs. **Chapter VII- Organizational Framework and Schedule of Resettlement Implementation** describes the institutional arrangements for RP implementation including an indicative implementation schedule. **Chapter VIII** proposes arrangements for monitoring and evaluation. The compensation standards and estimated budget are presented in **Chapter IX – Compensation Standards and Budget**. **Annexes 1 to 5** respectively contain the draft Public Information Booklet, the consultation and disclosure plan, an inventory of APs likely to be impacted by the main elements of the scheme and TOR for resettlement consultants, and the TOR for Resettlement Planning, Implementation and Capacity Building Consultants.

II. PROJECT IMPACTS

A. Methodology

12. The detailed measurement survey (DMS) of the land acquisition impacts of the Water Supply Expansion and Development Component in Ninh Hoa was undertaken by Ninh Hoa Town Resettlement Committee (Ninh Hoa TRC) in combination with PMU. The DMS data was collected by:

- i. examination of engineering drawings;
- ii. cadastral information obtained from Land Administration departments;
- iii. discussions and consultations with local government officials and APs, and
- iv. field surveys of the locations of proposed subcomponents;

This data gathering was undertaken in Sept. 2010.

B. Resettlement Impacts of the Ninh Hoa WSP component

2.1 General

13. **Table SA2 - 2. Land acquisition impacts**, presents a summary of the main features of the Ninh Hoa WSP component as they relate to land and property acquisition.

14. The resettlement impacts of the Ninh Hoa WSP component, and complete figures of land acquisition, houses, structures, and other affected assets were identified by the TRC based on the detailed technical designs. The socioeconomic information and resettlement data collected from the socioeconomic survey and DMS provides the legal basis for the compensation and rehabilitation of the affected person.

15. Any resettlement and acquisition for components not fully evaluated or which result from design changes will however follow the policies, entitlements and compensation standards contained in this RP.

2.2 Minimization of Resettlement

16. A key component of ADB's resettlement policy is to avoid, wherever possible, the need for involuntary resettlement. During project implementation, discussions amongst the engineering team and between local officials and the resettlement experts have resulted in the selection of water treatment plant site of Ninh Hoa WSP component so as to minimize the need to demolish property as a result of the facility itself or its associated buffer zone.

17. Both the engineering design teams and the local authorities are well aware of the need to minimize LAR. It is, therefore, anticipated that as detailed designs are prepared, they are done so in a way that reduces as much as possible the impacts on current occupiers. This is particularly the case with the Ninh Hoa WSP where the acquisition of agricultural land is unavoidable.

2.3 Resettlement Impacts – Major Sites

18. In Ninh Hoa, the construction of the Water Supply and Development System will require a total of 41,411.4m², comprising of 33,828.4m² to be temporarily acquired and 7,853m² of the public land to be acquired permanently. Among 33,828.4 m² of land to be acquired temporarily, most of them are to be acquired for transportation purposes, accounting to 29,966.3m², and 3,657.8m² of agricultural land, residential land, and other kinds of land. The acquisition of such land impacts on 369 HHs, or 1,549 persons. However none of them is severely affected. The land is acquired for construction of the works and shall be used as the right-of-way of works in future. The land of these AHs is only marginally and temporarily affected. The subcomponent acquires the land temporarily for construction and setting up of water pipes which will be buried 1 m deep within the right of way. After the construction of works, the land shall be leveled and returned to the land-owners without changing the land-use purposes. Therefore, the land acquisition only temporarily and marginally affects AHs.

Table SA2- 2. Land acquisition Impacts

Package title	Number of affected households (AHs)						
	Severely Affected				Marginally Affected	Total number of AHs and APs	
	Number of severely AHs	Number of AHs losing more than 50% of houses	Number of affected shops	Number of AHs losing more than 10% of agri. land	Number of AHs losing less than 10% of agri. land	AHs	APs
WSP	0	0	0	0	381	381 AHs/ 369 family AHs	1,549
Acquired land area							
WSP	Residential land (m ²)	Agricultural land (m ²)	Forest land (m ²)	Pond & lake land (m ²)	Other kinds of land (m ²)	Total (m ²)	
Total	3,322.5	335.3	0	0	37,753.6	41,411.4	
Other affected assets							
WSP	House (m ²)	Shop area (m ²)	Crop area (m ²)	Number of trees (trees)	Number of graves (unit)	Auxiliary works, sheds area* (m ²)	
Total	0	0	1,427.8	1,047	0	2,198.8	

Note: Data of PMU and RCs, 2010

*Auxiliary works are simply construction items, such as cement paved yard, or brick fences and brick or stone masonry foundation of fences.

19. The entitlements resulting from these losses, based on the entitlement matrix presented in **Table SA2-8. Entitlement Matrix**, are included in **Chapter V** which gives the detailed resettlement budget.

20. The preceding tables indicate that the Ninh Hoa WSP will have a resettlement impact for around 369 households which in total will affect around 1,549 persons. None of them are vulnerable or severely affected. **Chapter III** describes the socioeconomic characteristics of the APs and their attitudes towards potential compensation packages.

2.4 Resettlement Impacts – Ninh Hoa Water Supply Expansion and Development

21. In parts of Ninh Hoa new pipes will often be located along canals or roads which will be constructed, or reconstructed, as part of the implementation of an approved Master Plan for these towns. Acquisition for these roads will, therefore, occur independently of this Project. Land acquisition for these new or reconstructed roads fall outside the scope of this Project, and hence the associated water pipes will have no resettlement impacts attributable to this Project. In most other cases, the pipes will be sited along existing roads with sufficient ROWs for them to be accommodated without significant impacts, i.e. except for awnings, driveways and other small scale or temporary structures. The majority of the drains will also be covered. Their resettlement impact will, thus, for the most part, be temporary and will not prevent the construction or reinstatement of minor structures such as driveways, awnings and fences. Owners of temporary structures will be compensated based on the provincial standards. Wherever possible, reinstatement will be permitted.

22. Overall, any acquisition, temporary or permanent, resulting from these scheme elements will be subject to the policies, entitlements and compensation standards contained in this RP.

III. SOCIOECONOMIC SURVEY

A. General

23. This Chapter describes the socioeconomic situation of APs. The information provided will assist the TRC in determining appropriate entitlements and assistance to APs. During the DMS implementation, a socioeconomic survey of AHs was also carried out in Ninh Hoa to identify their salient socioeconomic characteristics. This serves as a basis for identification of appropriate measures that could assist AHs to at least recover their living standards and restore their sources and levels of incomes or productive capacities. The names of the household heads affected by the water treatment plant in Ninh Hoa are contained in **Annex 3** and will serve as an initial benchmark for measuring the success or failure of mitigation measures provided to APs following completion of resettlement; the proposed monitoring and evaluation system, which will be an integral part of the resettlement process, is described in **Chapter VIII**.

B. Town Socioeconomic Characteristics

24. **Table SA2-3. Socio-Economic Characteristics of Ninh Hoa** summarizes key socioeconomic characteristics of Ninh Hoa. Perhaps, unsurprisingly, the suburban population is far greater than the urban population. In particular, the following is noted that the absence of ethnic minorities in the town, the labor force is predominately based in agriculture. High school enrolment is consistently high. In Ninh Hoa town, the sanitation facilities are more popular with latrines and septic tanks. Domestic supply of piped water in the town is low.

Table SA2- 3. Socio Economic Characteristics of Ninh Hoa

Indicator	Ninh Hoa
Total Population (2010)	124,794
Urban Total	24,450
Sub-urban	100,334
% Urban	19.6 %
% Ethnic minorities	0%
% Labor force in agriculture	72 %
Poverty rate (% of pop.)	3 %*
School enrolment (% of children 5-15 yrs)	99 %
Malnutrition (% under 5 / no. of cases)	2,575 cases
Domestic Water Supply - wells	70 %
- piped	15 %
Sanitation – latrines	25 %
- septic tanks	70 %

*. Old standard of MOLISA, 2005.

Source: Main Report, Appendix E – Social Assessment.

C. Characteristics of Affected Persons

3.1 Population and Households

25. The average size of AHs in Ninh Hoa is 4.1 persons with over half having from 1 to 7 persons. Of the 369 households surveyed, none are from ethnic minorities.

26. The overall sex ratio of the total population surveyed is 47.7 percent male and 52.3 percent female. Average age of household heads is 51.38 and of household members is 24.23. The population is nevertheless concentrated in the main working age groups with two-thirds aged between 16 and 55 years.

27. All households have been residents in the area for over 10 years and all have permanent resident status in the area.

28. **Table SA2-4. Educational Attainment** gives the educational attainment of household heads and members. The average educational attainment of household heads is 8.16 and members' is 7.59. Though, the impacts on AHs are minor, such low education attainment will cause difficulties in training vocation in the long run for these people.

Table SA2- 4. Educational Attainment

Highest level of education	Degree
Household heads	8.16
Household members	7.59
Average	7.87

Source: Field Surveys, Sept. 2010.

3.2 Occupation and Income

29. Given the semi-rural location of the subcomponents, it is no surprise that nearly half of the AHs are rice farming households (43%) and that most also undertake off-farm work in nearby Ninh Hoa throughout the year. Almost all these occupations are in the informal sector – construction, trading, and transportation service (e.g. motorcycle, taxi).

30. The income distribution of AHs is presented in **Table SA2-5. Per Capita Household Income**, incomes are presented on a per capita basis. The median monthly household income of AHs is around VND 3.74 million while the median per capita income is VND 912,000 per month. Using the general MOLISA poverty line, no AH would be classified as poor. This reflects the importance of the additional incomes that households receive from off-farm activities. There is no correlation between incomes and the titular head of household.

Table SA2- 5. Per Capita Household Income

Household per capita income (VND per month)	No. of APs	Average income/month
Household heads	369	1,595,000
Household members	1,180	691,000
per capita	1,549	912,000

Source: Socioeconomic Survey, Sept. 2010.

3.3 Land, Housing and Other Assets

31. Current agricultural land holdings of AHs average approximately 12,000 m², although the median is 9,600 m². The range of land holdings varies quite considerably from a minimum of 3,500 m² to a maximum of 30,000 m². As is apparent in the table, household land holdings are large for small scale farmers, with almost 50 percent owning more than 1 hectare. Similar, to the total household land holdings, per capita holdings have wide range from 633 m² to 6,667 m² with a median amount of 1,750 m². Ninety per cent of per capita ownership of land was more than 1000 m². Moreover, 40 percent of the APs had more than 2,000 m².

32. All AHs own their houses, their use rights to the land which they cultivate are governed by the local Peoples' Committees.

33. Almost all AHs own at least 1 bicycle, 2 electric fans and 1 television. Almost 50 percent of AHs own a gas cooker. Around ¾ of AHs own motor cycles. One third of APs own a telephone, video and an electric cooker and half of the households have their own private bath. Ownership of other durables is low (**Table SA2- 6. Ownership of Assets**).

Table SA2- 7. Ownership of Assets

Item	Households owning	
	No.	%
Car	0	0 %
Motor Cycle	287	76 %
Bicycle	695	184 %
Washing Machine	0	0 %
Refrigerator	23	6 %
Television	370	100 %
Telephone	136	36 %
Video	121	32 %
Electric Fan	816	216 %
Gas Cooker	166	44 %
Electricity Cooker	128	34 %
Bath Tube	196	52 %

Source: Socioeconomic Survey, Sept. 2010.

3.4 AP Perceptions

34. During the Socioeconomic Survey, AHs were asked whether they would prefer compensation in the form of cash or replacement land/property. The unanimous response was to receive compensation equally in land and in cash. This response can be explained by facts. The majority of households are engaged in farming, forestry, or small scale farming. Secondly, some of the AHs have a relatively high per capita income. The farmer's response has been to request 'satisfactory compensation', either in land or cash for them to continue in their livelihood. Thirdly, the affected households are not of a highly skilled group having no university level education nor are they employed in professional occupations. Thus their knowledge of land and cultivation is their skill. To remove their land would be to remove their skill base. It is, therefore, less surprising to find that 100 percent of APs requested formal training and employment as one their priorities. It is significant to note that, as a priority, all the households wanted cash compensation (along with land) without the ensuing debt. Therefore, when cash is distributed, it is advisable to train households to manage large sums of money.

35. Owing to the early stage of project formulation, most AHs were not aware of the proposed WSP works. However, their awareness was raised through the SES. The main concern of AHs was not that they would lose their land but that they would receive adequate compensation for their losses. All households expressed a desire to receive training that would help them access urban employment opportunities.

IV. LEGAL FRAMEWORK

36. The legal and policy framework for compensation and resettlement under the Project is defined by the relevant laws of the Government of Viet Nam (GOV) and the ADB's *Safeguard Policy Statement Policy on Involuntary Resettlement*.

A. The Vietnamese Legal Background

1.1 Applicable Laws and Circulars

37. In addition to the Constitution of the Socialist Republic of Viet Nam (April 1992), the GOV has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation and resettlement. The principal documents include:

- i. Land law passed by the National Assembly on 26 November 2003.
- ii. Decree 181, dated 29 November 2004, on executing Land law.
- iii. Decree 197, dated 03 December 2004, on compensation, assistance and resettlement when the State acquires the land. This is arguably the key piece of legislation which replaces Decree 22/CP of 24 April 1998 which previously provided the primary basis for compensation and resettlement activities.
- iv. Circular 116, dated 07 December 2004, of the Ministry of Finance providing guidelines on executing Decree 197 of the Government.
- v. Decree 198 of the Government on charging fees on land use.
- vi. Decree 188, dated 16 November 2004, on methods to identify tariffs and the tariff frames for different types of land. Circular 114/2004/TT-BTC, guiding implementation of Decree 188.
- vii. Decree 17/2001/ND-CP, dated 4 May 2001, relating to regulations on management and utilization of overseas development assistance.
- viii. Decree 17/2006/ND-CP dated 27 January 2006, relating to amendment and additions to Decrees 181 and 197 above.
- ix. Decree 84/2007/ND-CP, on 25 May 2007 on supplementary regulations on granting land use certificate, orders and procedures for compensation, assistance and resettlement when the State acquires land and settling complaints on land.
- x. Decree 69/2009/ND-CP, dated 13 August 2009, regulating additional planning of land use, land prices, land acquisition, compensation, assistance and resettlement.
- xi. Decree No. 79/2003/ND-CP, promulgating the regulation on the exercise of democracy in communes, including requirements for consultation with and participation of people in communes.

38. In general, the above laws and decrees provide the enabling legislation that will be implemented at the provincial and local level through decrees and regulations, particularly with respect to the benchmark prices and compensation standards that are used to calculate the amount of compensation and other assistance to be provided to persons affected by land acquisition and resettlement. These include:

- i. Decision no. 101/2009/QD-UBND dated 21 December 2009 by Khanh Hoa PPC regulating the land acquisition, resettlement and compensation in Khanh Hoa province when the states acquires land in the province, according to Decree 69/2009/ND-CP.
- ii. Decision no. 105/2009/QD-UBND dated 31 December 2009 and Decision no.17/2010 dated 20 May 2010 of Khanh Hoa PPC on land prices in the provinces applied for 2010.
- iii. Decision no. 39/2010/QD-UBND dated 24 November 2010 of Khanh Hoa PPC on price for construction, construction works on land sites in Khanh Hoa province.
- iv. Decision no. 39/2008/QD-UBND dated 3 July 2008 by Khanh Hoa PPC on compensation for crops and trees on the land where it is acquired by the State.
- v. Decision no. 1520/ QD-UBND dated July 1, 2009 of Khanh Hoa PPC regulating allowances for short-term job training for rural labour, disabled workers, social-welfare beneficiaries.

1.2 The 2003 Land Law

39. The 2003 Land Law that became effective on 01 July 2004 supersedes the earlier 1987 and 1993 versions, and provides Viet Nam with a comprehensive land administration law. Under the Law, the State reserves the right to allocate land and determine its usage. Individuals, households and organizations can obtain use rights to land, which they can sell, transfer, rent, bequeath or use as collateral.

With respect to land acquisition, resettlement and compensation, the provisions of the Law include:

- i. The State reserves the right to expropriate or “recover” for the purposes of national defense or security, or national and public interest (Article 38).
- ii. Individuals, households and organizations that have or are eligible to obtain recognized land use rights for recovered land will receive compensation for the loss of these assets (Article 42(1)).
- iii. Before land is expropriated, the user must be informed of the reasons for expropriation, schedule and plans for resettlement, if necessary, and options for compensation (Article 39).
- iv. Compensation for agricultural land will be in the form of new land or, if no new land is available, cash equivalent to the land use right value of the recovered land (Article 42(2)). In the latter case, the land use right value is established as the value of similar land under normal market conditions, as determined on an annual basis by PPCs; these prices are to be publicly announced on the first of January each year (Article 56).
- v. Recovery of land from people directly involved in agricultural production but having no land available for continued production will receive cash compensation and, in addition, support from the State to stabilize their lives (Article 42(4)).
- vi. The loss of rural residential land will be compensated with alternate residential land. In urban areas where there are no established resettlement zones, people will receive cash for recovered residential land and priority to purchase or lease State-owned dwellings. Where the use right value of recovered residential land is greater than the land given in compensation, the difference will be paid in cash (Article 42(3)).
- vii. Structures and other fixed assets on recovered land will not be compensated in cases where they have been constructed without permission; in contravention of permitted uses in land use plans; or, when structures are located on illegally encroached land (Article 43(2)).
- viii. In the event of temporary recovery of land, for example during construction, upon the expiry of temporary land acquisition the State will return the land and pay compensation for any damages (Article 45).
- ix. In the case that international treaties, which the Socialist Republic of Viet Nam has signed or acceded to, contain provisions different from the provisions of this Law, the provisions of such international treaties shall be applied (Article 3 (2)).

1.3 Decree 197/2004

40. Following the adoption of the new Land Law, the GOV issued Decree 197/2004/ND-CP to regulate the implementation of the new Land Law. This decree supersedes Decree 22/1998/ND-CP which previously provided the detailed regulations governing compensation and entitlements arising from land acquisition and resettlement. Guidelines (Circular 116/2004/TT-BTC) have been issued for the implementation of this Decree. The principal new features of Decree 197 are:

- i. To encourage private project developers/investors to negotiate directly with affected people on compensation and resettlement. Previously there was no scope for direct negotiations between private investors and occupiers of the land in question.
- ii. To assign PPCs to prepare and implement resettlement projects to compensate relocating people with housing or residential land prior to the acquisition of their land.
- iii. Mandates that compensation be based on the land prices announced by the local PPCs on the first day of the year, as governed by the Land Law 2003. The land price should reflect the market price of land use rights transfer in normal market conditions.

- iv. Persons losing land will be compensated with new land of the same land use type. In case there no land is available for "land for land" compensation, he/she will be compensated at the price reflecting the land use value at the time the Decision on land acquisition is issued.
- v. Compensation for residential land is based on the actual land use.
- vi. Persons losing agricultural, nursery or aquaculture ponds in urban residential areas will be given assistance equivalent to between 20 percent to 50 percent of the residential value of this land in addition to the compensation based on its current agricultural/ nursery/ aquaculture use.
- vii. Affected houses and structures attached to the acquired land are compensated at replacement cost without depreciation and deduction of salvage materials.
- viii. Affected crops and trees are compensated at market and replacement cost respectively.
- ix. Involuntary relocated persons can choose one of the three relocation options: (a) compensated with housing; (b) compensated with assignment of a new residential plot; (c) compensated in cash for self relocation.
- x. The designated PPC resettlement implementation unit has to inform affected persons on proposed relocation options and publicly announce these options at their office and to the affected commune/ward Peoples' Committee at least 20 days before the competent authority approve the resettlement option.
- xi. Rehabilitation assistance measures should be provided to the severely affected persons, including those having income generating capacity affected.
- xii. Strengthens the rights and obligation of affected persons for compensation and resettlement.
- xiii. Enforce implementation of the Decision on land acquisition to the case of violation.

1.4 Decree 17/2006/ND-CP

41. The main provisions of this decree are summarized below.

a. Pertaining to Decree 181/2004/ND-CP

- i. Decree 17 includes a standard for calculating the maximum amounts of land that can be used for different types of projects. Prior to project disclosure and approval, DONREs are charged with preparing maps showing key details of every plot to be acquired. Following project approval, the Land Development Organizations or local PCs (at provincial, district or town level) are responsible for preparing and submitting the compensation acquisition plans for approval by the PPCs within 15 days. PPCs are also responsible for establishing a grievance redress procedure. Complainants not satisfied with the PPC's decision on their complaint can appeal to the People's Courts or PPCs within 45 days. Decisions must comply with the Law on Grievance Redress Resolution and be announced publicly.

b. Pertaining to Decree 197/2004/ND-CP

- ii. Provisions in Decree 17 also relate directly to land compensation. The most important of these is that where published PPC land prices are much lower than the actual market price, a Land Valuation Council must be set up to ensure the principle of compensation based on market prices.
- iii. Household losing more than 30 percent of their land and those requiring resettlement will be provided with employment support through the allocation of land (agricultural or non-agricultural). If no land is available, they will be provided with employment support, e.g. training in vocational centers.
- iv. Poor households or individuals (according to the MOLISA poverty line) losing land or property must be supported by the PPCs for between 3 and 10 years after completion of land acquisition.

1.5 Decree 69/2009/ND-CP

42. Provisions in Decree 69/2009/ND-CP relate directly to land compensation and allowance. The most important of these are supports for relocation and vocational training:

- (i) Relocated household who receive or not receive a plot or an apartment in resettlement site but total compensation amount for them is lower than value of compensated plot or apartment will be supported for the difference. If relocated household who self-relocate without receiving above support will be provided an allowance for infrastructural preparation of the new resident site equal to an investment unit for infrastructure of a standard plot in resettlement site.
- (ii) Affected household who directly cultivate on acquired land will be entitled to support for life stabilization as below:
 - for 6 months if losing from 30% to 70% of total agricultural land holding and not relocated; for 12 months if relocated and 24 months if relocated in severe living condition area;
 - for 12 months if losing more than 70% of total agricultural land holding and not relocated; for 24 months if relocated and 36 months if relocated in severe living condition area;
- (iii) Affected household who directly cultivate on acquired land will be entitled to support for vocational training equal to 1.5 to 5 times of the land compensation price but not exceed the quota of agricultural land in locality.

B. The Relationship between National Laws and ADB Policy

2.1 ADB Policy on Involuntary Resettlement

43. The aim of the ADB Safeguard Policy Statement *on Involuntary Resettlement* (2009) is to avoid or minimize the impacts on people, households, businesses and others affected by the land acquisition required by the project. The overall goal of the ADB policy is to compensate and assist affected people *to restore their living standards to levels equal to, if not better than, that which they had before the project.*

The main objectives and principles of the policy are as follows:

- (i) Screen the project early to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring; and
- (xiii) Disclose monitoring reports.

2.2 Gaps between National Laws and ADB Policy

44. The 2003 Land Law and Decree 197/2004/ND-CP considerably reduced differences that had existed between GOV and ADB policies relating to involuntary resettlement prior to the enactment of this legislation. Remaining gaps have been further reduced by Decree 17/2006/ND-CP, Decree 84/2007/ND-CP and Decree 69/2009/ND-CP.

45. Table SA2-7 highlights the key differences between Vietnam's policy on resettlement and the ACB policy on involuntary resettlement. Measures to bridge the remaining differences in order to make local practices consonant with Bank policies and procedures are also provided.

Table SA2- 8. Differences between GoV Decrees and ADB's Safeguard Policy Statement on Involuntary Resettlement

Decrees 197/ 17/84/69	ADB Policy	Project Policy
<i>Article 6:</i> If persons who have land recovered by the State meet all conditions prescribed in Article 8 of the Decree 197, they shall receive compensation; if they fail to meet all conditions for compensation, the Peoples' Committees of the provinces or centrally run cities shall consider providing such support.	APs who are not entitled to compensation under domestic law will be assisted to restore their pre-project living standards	No compensation for illegible land but assistance will be provided to restore the living standard of APs better or at least equal to pre-project level. All affected people by the Project, irrespective of tenure status, social or economic standing, will be equally entitled for compensation of their lost assets, incomes and businesses at full replacement cost, and provided with rehabilitation measures sufficient to assist them to improve or at least restore their pre-Project living standards, income levels and productive capacity.
<i>Article 9:</i> The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition Decree 17/2006 provides for compensation to be based on market prices. Where there is a difference between current use and market values, a Land Valuation Council has to be set up to establish current market values.	Land compensation should be based on replacement at current market values.	Project staff and independent consultants (see Chapter VIII) will work with the Land Valuation Councils to carry out replacement cost surveys to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value. These compensation units will be updated at the time of compensation.
<i>Article 18,19, 20 of Decree 197:</i> - Houses and structures on non-eligible-for-compensation land, which have not violated announced land use plans or the right of way will be assisted at 80 percent of replacement cost - Houses and structures on non-eligible-for-compensation land, which have violated announced land use plans or the right of way will not be assisted. In special cases, the PPC will consider to assist on the case by-case basis.	All affected houses and structures, irrespective of land tenure status, should be compensated at the full replacement cost	Full compensation at replacement cost will be paid for all affected structures based on current fair market price of new building materials and labor without any deductions for salvageable materials and labor or depreciation.
<i>Articles 26, 28 of Decree 197:</i> Only registered businesses are eligible for assistance	All affected businesses are eligible for assistance	All affected businesses are eligible for assistance
<i>Article 28, 29 of Decrees 197 and 69:</i> AP's losing more than 30 percent of productive land will be entitled to living stabilization and training/job creation assistance. Decree 17/2006 strengthens this provision and provides for the long term assistance to poor households.	Severely affected AP, including AP losing 10 percent or more of productive landholding, will be entitled to rehabilitation assistance as will members of vulnerable households.	APs losing more than 10 percent or more of productive land will be entitled to rehabilitation assistance. Assistance will be available to vulnerable households, including poor households.
No provision for external monitoring.	External monitoring of the resettlement process by an independent and qualified institution is required.	Provision will be made for the independent external monitoring of the resettlement and income restoration process.

V. THE RESETTLEMENT POLICY

A. Objective

46. The Vietnamese legislation governing resettlement, compensation and rehabilitation of affected people and the ADB's *Safeguard Policy Statement on Involuntary Resettlement* have been adapted for the preparation of the Viet Nam Central Region Small and Medium Towns Development Project. The policies adopted for the Project take precedence over the provisions of relevant laws and decrees currently in force in Viet Nam wherever a gap exists between the ADB's *Safeguard Policy Statement on Involuntary Resettlement* and Vietnamese law.

47. The overall objective of the compensation and entitlement policy for the Project is to ensure that all people affected by the Project and its subprojects are able to maintain and, preferably, improve their pre-project living standards and income-earning capacity through compensation for the loss of physical and non-physical assets and, as required, other assistance and rehabilitation measures.

B. The Need for the RP

48. Consonant with ADB's policy that APs should not be worse off as a consequence of projects it supports, the RP provides the framework within which involuntary resettlement in the Central Region Small and Medium Towns Development Project would be addressed. Specifically, the RP will:

- i. Provide an assessment of the impacts the Ninh Hoa WSP component would have on the local population;
- ii. Quantify in monetary terms the private and public assets to be acquired for or impacted by the subproject;
- iii. Present a strategy that would ensure the timely acquisition of assets, payment of compensation and delivery of other benefits to APs;
- iv. Provide a plan on how the APs would be involved in the various stages of the Project, including the implementation of the RP; and
- v. Give an overall estimate of the required resources needed to implement the RP.

C. Key Principles of the Project Resettlement Policy

49. The following principles have been adopted for the Project to guide the compensation and entitlement policy:

- i. The acquisition of land and other assets and the relocation of affected people will be avoided or minimized as much as possible by exploring all viable options.
- ii. All APs are entitled to compensation at replacement cost for their lost assets, incomes and businesses, including temporary losses or impacts.
- iii. Rehabilitation assistance will be provided to severely affected people and other vulnerable groups to assist them to improve or at least restore their pre-project living standards, incomes and productive capacity.
- iv. Particular attention must be paid to the needs of the poorest people and vulnerable groups that may be at high risk of impoverishment. This may include those without legal title to land or other assets, landless households, households headed by females, the elderly or disabled and other vulnerable groups, particularly ethnic minorities. Appropriate assistance must be provided to help them improve their socioeconomic status.

- v. Affected people that lose only part of their physical assets will not be left with a portion that will be inadequate to sustain their current standard of living. The minimum size of remaining land and structures will be agreed during the resettlement planning process.
- vi. Lack of legal title to affected assets will not bar APs from entitlement to compensation and assistance to achieve the stated objectives of this Resettlement Plan.
- vii. As a priority, loss of agricultural land will be compensated with alternative land of equal size and productive capacity. If suitable replacement land is not available and/or at the “informed request” of APs, compensation will be paid in cash at replacement value base on current market prices for agricultural land of the same category (or productive capacity) as the affected land.
- viii. Replacement land for agriculture, residential purposes and businesses will be provided with secure tenure status; all fees, sales taxes or other surcharges associated with transfer of land title will be waived.
- ix. Compensation for houses and other structures will be determined according to replacement value for materials and labor to rebuild similar structures, at current market prices in the locality. In determining replacement costs, depreciation of assets and salvage value of materials will not be taken into account.
- x. In the case of the relocation of APs, replacement houses and/or agricultural land will be located as close as possible to the assets that were lost, and at locations acceptable to APs. Relocated APs will receive relocation and transition subsistence allowances.
- xi. Efforts shall be made to maintain, to the extent possible, the existing social and cultural institutions of the resettled people and host communities.
- xii. APs will be fully consulted and will participate in the implementation of RP for the subproject. The comments and suggestions of affected people and communities will be taken into account during the design and implementation phases of resettlement activities.
- xiii. Adequate resources will be identified and committed during resettlement planning for each subcomponent and the overall Project. This includes adequate budgetary support fully committed for each subproject and made available to cover the costs of land acquisition, compensation, resettlement and rehabilitation within the agreed implementation period for the subproject; and, adequate human resources for supervision, liaison and monitoring of land acquisition, resettlement and rehabilitation activities.
- xiv. Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. Monitoring and evaluation of the land acquisition, resettlement and rehabilitation processes and the final outcomes will be conducted by an independent monitoring agency.
- xv. RPs will be translated into Vietnamese or, where necessary, the local language and placed in the commune offices for the reference of APs as well as other interested groups.
- xvi. ADB shall not approve any civil works contract for any subproject to be financed from the loan proceeds unless the Government has satisfactorily completed payment of compensation for affected assets and any relocation to new sites, in accordance with the approved RP for the subproject. Rehabilitation measures must also be in place but not necessarily completed, as these may be ongoing activities.

D. Entitlements

50. **Table SA2-8** provides the detailed Entitlement Matrix of Ninh Hoa WSP component. It contains the following:

- i. The sub-groups of APs entitled to different categories of compensation and assistance.
- ii. The categories of loss and/ or disturbance eligible for compensation and assistance.
- iii. The type of compensation and assistance to be provided and the basis for their calculation.

E. Eligibility

51. For the Project, the cut-off-date for eligibility to the entitlements is defined as the completion of the Detailed Measurement Survey (DMS). It is the date of 30 September 2010. People who move into the project affected area after the subproject cut-off date are not entitled to compensation or any other form of resettlement assistance except where they have legally acquired the land from the previous owner (who will not then be entitled to any compensation except where they are still resident on the plot and then only for the portion of land they retain). Likewise, occupiers who engage in new construction will receive no compensation for these if they are built after the cut-off date except where they involve routine maintenance and repairs. They will be given sufficient advance notice, and requested to vacate premises and dismantle affected structures prior to project implementation. However, their dismantled structures will not be confiscated and they will not have to pay any fine or sanction. Forced eviction will only be considered after all other efforts are exhausted.

F. Severely Affected and Vulnerable Households

52. The Project compensation and entitlement policy matrix, presented in **Table SA2-8**, is designed to cover compensation for lost assets and assistance to restore or enhance livelihoods of all APs. An important feature of this policy is that various rehabilitation measures will also be available to severely affected, poor and otherwise vulnerable APs. This section describes the features of this additional assistance.

6.1 Assistance to Severely Affected Households

53. The project's definition of a severely affected person (SAP) is one who experiences either a loss of 10 percent or more of their productive assets (most often land) or property demolition and relocation.

54. Given the objective of this RP which is to restore, or preferably improve, pre-project living standards and productive incomes of APs, additional assistance will be made available to these SAPs. This package includes a transition subsistence allowance equivalent to 30 kg of rice per month for each household member, for six to thirty six months (depending on whether relocation is required and the socioeconomic conditions of the new relocation area are in harsh region, see the Entitlement matrix) as well as in kind assistance including some or all of the following:

- i. agricultural extension to strengthen existing cultivation practices with sustainable production techniques to be provided through government programs and by increased visits from commune and district agricultural extension officers;
- ii. improved access to agricultural credit;
- iii. through the National Fund for Employment Support of MOLISA, the Agricultural and Rural Development Bank, Bank for the Poor, and local and national nongovernment organizations (NGOs) promoting micro-credit facilities.
- iv. priority for employment on project construction (see below).

55. The in-kind assistance will be particularly important for SAPs whose land holding becomes unviable and who therefore either have to look for land elsewhere or search for urban-based employment. Note that SAPs are only eligible for one economic rehabilitation package per household even if they lose both their property and over 10 percent of their land holding.

Notes: paras 54 and 55 are not applicable because there is no severely affected person by this subcomponent.

56. RP policy includes the requirement to provide additional assistance to vulnerable households. These are defined as those that are poor (with per capita incomes below VND200,000 in rural and VND 260,000 in urban area), that are from ethnic minorities, that are female headed and who are classified as vulnerable using the MOLISA definition, e.g. elderly living on their own, or disabled. AHs falling into the above categories are eligible for additional assistance as follows:

- i. Poor households: supported for 3 years years in cash, equivalent 30kg of rice per person.
- ii. Other vulnerable households: VND1 million per household (as per Khanh Hoa PPC Decision).

57. Vulnerable households are not eligible for the above assistance if they already qualify for assistance as SAPs.

6.2 Priority Employment for SAPs on Subcomponent Construction Work

58. Civil works for construction of Ninh Hoa WSP subcomponent in Khanh Hoa province will require local laborers for land clearance, earthworks and other activities. The bidding documents and contract conditions for civil works will stipulate that the civil works contractors and any labor contractors they use to hire the local workforce will:

- i. give priority to qualified APs and especially SAPs;
- ii. pay legal wages to workers; and,
- iii. ensure that there is no use of child labor.

59. In addition, as per the National 1996 Labor Code (as amended in 2002), all employment for the subproject will respect GOV commitments to gender equity. Specifically, contract conditions for civil works will stipulate that civil works contractors and any labor contractors they use to hire the local workforce will comply with gender equity requirements, including:

- i. employment targets for women and, as relevant, ethnic minorities;
- ii. no discrimination against the employment of qualified women; and,
- iii. no differential wages paid to men and women for work of equal value.

60. Moreover, a specific clause will be included in bidding documents and contract conditions that compliance will be strictly monitoring during implementation of the subproject.

Table SA2- 9. Entitlement Matrix

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
A. AGRICULTURAL LAND			
<i>A.1: Temporarily Affected Agricultural Land</i>			
User with permanent rights (legal and legalizable) AND Eligible organizations	Loss of use of the land for a period less than 1 year	No compensation for land if returned to original user; however, the Project will - Pay cash compensation for loss of crops and trees at market prices (see D, below); AND, - Pay compensation for loss of net income from subsequent crops that cannot be planted for the duration of the lease; AND, - Restore of land to its previous or better quality.	Provide measures to improve land quality in cases of land being adversely affected or acidified.
	Loss of use of land exceeds 1 year.	a) AP to continue temporary use arrangements; OR b) AP to sell landholding to Project at replacement value based on current market prices.	
User with lease or temporary right	Loss of use of the land for a period less than 1 year	No compensation for land if returned to original user; however, the Project will - Pay cash compensation for loss of crops and trees at market prices (see D, below); AND, - Pay compensation for loss of net income from subsequent crops that cannot be planted for the duration of the lease; AND, - Restore of land to its previous or better quality.	Provide measures to improve land quality in cases of land being adversely affected or acidified.
	Loss of use of land exceeds 1 year.	a) AP to continue temporary use arrangements; OR b) AP to sell landholding to Project at 30 percent of replacement value based on current market prices.	
Non-titled user		- No compensation for land; however, the Project will pay cash compensation for loss of standing crops and trees at market prices (see D, below)	Compensation will be at least equivalent to income lost as a result of the temporary acquisition of the land.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<i>A.2 Permanently affected agricultural land</i>			
User with permanent right (legal and legalizable)	10 percent or more of total productive landholding affected	a) As a priority, allocation of replacement land a) equal in area to affected land up to a maximum of land quota in province of subproject; b) of same category (or productive capacity), c) at a location satisfactory to AP, d) with full title in the names of both the household head and his/her spouse and e) without charge for taxes, registration and land transfer charges; AND - Economic rehabilitation package (see G, below); OR, if AP opts, b) Cash compensation at replacement value at current market prices; AND, if loss exceeds 30 percent of land area. - Economic rehabilitation package (see G, below).	If remaining land holding is not economically viable i.e. is too small to be economically cultivated, the Project will acquire the entire land holding and not just the affected portion. The size of the entire holding will be the basis for providing replacement land and cash compensation. Preceding note on viability of remaining (unaffected) portion of the plot also applies.
	Affected landholding exceeds area of land quota	- Cash compensation for the entire land holding at replacement value; OR replacement land equal to the land quota AND cash compensation for the area of affected land that exceeds the land quota.	
	Less than 10 percent of total productive landholding affected; OR No suitable replacement land available	a) Cash compensation at replacement value at current market prices for affected portion, if remaining holding is viable; OR b) Cash compensation at replacement value at current market prices for entire landholding, if remaining holding is not viable.	
	Affected landholding located in urban, peri-urban or rural residential area, as per approved land use plan	- Additional cash compensation equal to 30 percent of the agricultural land value.	
	Affected land co-owned by two or more households	- Compensation shared by all co-owners in the absence of legal documents certifying the share of co-owners and identifying APs affected by land acquisition.	
	Affected landholding is under dispute.	- Compensation held in escrow account until land dispute is resolved.	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
User with lease or temporary rights		a) Cash compensation equivalent to 30 percent replacement value for affected land; OR, b) Cash compensation for loss of net income for the remaining leased or assigned period, whichever is higher.	Preceding note on viability of remaining (unaffected) portion of the plot also applies.
Non-titled user		- No compensation for affected land. - Economic rehabilitation package in lieu of compensation (see G, below). - For non-titled APs with no other productive landholdings, local authorities will allocate replacement land with temporary or lease land rights.	Landless APs will not be displaced until commune allocates alternate land.
Eligible organizations	More than 10 percent of total productive landholding affected	a) As a priority, allocation of replacement land a) equal in area to affected land up to a maximum of land quota in province of subproject; b) of same category (or productive capacity), c) at a location satisfactory to AP, d) with full title and e) without charge for taxes, registration and land transfer charges; OR, if AP opts, b) Cash compensation at replacement value at current market prices.	Preceding note on viability of remaining (unaffected) portion of the plot also applies.
	Affected landholding exceeds area of land quota	- Cash compensation for the replacement value for the area of affected land that exceeds the land quota.	Preceding note on viability of remaining (unaffected) portion of the plot also applies.
	Less than 10 percent of total productive landholding affected; OR No suitable replacement land available	a) Cash compensation at replacement value at current market prices for affected portion, if remaining holding is viable; OR b) Cash compensation at replacement value at current market prices for entire landholding, if remaining holding is not viable.	
	Affected landholding in urban, peri-urban or rural residential area, as per approved land use plan	- Additional cash compensation equal to 30 percent of the agricultural value.	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g., commercial)			
<i>B.1. Temporarily Affected Residential and/or Non-Agricultural Land</i>			
User with permanent rights (legal and legalizable) AND Eligible organizations	Loss of use of the land for a period less than 1 year	<ul style="list-style-type: none"> - No compensation for land if returned to original user; however, - The Project will pay rent to APs during temporary use; AND - Compensation for any demolished structures; AND - Restore land to its previous or better quality. 	Rent will be determined so as to be not less than the amount of income forgone due to the temporary loss of this. This will be addressed on a case to case basis through direct negotiation between the EA and the occupier.
	Loss of use of land exceeds 1 year	<ul style="list-style-type: none"> a) AP to continue temporary use arrangements; OR b) AP to sell landholding to Project at 10 percent of replacement value based on current market prices. 	
User with lease or temporary right	Loss of use of the land for a period less than 1 year	<ul style="list-style-type: none"> - No compensation for land if returned to original user; however, - The Project will pay rent to APs during the temporary use; AND - Compensation for any demolished structures; AND - Restore land to its previous or better quality. 	
	Loss of use of land exceeds 1 year	<ul style="list-style-type: none"> a) AP to continue temporary use arrangements; OR b) AP to sell landholding to Project at 30 percent of replacement value based on current market prices. 	
<i>B.2. Permanently Affected Residential and/or Non-Agricultural Land</i>			
User with permanent rights (legal and legalizable)	Loss of residential and/or non-agricultural landholding	<ul style="list-style-type: none"> a) As a priority, allocation of replacement land a) equal in area to affected land up to a maximum of land quota in province of subproject; b) of same type (e.g., residential, commercial), c) at a location satisfactory to AP, d) with full title in the names of both the household head and his/her spouse and e) without charge for taxes, registration and land transfer charges; OR, if AP opts, b) Cash compensation at replacement value at current market prices for similar type and location of land. 	
	Affected landholding exceeds area of land quota	<ul style="list-style-type: none"> a) Allocation of additional replacement land to provide a total area equal to affected land, if available; OR b) Cash compensation at replacement value based on market prices for area of affected land greater than land quota. 	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	Remaining land not sufficient to rebuild affected structures	<ul style="list-style-type: none"> - Project will acquire entire landholding and structures; AND, at informed request of AP, <ul style="list-style-type: none"> a) Cash compensation equal to the replacement value based on current market prices for landholding and structures, with AP self-relocating with assistance from local authorities to locate alternative land; OR b) Allocation of replacement residential land combined with cash compensation at replacement value for acquired structures. 	
	Remaining land less than 100 m ² , regardless of whether or not sufficient to rebuild affected structures	<ul style="list-style-type: none"> - At informed request of AP, the Project will acquire entire landholding and structures; AND, <ul style="list-style-type: none"> a) Cash compensation equal to the replacement value based on current market prices for landholding and structures, with AP self-relocating with assistance from local authorities to locate alternative land; OR b) Allocation of replacement residential land combined with cash compensation at replacement value for acquired structures. 	
	Affected landholding is under dispute	<ul style="list-style-type: none"> - Compensation held in escrow account until land dispute is resolved. 	
User with lease or temporary rights	Loss of residential and/or non-agricultural land	<ul style="list-style-type: none"> - Cash compensation at 30 percent replacement based on market prices for land of similar type and location. 	
	Remaining land not sufficient to rebuild affected structures	<ul style="list-style-type: none"> - Assistance from local authorities to locate alternative land. 	
Non-titled user	Loss of residential land	<ul style="list-style-type: none"> - No compensation for affected land; however, - Non-titled AP entitled to compensation for affected structures (see C, below). - 	
	Non-titled AP has no other residential land	<ul style="list-style-type: none"> - Local authorities may allocate replacement residential land or housing with temporary or lease land rights. 	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	Loss of non-agricultural (e.g., commercial) land	<ul style="list-style-type: none"> - No compensation for affected land; however - Non-titled AP entitled to compensation for affected structures (see C, below); AND - Economic rehabilitation package in lieu of compensation (see G, below). 	
	Non-title AP has no other non-agricultural (e.g., commercial) land	<ul style="list-style-type: none"> - Local authorities may allocate replacement non-agricultural (e.g., commercial) with temporary or lease land rights. 	
Eligible organizations	Loss of non-agricultural land	<ul style="list-style-type: none"> a) As a priority, allocation of replacement land a) equal in area to affected land up to a maximum of land quota in province of subproject; b) of same type (e.g., commercial), c) at a location satisfactory to AP, d) with full title and e) without charge for taxes, registration and land transfer charges; OR, if AP opts, b) Cash compensation at replacement value at current market prices for similar type and location of land. 	<p>Note: Land organizations <u>not</u> eligible for land compensation may, nonetheless, receive cash compensation at replacement value for any investments on the affected land, if the investments were not made with State funds; and, may request allocation of alternative land to meet their needs.</p>
	Affected landholding exceeds area of land quota	<ul style="list-style-type: none"> a) Allocation of additional replacement land to provide a total area equal to affected land, if available; OR b) Cash compensation at replacement value based on market prices for the area of affected land that exceeds the land quota. 	
	Remaining land not sufficient to rebuild affected structures	<ul style="list-style-type: none"> - The Project will acquire the entire landholding and structures; AND at informed request of AP, a) Cash compensation equal to the replacement value based on current market prices for landholding and structures, with AP self-relocating with assistance from local authorities to locate alternative land; OR b) Allocation of replacement non-agricultural land combined with cash compensation at replacement value for acquired structures. 	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
C. PRINCIPAL (HOUSES AND/OR SHOPS) AND OTHER STRUCTURES OR PROPERTY			
<i>C.1. Principal Structures (Houses and/or Shops)</i>			
Owners of structures	Structure partially affected and remaining portion can be rebuilt	<ul style="list-style-type: none"> - Cash compensation at replacement cost for materials and labor for affected portion, to be paid in materials, cash or a combination of both, and with no deduction for depreciation or salvageable materials; AND - Repair allowance (see G, below). 	Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for the structures
Owners of residential or combined house/shop structures	Structure totally affected OR Structure partially affected and remaining portion no longer viable	<ul style="list-style-type: none"> - Cash compensation at replacement cost for materials and labor, to be paid in materials, cash or a combination of both, and with no deduction for depreciation or salvageable materials; AND - Relocation and subsistence transition allowances (see G, below). 	
Owners of shop or non-residential structures	Structure totally affected OR Structure partially affected and remaining portion no longer viable	<ul style="list-style-type: none"> - Cash compensation at replacement cost for materials and labor, to be paid in materials, cash or a combination of both, and with no deduction for depreciation or salvageable materials; AND - Relocation allowance (see G, below). 	
Tenant	Structure partially affected and remaining portion viable	- Tenant may remain with owner's agreement.	
	Remaining structure no longer viable, OR Tenant opts to move	<ul style="list-style-type: none"> - Rent allowance equivalent to 6 months' rent; AND, - Assistance to find new, affordable rental accommodation; AND - Relocation allowance (see G, below) 	Notice to tenants by owner at least two (2) months in advance.
<i>C.2. Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.</i>			
Owners of structures	Partially or totally affected structures or other property	<ul style="list-style-type: none"> a) Cash compensation at full replacement cost for materials and labor, to be paid in materials, cash or a combination of both, and with no deduction for depreciation or salvageable materials; OR b) Cash or in-kind assistance to relocate affected structures or property; OR c) Cash assistance to repair of property to original or better condition (see G, below). 	Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for the structures

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	Graves	<ul style="list-style-type: none"> - Cash compensation equal to the costs at current market prices to construct a new grave of similar type at a location acceptable to AP; AND - Cash compensation equal to the costs of exhumation and transport of the remains, reburial and all other reasonable costs 	Compensation to be paid directly to APs.
D. ANNUAL AND PERENNIAL CROPS, FRUIT AND TIMBER TREES AND TREE/PLANT FENCES			
Owners of crops and/or trees	Loss of annual crops	<ul style="list-style-type: none"> a) A minimum of 2 months' notice to harvest crops; OR b) If standing crops are ripening and cannot be harvested, cash compensation of unharvested crops at market values based on the average production over past 3 years. 	Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights
	Loss of perennial crops, fruit and timber trees and tree fences	<ul style="list-style-type: none"> - Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees. 	Compensation must equal in value to crops that would be harvested had acquisition not occurred.
E. COMMUNITY AND PUBLIC RESOURCES			
Village, Ward, Government Unit	Loss of community buildings and infrastructure	<ul style="list-style-type: none"> a) Repair or restoration to original or better conditions of affected community buildings and infrastructures at no cost to community; OR b) Replacement, if necessary, at locations identified in consultation with affected communities and relevant authorities, at no cost to community; OR c) Cash compensation at replacement value based on current market prices for affected community assets. 	If income loss is expected (e.g. irrigation, community forest, community grazing land, income from fishpond), the village, commune or district authority is entitled to compensation for the total production loss (over 3 years); this compensation should be used collectively for income restoration measures and/or new infrastructure.
	Publicly owned utilities	<ul style="list-style-type: none"> a) Relocation and/or rehabilitation to original or better conditions of affected public utilities, at no cost to public utility; OR b) Cash compensation at replacement value based on current market prices for affected public utilities. 	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
F. LOSS OF BUSINESSES AND INCOME SOURCES (NON-LAND BASED)			
F.1. Businesses that relocate and/or rebuild structures			
Households with businesses without tax declarations, e.g., small shops	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt	- Cash assistance for loss of income based on the minimum wage in the respective province for the duration that the business/income-generation activity is disrupted.	Affected businesses will be notified 3-4 months in advance to relocate and/or rebuild new structures, so as to be able to continue to operate businesses while resettling.
Registered business owners	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt	- Cash assistance for loss of income equal to average monthly taxable revenues, for 6 months. Average monthly taxable revenues determined on basis of financial statements for the past 12 months.	
F.2 Employees and Hired Laborers			
Employees and hired laborers	Temporary loss of employment/work while employers reorganize, relocate and/or rebuild	- Cash compensation for lost wages or salary equal to current wages or salary for each day (or month) they cannot work.	Eligible APs include employees of registered and small business, and hired agricultural and non-agricultural laborers.
	Permanent loss of employment/work due to land acquisition or relocation of employer	- Cash assistance equal to six months wages or salary <u>or</u> the value of a remaining contract, whichever is higher up to a maximum of VND4, 500,000. - Severance pay for employees. - Assistance to secure new employment including relevant skills training expenses if required	
G. REHABILITATION ASSISTANCE			
G.1. Relocation Allowance			
All APs that relocate	Relocation of household and/or business effects and salvaged and new building materials	a) Cash assistance up to VND 3,000,000 for APs that relocate within relocation area (as per Khanh Hoa PPC Decision). NB. Not applicable for PAHs rebuilding on same plot.	Eligible APs include owners of residential structures that are totally or partially affected and remaining portion is not viable; non-titled APs allocated alternative residential land or housing; tenants; and, businesses and eligible land use/management organizations that relocate.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<i>G.2. Transition Subsistence Allowance</i>			
Owners of residential structures that must rebuild.	Loss of income during period to rebuild	- Cash assistance equal to 30 kg of rice per month per household member for 6 months if no relocation and 12 months if relocation as per Khanh Hoa Decision. Assistance is for 3 months if partial rebuilding only is required.	At time of compensation, allowance will be adjusted for inflation to ensure that APs have sufficient resources to meet basic food and non-food expenditures.
<i>G.3 Repair Allowance</i>			
Owners of partially affected principal structures; AND Owners of other affected structures.	Damage due to dismantling of part of principal structure, or part or all of other structure	- Cash assistance based on actual costs up to a maximum of: a) VND 1,000,000 per structure, for Category 1, 2 or 3 structures; OR b) VND 500,000 per structure, for Category 4 and temporary structures.	At time of compensation, allowance will be adjusted for inflation to reflect current market prices for repairs.
<i>G.4 Infrastructure Development Allowance</i>			
Owners of structures that relocate themselves	Provision of basic infrastructure, e.g., water supply, toilet, access, drainage	- Cash assistance equal to VND 1.2 million per household based on Khanh Hoa PPC Decision.	The objective is to ensure that, in addition to compensation for other affected structures including, e.g., toilets, wells, among others, those APs can establish on residential land with adequate basic infrastructure. At time of compensation, allowance will be adjusted for inflation.
<i>G.5 Economic Rehabilitation Package (To be paid at compensation payment time)</i>			
Severely affected APs, displaced from housing or losing 10 percent or more of their productive, income generating assets irrespective of tenure status.	Assistance to restore livelihoods and incomes following acquisition of agricultural land or other productive assets	- See G.2 above; AND - In-kind assistance to be decided in consultation with eligible APs. Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations.	Very poor HHs defined as those earning VND200,000 or less er capita per month. Transitional allowance not payable if HH already qualifies under G1. Value of in kind assistance to be determined during RP implementation. See Chapter X for basis of estimates.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<i>G.6. Special allowance for social and economically vulnerable households</i>			
	Assistance to the poorest to improve their social and economic conditions.	Assistance in cash, equivalent of 30 kg of rice per person per month for 3 years (36 months)	Eligible households are those who are classed as poor under MOLISA definition.
Vulnerable APs	Assistance to other vulnerable households to improve their social and economic conditions.	- Assistance in cash, equivalent to 30 kg of rice per person in the family per month for 6 months OR VND 1 million per household. (VND 2 million if war contributor)	
<i>G.7 Bonus to APs that relocate on time</i>			
All APs that relocate		- Cash bonus up to a maximum of VND 5,000,000 per household for households that dismantle structures from affected land in a timely fashion.	Bonus amount to be decided in consultation with local authorities for each subproject. Payment to be made directly to APs immediately upon removal.

VI. PUBLIC PARTICIPATION, CONSULTATION AND GRIEVANCE REDRESS

A. General

61. The main purposes of the participation and consultation process are to:

- i. provide complete and timely information to APs about the Project and related activities, and ensure that they are able to make fully informed decisions about matters that will directly affect their livelihoods, incomes and living standards;
- ii. obtain the cooperation and participation of APs and other stakeholders for resettlement planning and implementation – that is, gather information about the needs and priorities of APs regarding compensation, relocation and other activities to be undertaken as part of resettlement planning and implementation; and, obtain the reactions of APs and other stakeholders to proposed policies and activities;
- iii. ensure that local authorities will be included in resettlement planning and decision-making and that APs working in collaboration with local authorities will take part in resettlement activities, e.g. property evaluation, compensation, and resettlement monitoring;
- iv. reduce the potential for conflicts, as well as the risk of project delays; and
- v. enable the Project to design the resettlement and rehabilitation program in a manner that best fits the needs and priorities of APs.

62. The consultative process will include not only affected people, but also representatives of local governments in the subcomponent areas, community leaders of host communities, civil society organizations such as nongovernment organizations and members of local people's organizations (e.g. Women's Union, Fatherland Front and Farmer's Association) and, as relevant, members of ethnic minority communities. Special attention will be paid to identifying the needs of vulnerable groups such as the poorest, ethnic minorities, women, children and elderly, and ensure that their views are considered in the formulation of the RP.

63. The following sections describe the activities relating to consultation and public disclosure that have been, or are required to be, undertaken as part of this Resettlement Plan. These activities are summarized in the Public Consultation and Disclosure Plan in **Annex 2**.

B. Consultations during the PPTA and RP Preparation

64. Given that much of the PPTA preparation time has been involved with project identification, i.e. the definition of the towns and subcomponents that will form part of this Project, the scope for direct consultation with potentially affected APs has been limited. Notwithstanding the above, as a result of both the SES and the recent topographic surveys, the occupiers of the land for the WSP are now aware that they need to lose all or part of their current land holdings and that they would receive compensation for land and the crops/trees lost and would therefore be eligible for other assistance.

65. The PPTA consultants also emphasized the importance of public consultation and RP disclosure processes to local officials in Khanh Hoa during the Interim Workshop in March 2006. In response, the local officials emphasized that they fully appreciated the need for a positive approach towards the needs of APs and that they would assiduously apply the policies, entitlements and compensation standards contained in the Resettlement Plan. They also informed the PPTA consultants that the Land Administration Department was experienced in the land acquisition process given that previous ADB projects in the province in general had involved the acquisition of land and compliance with ADB resettlement policies.

C. Consultation and Disclosure during RP Implementation

66. Consistent with the requirements of ADB's Public Communications Policy – Disclosure and Exchange of Information, following approval of this RP by the Khanh Hoa PPC, the following activities were undertaken:

- i. The PPMU in Khanh Hoa Province made available the approved RP including all attachments in Vietnamese at commune offices or the local project office. The Public Information Brochure (Annex 1) was distributed to potential APs.
- ii. Prior to Appraisal the draft RP has been disclosed to APs and uploaded in the ADB. This will be the same procedure for the final RP and the revised/updated RP after the detailed technical design is completed.
- iii. The Khanh Hoa PPMU works closely with the Provincial Resettlement Committee (PRC) and local officials in the towns and communes to carry out a comprehensive consultation process including regular meetings with APs, their representatives and local authorities. Specific key activities are described below.
- iv. The updated RP will be disclosed to APs and placed in commune office and the village leader's houses after approved by ADB.

3.1 Public Information Meeting

67. Before the Detailed Measurement Survey, a public information meeting was held in each commune to provide APs with additional information about the Project and an opportunity for open discussion about resettlement policies and procedures. All APs were sent an invitation letter at least two weeks prior to this meeting. The meeting was also announced through the local media (radio, television and press). All members from affected households were encouraged to attend, as well as other interested community members.

68. During the meeting, the information was presented in verbal and graphic format. APs were provided with the information in a written form, with extra copies made available at district and commune offices throughout the subproject area. Adequate opportunities were provided during the meeting for APs to respond with questions and comments. The CRCs compiled a list of APs present at the meeting, as well as a complete record of questions, comments, opinions, decisions and follow-up actions that had raised from the meeting. A report was prepared and submitted to the PRC.

69. The information provided to APs during the meeting includes:

- i. Description of the Khanh Hoa subproject – Ninh Hoa WSP component.
- ii. Maps showing the extent of land and property acquisition.
- iii. Overall RP policy, i.e. the primary objective that APs are able to achieve their pre-project living standards and an assurance that RP policies and procedures are designed to safeguard the rights of APs.
- iv. APs' entitlements and rights to compensation by category of AP, e.g. those with and without legal documentation, those losing property (houses, businesses) and/or agricultural land.

- v. Compensation standards (including method of calculation and compensation rates) and options, e.g. cash or land for land; relocation options (if applicable); and, opportunities for project-related employment.
- vi. Organizational responsibilities for the land acquisition process, including the provincial and local government departments and agencies involved in LAR, their responsibilities and contact details so that APs can obtain more information.
- vii. The grievances redress procedure for dealing with AP complaints.
- viii. APs' rights to participate in, and be consulted about, all aspects of LAR planning and implementation, particularly with reference to their preferences for resettlement, compensation and rehabilitation measures, and special measures for vulnerable APs.
- ix. The implementation schedule for payments of compensation and other resettlement activities including the time table for site clearance (with an assurance that this will only occur after full payment of compensation), construction activities and monitoring procedures.

3.2 Consultations with Severely Affected and Vulnerable APs

70. Since there was neither severely affected nor vulnerable APs in this subcomponent, the TRC and the PPMU carried out detailed consultations individually and/or in small groups with female household heads in order to determine their specific requirements and preferences for rehabilitation assistance and, as required, relocation.

3.3 Results of AP consultations

71. All AHs were aware of benefit and importance of the project for the city in general and for their lives in particular so that they all supported the project. They expected the project should be implemented at soonest to improve their living conditions.

72. The most concern of APs was compensation prices for affected assets and rehabilitation measures to help them restore their livelihoods and stabilize their lives after land acquisition. For AHs losing more than 10% of agricultural land, they preferred receiving compensation in cash for affected land and vocational training allowance to invest in non-agricultural production or business. Most of the consulted AHs agreed with compensation price for land issued by the PPC in 2010. However, they proposed that if the land price increased during compensation implementation, the CRC would have to update the compensation rate at the current market land price. According to Decision 101/2009 of Khanh Hoa PPC on compensation and resettlement, addition to compensation for land the severely affected households will be supported for vocational training, equivalent to 1.5 time of land compensation price for total land area acquired. With amount of compensation and allowances AHs could purchase replacement land for cultivation. However, in this subcomponent none of APs are severely affected.

73. During the RP updating, the project staff with support of the resettlement specialist of the Project Implementation Assistant Consultant carried out a replacement cost survey (October 2010) and the result of the RCS shows that the Provincial Regulated Prices in 2010 of Khanh Hoa Province are very close to the market prices. The RCS result was discussed with the APs during the village consultative meetings and APs agreed with compensation price for land issued by the PPC in 2010. This has been noted in the attached Minute of Meeting. The compensation unit rates shall be updated at time of compensation by the TRC with participation of affected households, to ensure that the compensation unit rates are close to the market rates.

D. Grievance Redress

74. A well-defined grievance redress and resolution mechanism will be established to address AP grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. All APs will be made fully aware of their rights, and the detailed procedures for filing grievances and an appeal process through the Public Information Brochure (PIB) and other procedures described in this Chapter.

75. APs are entitled to lodge complaints regarding any aspect of the land acquisition and resettlement requirements; compensation policy, entitlements, rates and payment; and, strategies and procedures for resettlement and rehabilitation assistance programs. AP complaints can be made verbally or in written form. In the case of verbal complaints, the committee hearing the complaint will be responsible to make a written record during the first meeting with the AP. APs who present their complaints will be exempt from all administrative fees incurred and will be provided with free legal representation should they lodge appeals to district courts.

76. Reliance upon the grievance redress procedure should be reduced as far as possible through effective participation and consultation with APs during the subcomponent design process and LAR implementation during and after the DMS. Every attempt should be made to establish a rapport between the affected communities and the implementing agencies through frequent interactions and transparency thereby maximizing the resolution of grievances at commune level. A four-stage procedure for redress of grievances is proposed:

Stage 1: Complaints from APs on any aspect of compensation, relocation or unaddressed losses are in the first instance lodged verbally or in written form with the commune (or ward) resettlement liaison officer who will endeavor to resolve the matter with the CPC and the Resettlement Working Group within 15 days of the complaint is received.

Stage 2: If no resolution can be reached or if no response is received from the liaison officer within 15 days of registering the complaint, the AP can take their complaint to the Town Peoples Committee liaison officer who will endeavor to resolve the matter with the TPC and the Resettlement Working Group within 30 days from receipt of the complaint. The AP must lodge the complaint within 30 days of registering the original complaint and must produce documents that support his/her claim.

Stage 3: If the AP is not satisfied with the decision of the TPC or in the absence of any response, the AP can appeal to the Provincial People's Committee (PPC). The PPC, with advice from the PRC and DONRE, will provide a decision on the appeal within 30 days from the day it is received by the PPC.

Stage 4: If the AP is still not satisfied with the decision of PPC on appeal, or in the absence of any response within the stipulated time, the AP, as a last resort, may submit his/her case to the District Court.

77. The procedure described in these four steps is consistent with the legal process for resolution of disputes in Viet Nam, including the Article 138 of the Land Law 2003, Article 63 and 64 of the Decree 136/NN-CP and 197/2004/ND-CP on grievance redresses in land acquisition and compensation. However, the system is oriented primarily towards disputes between people, as opposed to between people and government. Therefore, as part of the internal monitoring and evaluation system, the PRC will keep a written record of all grievances and complaints brought forward by APs, as well as their final resolution. The independent monitoring agency/ consultant contracted for external monitoring and evaluation will be responsible for checking the procedures for and resolutions of grievances and complaints. The independent agency may recommend further measures to be taken to address unresolved grievances and responsibility of chief officer and staff who are responsible for solving grievances as stipulated in Article 63 and 64 Decree 136/ND-CP on guiding implementation of complaint law.

VII. ORGANIZATIONAL FRAMEWORK AND SCHEDULE OF RESETTLEMENT IMPLEMENTATION

78. This Chapter describes the proposed institutional framework for the implementation of the RP (sections A to C), key implementation issues (sections D), and presents an indicative implementation schedule (section E).

A. Institutional Arrangements for the Project as a Whole

79. The project implementation arrangements are described below according to national level, provincial level, and district/town level. These arrangements were discussed and agreed upon during the Provincial Participatory Workshops. At the national level, the following organizations will be involved in project implementation:

- i. The Central Project Steering Committee (CPSC) is responsible to monitor overall project implementation progress, coordinate project implementation, and advise on issues such as scope of investment, project policies and procedures. It will convene annually. It will consist of representatives from MOC, MPI, MOF and MONRE.
- ii. Within the Ministry of Construction (MOC), the Management Board for Urban Technical Infrastructure Development (MABUTIP) is responsible to coordinate the Project and manage central level Project consultants.
- iii. The Project Coordination Unit (PCU) reports to MABUTIP and is responsible to provide support through consulting services, monitoring and evaluation, progress reports, assist in preparing withdrawal applications for loan disbursement, monitoring provincial Project financial reports, ensure that periodic audits are properly carried out in a timely fashion, monitor all project related procurement to ensure compliance with ADB and GOV requirements, and act as liaison between the Project and ADB. The PCU will include one member from each province who is a non-resident in Hanoi, with staff responsible for progress reporting, financial and disbursement monitoring, budgeting/administration and consultant management.
- iv. Ministry of Finance (MOF) is responsible for overall disbursement of loan funds, and signing subsidiary loan contracts with Project Operating Entities (POE) such as Provincial Water Supply Companies (PWSC). For grant funds, MOF will approve funds transfer to PPCs, and will endorse and monitor Imprest accounts and withdrawal applications and replenishment requests and forward to ADB and MABUTIP.
- v. Ministry of Planning and Investment (MPI) is responsible for planning, budgeting and scope of investment. MPI will also make recommendations on this Pre-Feasibility Study, whereas the subproject Feasibility Studies will be approved by the PPCs.
- vi. State Bank of Viet Nam (SBV) - Its International Relations Department participates in loan negotiations (along with the Government Office), assigning the servicing bank for processing Letters of Credit, and making the Loan Agreement effective.

B. Institutional Arrangements for the Ninh Hoa WSP component

80. The Khanh Hoa PPC will be the Executing Agency (EA) for the subproject and will be responsible for providing overall policy direction and approvals for all aspects of the subproject including approval of the RP and all resettlement related issues.

81. The PPC will establish a Provincial Steering Committee (PSC) to report to the PPC. The PSC will be chaired by the PPC Vice Chairman. The PSC's functions will include policy guidance, resolution of inter-agency issues, monitoring and evaluation of Project activities. Membership in PSC will include: (i) Department of Construction (DOC), the Director or Vice Director of PWSC (who would be the director or vice director of the PSC); (ii) Department of Planning and Investment (DPI); (iii) Department of Finance

(DOF); (iv) Department of Natural Resources and Environment (DONRE); (v) Viet Nam Women's Union (VWU), and other agencies as recommended by the PPC.

82. A Provincial Project Management Unit (PPMU) will be established in each province to manage and monitor all day to day project implementation activities. The PPMU will report to the PSC. It will include representatives from PWSC, the TPCs in each subproject town and representatives from other entities involved in the construction and management of project-financed subcomponents.

83. The PPMU's functions are to: (i) monitor and coordinate all Project activities in subproject towns in the province; (ii) supervise consultants responsible for design, preparation of tender documents, construction supervision, and other activities; (iii) prepare bid plans, work-plans and annual budget plans; (iv) manage prequalification of contractors, bid evaluations, contract negotiations, site compensation and clearance; (v) supervise work-plans and ensure quality control of work done by contractors and consultants; (vi) supervise acceptance tests of new facilities, commissioning and hand over activities; (vii) supervise all project financial tasks, including coordinating with MOF on withdrawal applications, submitting disbursement requests, obtaining payment approvals, maintaining accounts and financial statements, and carrying out audits according to ADB and GOV requirements; (viii) supervise and monitor project-related resettlement and environmental activities; and (ix) prepare periodic project progress and annual reports and submit to PPC and then PCU for aggregation in project progress reports to GOV and ADB.

C. Institutional Arrangements for Resettlement and Land Acquisition Activities

Central Level

84. The PCU has specific responsibility for the following resettlement activities:

- i. Submit the approved RP for Ninh Hoa WSP component to the ADB.
- ii. Consolidate project progress reports (including financial accounts) on land acquisition and resettlement for relevant ministries and ADB; and
- iii. Recruit and supervise the external independent organization (or consultants) for external resettlement monitoring.

Provincial Level

85. The Provincial Peoples Committee (PPC), based on advice received from the Provincial Steering Committee (PSC), will be responsible for issuing all decisions and approvals relating to the implementation of the Ninh Hoa WRP component RP including those relating to its formal adoption, unit compensation costs, notices and approvals for information disclosure, land acquisition and compensation payments, allocations of replacement land (if applicable) and grievance redress. The PPC will also be responsible for the establishing the institutional arrangements including the Provincial Resettlement Committee (PRC) (and appointment of its head), the Land Valuation Council and allocation of responsibilities to town and district based organizations.

86. The Provincial Resettlement Committee (PRC) will oversee all activities of PPMU and Ninh Hoa Town Resettlement Committee (TRC) in regard to the implementation of the RP. The PRC will also be responsible for:

- i. Co-coordinating agencies at different levels to ensure timely and effective RP implementation; this applies particularly to DONRE who will prepare the land acquisition plans and DOF who will establish the unit compensation costs (with assistance from the Land Valuation Council in regard to current market prices, if necessary).
- ii. Resolving any issues of inter-agency co-ordination that cannot be resolved by the PPMU.
- iii. Resolving any grievances that have been appealed to the PPC.
- iv. Ensuring the timely release of funds.

87. The membership of the PRC will include Vice-President of PPC who will be the Head of the PRC; the Director or Vice-Director of the PWSC; the Director of the Land Administration Department; TPC representatives from each town and other relevant agencies, e.g., agriculture and rural development, the Women's Union and/or the Farmer's Association.

88. The Provincial Project Management Unit (PPMU) signed the contract with Ninh Hoa TRC to implement all LAR activities related to the Ninh Hoa WSP component, and in particular:

- i. Ensuring the integration of civil works with land acquisition and resettlement activities.
- ii. Preparing a revised RP for the subproject included updated numbers of APs, compensation rates (based on an independent assessment of current market values) and budget, submitting this to the PPC for approval and, once approved, making it publicly available in commune offices.
- iii. In combination with Ninh Hoa TRC preparing the detailed scheduling of LAR activities including particularly the procedures and mechanisms for land acquisition, allocation and compensation disbursement.
- iv. Resolving issues related to the disbursement of funds, inter-agency coordination, scheduling of activities, AP grievances and, where necessary, bringing these to the notice of the PRC.
- v. In combination with Ninh Hoa RC and Project CPCs planning and executing the public information campaigns, public disclosure programs and stakeholder consultation programs with affected households and communities, including distribution of the Public Information Brochure (PIB) to all APs prior to the DMS.
- vi. In combination with Ninh Hoa TRC organizing and executing the DMS process including an updated census of APs and inventory of losses.
- vii. Using the results of the DMS, establish a database of APs for each subproject component including name, ethnicity, household size, poverty status, and details of assets acquired and compensation paid.
- viii. Coordinating the activities of agencies, e.g. land administration, agriculture and rural development, the Women's Union, involved in the implementation of rehabilitation measures and rural development support activities targeted at SAPs.
- ix. Submitting monthly progress reports to the PCU from start of acquisition until completion of disbursement. These reports should indicate by AH and in total, the assets acquired and the amount of compensation disbursed; totals should be cumulative indicating the total amount of assets acquired and the compensation disbursed since the start of acquisition process. After completion of disbursement, reports should be quarterly describing the extent of other rehabilitation measures, the number of beneficiaries and their cost. Reports should also include summaries of any grievances and complaints and the resolution of these.
- x. Cooperating fully with the independent monitoring agency, responsible for the external monitoring of the LAR activities, including providing the agency with the AP database.

District and Commune Levels

89. The Peoples' Committees of Ninh Hoa established the Town Resettlement Committee (TRC) to implement the RP. TRC in combination with PPMU carry out resettlement activities of the project, in particular:

- i. The dissemination of the PIB and other publicity material; ensuring that APs are aware of the LAR process.
- ii. Planning and carrying out the DMS and the disbursement of compensation payments.
- iii. The identification of severely affected and vulnerable APs and the planning and implementation of rehabilitation measures for these APs.
- iv. Help identify any sites resettlement sites and new farming land for APs who cannot remain in their present location.
- v. Assist in the resolution of AP grievances.
- vi. Facilitate the work of the agency appointed to undertake the external monitoring.

D. Key Implementation Issues relating to Resettlement

4.1 Consultations and Disclosure

90. APs should be informed about the project information, and participated in the various stages of the preparation and implementation of LAR activities, including: i) the distribution of a Public Information Brochure in Vietnamese; and, ii) placement of copies of the updated RP in Vietnamese in commune offices prior to implementation of the RP. The final RP and the revised/updated RP after the detailed technical design has been completed will likewise be uploaded in the ADB website.

91. Prior to the DMS and following distribution of the PIB, the TRC and PPMU will hold a general information meeting to discuss the provisions and implementation procedures for the LAR for the subproject. Information to be provided to APs at this meeting includes compensation unit rates and entitlements, and dates for the DMS, the disbursement of compensation and land clearance.

92. During the entire LAR process, opportunities will be provided for APs, especially those who will be severely affected or come from vulnerable groups, to discuss matters of concern, e.g. compensation payments, economic rehabilitation packages consisting of cash and in-kind assistance and grievances, with members of the TRC and liaison officers from the TPCs and CPCs.

4.2 DMS and Subproject Compensation Plan

93. The DMS carried out by the TRC with assistance from local liaison officers and with the full participation of the APs. Based on the DMS, the TRC will prepare a chart showing the land, structures and other assets to be acquired from each AH. Simultaneously, the TRC will prepare an updated schedule of compensation unit cost rates and other allowances which will be submitted to the PRC for review and then the PPC for approval.

94. Based on these approved costs, the TRC will prepare a Subproject Compensation Plan identifying all APs, their losses and their entitlements to compensation. Following review and acceptance by PPMU, this Plan will provide the final basis for the disbursement of compensation to APs. Once approved, the required budget will be requisitioned by MABUTIP.

4.3 Updated Resettlement Plan

95. The RP is updated following completion and verification of the detailed engineering design for the Khanh Hoa subproject and finalized based on a detailed measurement survey of affected assets of all households that are affected by land acquisition. The updated RP is prepared by the PPMU with assistance from the external resettlement consultant. The updated RP will include:

- i. Updated inventories of APs and their losses;
- ii. Revised compensation rates based;
- iii. Details of public consultations and disclosure activities undertaken and planned for the LAR implementation period;
- iv. Proposed economic rehabilitation measures and eligibility criteria for these.

96. The updated RP will be reviewed by the PRC and submitted to the PPC for approval. The PPC is will approve the final and forward it to ADB for concurrence prior to the commencement of any activities to implement land acquisition, compensation or resettlement.

4.4 Implementation of SAP Assistance Programs

97. Following the DMS, there was no severely affected HH or vulnerable AHs in this subcomponent, therefore the Ninh Hoa TRC did not organize consultation programs for SAP households and SAP assistance program was not needed.

98. Irrespective of the number of female headed households identified during the DMS surveys, women in all AP households have major responsibilities for income-earning activities, as well as management of household needs. Because of their essential roles in AP households, women are critical to the household adjustment to land acquisition and involuntary resettlement.

99. The effectiveness of these measures will be evaluated by the proposed monitoring program which will be implemented during project implementation (see **Chapter VIII**).

4.5 Flow of Funds and Disbursement of Compensation

100. This crucial aspect is discussed in **Chapter IX** which contains the compensation standards and resettlement budget.

4.6 Internal and External Monitoring

101. The PPMU will initiate the internal and external monitoring procedures described in **Chapter VIII**. The first internal monitoring report should describe the public disclosure and consultation activities carried out prior to the DMS. The first external monitoring activity should be the baseline socioeconomic survey of APs based on the DMS database.

102. PRC, TRC and PPMU are experienced in the execution of land acquisition and resettlement procedures using Vietnamese laws and regulations. They are however less experienced in the application of the additional requirements required to conform to ADB's policy on Involuntary Resettlement, especially in relation to the preparation and updating of ADB-compliant Resettlement Plans, the public consultation and disclosure procedure and external monitoring. In order that these policy requirements can be met, an experienced local resettlement expert/organization and specialist resettlement consultants will be appointed to assist MABUTIP, the PRC and TRC in these tasks. Key responsibilities for these experts are outlined in **Annex 4 and 5**.

E. Implementation Schedule

103. The Project as a whole was expected to commence in mid 2007 with the establishment of the PPMUs, the recruitment of project consultants and the surveys and investigations required for the preparation of detailed designs. However, it was delayed till the fourth quarter of 2009. Therefore, the land acquisition activities are commenced in the third quarter 2010 with construction starting in second quarter of 2011.

104. At present, the specific timetable for the implementation of the Tuy Hoa subproject is already prepared. It is thus possible to provide a definitive program for the implementation of LAR activities. The implementation schedule shown in **Figure SA2-1** is based on the approved design for the Ninh Hoa WSP component by September 2010. The schedule envisages the completion of resettlement activities by the first quarter of 2011.

Figure SA2-1. Ninh Hoa RP Implementation Schedule (Key Activities)

Activity	Year	2009			2010												2011 - Jan/2013			
	Month	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4
Establish PRC and CRC																				
Recruit independent consultant																				
Training of CRC staff																				
Distribute PIB and other consultation and disclosure activities																				
Preparations for DMS and required LAR documentation																				
Carry out replacement cost survey																				
Update compensation rates and Project entitlements																				
Confirm economic rehabilitation measures																				
Carry out Detailed Measurement Survey																				
Prepare final compensation plan for compensation payments to APs																				
Hold public information meetings																				
Publish list of APs																				
Update RP and obtain ADB concurrence																				
Publicize dates for compensation disbursement																				
Disburse compensation																				
Consultations with severely affected and vulnerable APs																				
Site vacation and clearance																				
Implementation of rehabilitation measures																				
Internal monitoring reports																				
External monitoring reports																				
CIVIL WORKS CONSTRUCTION																				

*Final Resettlement Monitoring Survey and Report will be submitted every 6 months since the starting time.

VIII. MONITORING AND EVALUATION

A. General

105. The Project will establish systems for internal and external monitoring and evaluation. The main purposes of the monitoring and evaluation program are to ensure that resettlement and acquisition of land and properties have been implemented in accordance with the policies and procedures of the RP. External monitoring and evaluation, in particular, will focus on social impacts on APs and whether or not APs have been able to restore a standard of living equal to, if not better than, that which they had before the project.

106. The scope of the monitoring and evaluation program will include land acquisition, resettlement and, as relevant, ethnic minorities components, providing feedback to management on their implementation and identifying problems and successes as early as possible to facilitate timely adjustment of implementation arrangements.

107. The objectives of the monitoring and evaluation program are (i) ensure that the standard of living of APs is restored or improved; (ii) monitor whether the time lines are being met; (iii) assess if compensation, rehabilitation measures and social development support programs are sufficient; (iv) identify problems or potential problems; and (v) identify methods of responding immediately to mitigate problems.

B. Monitoring Indicators

108. Based on the above, the key activities that will be monitored are:

- i. land acquisition and transfer procedures;
- ii. consistency of compensation payments with RP rates and disbursement of these;
- iii. construction of replacement houses by displaced households;
- iv. re-establishment of displaced households and business enterprises;
- v. reaction of severely affected, very poor and other vulnerable APs to rehabilitation packages; and
- vi. re-establishment of livelihoods and income levels; and
- vii. Improved conditions for the poorest and vulnerable households.

109. **Table SA2-9** contains the indicators and benchmarks that will need to be collected in order to monitor the above activities.

Table SA2- 10. Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
Process Indicator	Staffing	Number of staff employed for LAR activities by function.
	Consultation, Participation and Grievance Resolution	Number of consultation and participation programs held with various stakeholders Grievances by type and resolution
Output Indicator	Acquisition of Land	Area of cultivation land acquired by road section and subproject Area of other private land acquired Area of communal/government land acquired
	Structures	Number, type and size of private structures acquired Number, type and size of community structures acquired Number, type and size of government structures acquired
	Trees and Crops	Number and type of private crops and trees acquired Number and type of government/community crops and trees acquired Crops destroyed by area, type and number of owners
	Compensation and Rehabilitation	Number of households affected (land, buildings, trees, crops) Number of owners compensated by type of loss Amount compensated by type and owner Number and amount of allowances paid Number of replacement houses constructed by concerned owners Number of replacement businesses constructed by concerned owners Number of owners requesting assistance to purchase replacement land Number of replacement land purchases effected Number of entitlements delivered Number of entitlements used by APs Suitability of entitlements to APs as per RP objectives Number of non-titled APs receiving replacement land with lease/temporary rights Number of severely affected, very poor or other vulnerable APs receiving economic rehabilitation packages or other assistance Participation in construction activities Access to credit.
Impact Indicator	Household Earning Capacity (pre- and post-LAR)	Employment status of economically active members disaggregated by gender. Landholding size, area cultivated, by crop Changes to income-earning activities (agriculture and non-farm) Household income and expenditures

C. Monitoring Methodology

110. Monitoring will be achieved through two monitoring mechanisms: (i) ongoing *internal monitoring* of process and output indicators by PPMU; and (ii) *external monitoring* by APs and an independent monitoring agency to assess the extent to which resettlement and rehabilitation objectives have been met.

3.1 Internal Monitoring

111. The PPMU is responsible for the internal monitoring of RP implementation. The PRC will prepare and submit monitoring reports to the PCU. These reports should be monthly commencing with the distribution of the PIB continuing until the final disbursement of compensation funds. It is recommended however that they should be monthly during the period when LAR activities are at their most intense, i.e. when the acquisition agreements are being made with APs and during the disbursement of compensation to APs.

112. The monitoring reports will summarize land acquisition and resettlement progress against monitoring indicators; and, where necessary, recommend changes to ensure that the implementation of the RP conforms to the objectives and procedures in the RP. These reports will be submitted to PPC for review and approval.

113. PCU will submit quarterly internal monitoring reports to ADB. These reports will summarize progress on land acquisition and resettlement for all subprojects, and will notify the ADB of PPC approval of changes to the implementation of the RPs.

3.2 External Monitoring

114. External monitoring will commence as soon as the updated RP has been approved, and will carry out twice a year or per requested by the PCU during the RP implementation based on the objectives and indicators outlined above with any requirements for corrective actions highlighted.

115. The methods for external monitoring and evaluation of land acquisition, compensation and resettlement activities include:

- i. reviewing internal reports and relevant documents
- ii. semi - quantitative methods (livelihood and living standard scoring indicator) to assess progress towards reaching the objective by carrying a sample survey with all severely affected households and at least 20% of all other affected households.
- iii. PRA methods to monitor risks. This covers risks identified and any arising risks. External monitoring also covers the relevance of all RP activities, i.e. whether they are appropriate to minimize and mitigate the risks of impact occurring or foreseen, help manage the environment in an improved manner, and are consistent with other on-going rural development and poverty reduction initiatives.

116. A Post-Resettlement Evaluation will be carried out 6 months after completion of all resettlement activities, using the same survey questionnaire and sample as used during monitoring activities.

117. The AP database should be maintained throughout the duration of external monitoring activities. It will be updated following the completion of each round of monitoring surveys. The database will be fully accessible to implementing agencies and the PCU.

118. External monitoring reports summarizing the findings of each round of surveys and will be submitted to the respective PRC and PPMU, PCU as well as directly to ADB. The reports should contain (i) a summary of the progress of RP implementation; (ii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; (iv) identification of specific ethnic minority issues, as relevant; and, (v) a report on progress of the follow-up of issues and problems identified in the previous report. The monitoring reports will be discussed in a meeting between the monitoring agency, implementing agencies and PCU held after submission of the reports. Necessary remedial actions will be taken and documented.

119. The PCU will recruit an independent monitoring agency or individual consultant to conduct external monitoring for the Project. If the costs for external monitoring are included in the loan, recruitment must be in accordance with ADB procurement requirements; if the costs are included in counterpart fund, recruitment will be in accordance with GOV requirements. In either case, prior to recruitment, ADB must approve the TOR and the candidate's experience and qualifications. The external monitoring agency/consultant must have specialized in social sciences and experience in resettlement monitoring. A draft terms of reference for this assignment is contained in **Annex 4**.

IX. COMPENSATION STANDARDS AND BUDGET

120. This Chapter presents and describes the financial aspects of the implementation of the resettlement process. Section A describes the basis for the compensation standards. Section B contains the resettlement budget for Ninh Hoa WSP component, while Section C describes the proposed disbursement arrangements.

A. Basis of Cost Estimates

121. Unit costs for compensation are shown in Table SA2 - 10. Compensation Unit Rates for Ninh Hoa WSP component. They have been determined from the following provincial sources as well as the national level documents described in Chapter II:

- i. Decision No. 101/2009/QD-UBND dated 21 December 2009 by Khanh Hoa PPC regulating the land acquisition, resettlement and compensation in Khanh Hoa province when the states acquires land in the province, according to Decree 69/2009/ND-CP.
- ii. Decision No. 105/2009/QD-UBND dated 31 December 2009 and Decision no.17/2010 dated 20 May 2010 of Khanh Hoa PPC on land prices in the provinces applied for 2010.
- iii. Decision No. 1520/ QD-UBND dated July 1, 2009 of Khanh Hoa PPC regulating allowances for short-term job training for rural labour, disabled workers, social-welfare beneficiaries.
- iv. Decision no. 39/2010/QD-UBND dated 24 November 2010 of Khanh Hoa PPC on price for construction, construction works on land sites in Khanh Hoa province.
- v. Decision no. 39/2008/QD-UBND dated 3 July 2008 by Khanh Hoa PPC on compensation for crops and trees on the land where it is acquired by the State.
- vi. Review of current market values for selected items.

122. The rates shown in **Table SA2-10** reflect current replacement costs of assets lost at current market value, which is compulsory for compensation of affected assets. During DMS implementation, DRC carried out a replacement cost survey to identify any changes in land price and other assets. However, the survey did not find any differences between market prices and those issued by PPC. Compensation and allowance could help AHs to buy replacement land to maintain their livelihood.

123. The assistance allowances for severely affected persons and other vulnerable households to restore or improve their pre-Project conditions, are currently based on existing Khanh Hoa PPC regulations and ADB's Safeguard Policy Statement.

124. If APs do not agree with the project approved compensation rates applied to their land and assets, they may lodge a complaint or grievance as per the grievance redress process described in **Chapter VI**. Unless proven through the grievance redress mechanism that certain households might have been inadvertently missed out during the census of APs and inventory of affected assets, only those households satisfying the cut-off date provision of the Resettlement Policy are eligible for compensation and other entitlements.

Table SA2- 11. Compensation Unit Rates for Ninh Hoa WSP component

	Unit	Price (VND)	Price (USD)
1. Crops and trees			
Cassava and maize	m2	2,500	0.121
Rice	m2	3,000	0.146
Vegetables	m2	6,000	0.291
Small plants	tree	6,000	0.291
Taro	m2	8,000	0.388
Sugarcane and small trees (>1 year old)	tree	10,000	0.485
Lily flowers	m2	12,000	0.583
Green tree-fence	m	15,000	0.728
Small trees for ornament and banana	plant	20,000	0.971
Fruit trees, Group C	tree	25,000	1.214
Ornament trees, Group C	Tree	30,000	1.456
Areca, group A and Banana, Group B	Tree	40,000	1.942
Papaw, Group A	tree	50,000	2.427
Banana, group A and Acacia, group A	cluster/tree	60,000	2.913
Ochna, Group A and Mango (1-3 years)	tree	70,000	3.398
Dragon fruit (cluster) and ornament tree, group A	cluster/tree	80,000	3.883
Avocado	tree	100,000	4.854
Custard apple	tree	150,000	7.282
Coconut tree, Group A	tree	450,000	21.845
Mango, group B	tree	800,000	38.835
Mango, Group A	tree	1,200,000	58.252
2. Works and structures			-
Temporary timber fence	m	31,000	1.505
Brick masonry fence, 100 cm thick	m2	86,000	4.175
B40 wire-fence with reinforced concrete column	m	102,000	4.951
Concrete-paved yard	m2	199,000	9.660
Brick fence with rock-masonry foundation	m	465,000	22.573
Water-tank	m3	516,000	25.049
Rock-masonry basement	m3	802,000	38.932
Brick-masonry foundation, 200cm thick	m3	1,400,000	67.961
Toilet	m3	1,650,000	80.097
Cement-paved yard	m2	79,000	3.835

Source: PPMU

Exchange rate: February 2011: \$1.0 = VND 20,600.0

B. Land Acquisition and Resettlement Budget

125. The estimated resettlement cost for the Ninh Hoa WSP component has been calculated based on the unit price list given in **Table SA2-10**. The unit prices were taken from the DMS survey that was conducted in Sept. 2010. **Table SA2-11** summarizes the overall compensation for the Ninh Hoa WSP component.

126. Table SA2 - 11. Resettlement Budget - Ninh Hoa WSP Component shows that the estimated total cost of resettlement in Ninh Hoa SWP will be around VND 1,074 million (US\$52,147). This cost is for the direct costs associated with the Ninh Hoa WSP, i.e. compensation for land, crops, trees, and the administration and land survey and demarcation. The subcomponent is to be built in a long alignment of about 31 km, running through some communes and wards of which the socioeconomic conditions are poor. Therefore, the cost for administration and DMS, surveys and demarcation as well as land acquisition is estimated at the actual cost in compliance with Decision No. 101/2009/QĐ-UBND dated December 21st 2009 by Khanh Hoa PPC, costing approximately VND 490 million.

127. The major cost item in the RP budget is the compensation for structures and works which constitute almost 50% of the overall total compensation. The compensation for crops and trees counts for only 11.7% of the total compensation, and the remaining 38.3% of the overall compensation is as an allowance for recovery of the playground of Ninh Son town where is permanently acquired. The details of the resettlement budget estimated are presented in Table SA2-11 below.

Table SA2- 12. Resettlement Budget – Ninh Hoa WSP component

	Unit	Unit rate (VND)	Quantity	Amount (VND)	Amount (USD)
I. Crops and trees				58,859,300	2,857.25
Cassava and maize	m2	2,500	60.32	150,800	7.32
Rice	m2	3,000	809.70	2,429,100	117.92
Vegetables	m2	6,000	458.00	2,748,000	133.40
Small plants	tree	6,000	133.00	798,000	38.74
Taro	m2	8,000	70.80	566,400	27.50
Sugarcane and small trees (>1 year old)	tree	10,000	165.00	1,650,000	80.10
Lily flowers	m2	12,000	29.00	348,000	16.89
Green tree-fence	m	15,000	80.60	1,209,000	58.69
Small trees for ornament and banana	plant	20,000	163.00	3,260,000	158.25
Fruit trees, Group C	tree	25,000	36.00	900,000	43.69
Ornament trees, Group C	Tree	30,000	95.00	2,850,000	138.35
Areca, group A and Banana, Group B	Tree	40,000	115.00	4,600,000	223.30
Papaw, Group A	tree	50,000	21.00	1,050,000	50.97
Banana, group A and Acacia, group A	cluster/tree	60,000	236.00	14,160,000	687.38
Ochna, Group A and Mango (1-3 years)	tree	70,000	29.00	2,030,000	98.54
Dragon fruit (cluster) and ornament tree, Grp A	cluster/tree	80,000	17.00	1,360,000	66.02
Avocado	tree	100,000	6.00	600,000	29.13
Custard apple	tree	150,000	8.00	1,200,000	58.25
Coconut tree, Group A	tree	450,000	11.00	4,950,000	240.29
Mango, group B	tree	800,000	6.00	4,800,000	233.01
Mango, Group A	tree	1,200,000	6.00	7,200,000	349.51
II. Works and structures				251,778,424	12,222.25
Temporary timber fence	m	31,000	7.20	223,200	10.83
Brick masonry fence, 100 cm thick	m2	86,000	12.56	1,080,160	52.43
B40 wire-fence with reinforced concrete column	m	102,000	111.60	11,383,200	552.58
Concrete-paved yard	m2	199,000	252.10	50,167,900	2,435.33
Brick fence with rock-masonry foundation	m	465,000	29.80	13,857,000	672.67
Water-tank	m3	516,000	5.80	2,994,348	145.36
Rock-masonry basement	m3	802,000	15.61	12,517,616	607.65
Brick-masonry foundation, 200cm thick	m3	1,400,000	1.29	1,803,200	87.53
Toilet	m3	1,650,000	3.00	4,950,000	240.29
Cement-paved yard	m2	79,000	1,934.20	152,801,800	7,417.56
III. Allowance for Ninh Son play-ground	m2	25,464	7,583.00	193,094,000	9,373.50
A. Compensation budget (I+II+III)				503,731,724	24,453.00
B. Administration cost				80,000,000	3,883.50
C. Survey, land demarcation, mapping (actual cost)				490,500,000	23,810.68
Total budget (A+B+C)				1,074,231,724	52,147.17

Source: PPMU

Exchange rate: February 2011: \$1.0 = VND 20,600.0

C. Flow of Funds and Disbursement of Compensation

128. Funds for RP implementation are part of the project budget. All costs relating to RP implementation, e.g. compensation for land and property acquisition, transition allowances and rehabilitation packages, and administration, will be fully funded by the Government. Loan funds may however be used to pay for external monitoring and post-implementation evaluations. The Executing Agency for this project - the Ministry of Construction with delegated responsibility to PCU - will ensure that PPC provides adequate and timely funds are made available when necessary.

129. To ensure the timely delivery of budget for implementation of resettlement activities, for compensation payments and rehabilitation assistances, it is proposed that the PPC arrange the transfer of funds to the PPMU for compensation payments, rehabilitation allowances and measures. The PPMU will then transfer the funds to the TRC who will be responsible for disbursing the payments directly to APs. Disbursement will be witnessed by members of the PPMU, PRC, and CPC officials.

130. The compensation payments will be made on the basis of the final Subproject Compensation Plan approved by PRC/PPC following completion of the DMS. Once the budget is allocated, the PPMU will inform TRC about the dates for the disbursement of compensation payments. In turn, TRC will inform APs, town and commune resettlement liaison officials at least two weeks in advance and will prepare individual schedules of losses and compensation entitlements for each AP/ AH.

131. APs will sign the compensation forms to acknowledge receipt of compensation payment and to agree to clear the area within the specified time in order that construction works can begin. APs will retain 1 copy of all compensation forms. The forms will be countersigned by representatives from PRC, TRC, and CPCs.

132. During disbursement, APs will be informed of the grievance redress procedure should they not agree with the proposed entitlements or compensation rates.

133. Eligible APs will be informed of the arrangements for the in kind assistance provided by the economic rehabilitation packages, e.g. agricultural extension services, access to credit and training.

134. All land acquisition, compensation and relocation activities will be completed prior to ADB approval to award contracts for civil works on the subcomponents.

Annex 1

Public Information Brochure (PIB)

QUESTION 1: WHAT IS THE CENTRAL REGION SMALL AND MEDIUM TOWN DEVELOPMENT PROJECT?

Answer: The Central Region Small and Medium Town Development Project is financed by the Asian Development Bank (ADB) and the Government of Viet Nam to improve water supply, drainage, wastewater treatment and solid waste systems in 8 towns located in 5 provinces in the Central Region. The overall objectives of the project are to improve the living conditions of the urban population in these provinces and to stimulate economic development. The Ministry of Construction (MOC) is the Executing Agency for the Project, with delegated responsibility to the Management Board for Urban Technical Infrastructure Development (MABUTIP). A Provincial Project Management Unit (PPMU) will be established in each province to coordinate and manage the implementation of the Project.

QUESTION 2: HOW WILL THE CENTRAL REGION SMALL AND MEDIUM TOWN DEVELOPMENT PROJECT AFFECT THE LOCAL POPULATION?

Answer: The population in the project towns will benefit variously from more extensive access to piped water supply, reduced risk of flooding, more effective solid waste management and lower risks of pollution from wastewater. The implementation of the project will however necessitate the acquisition of some land for the construction of water treatment plans, land fill sites, wastewater stabilization ponds and associated drainage and water distribution networks. Every attempt will be made during the design process to minimize the negative impacts of such acquisition on households and communities.

Where land acquisition is necessary, those affected by acquisition will be properly compensated for their affected land, houses, structures, crops and/or trees. Relocation and income restoration assistance will also be provided to Affected Persons (APs) who will be severely affected by the Project. Details are included in a Resettlement Plan that is available at your commune office.

QUESTION 3: WHAT IS THE MAIN OBJECTIVE OF RESETTLEMENT PLAN?

Answer: The main objective of the Resettlement Plan is to ensure that all APs will be at least as well-off, if not better-off, than they would have been in the absence of the Project.

QUESTION 4: WHAT IF MY LAND IS AFFECTED BY THE PROJECT?

Answer: You will be offered a choice of replacement land of equal area and productive capacity at a location acceptable to you OR cash compensation at replacement value at current market prices.

QUESTION 5: DO WE NEED TO HAVE A LAND TITLE IN THE ORDER TO BE COMPENSATED?

Answer: No, lack of formal legal rights to land does not prevent any APs from receiving compensation, allowances and rehabilitation assistance. Those APs who possess a land use rights certificate (LURC) or any other form of written or verbal agreement to utilize the land are entitled to compensation for the lost land as well as assets on the land. Those APs who do not have legal or temporary/lease rights for land will still be compensated for the assets on the land, such as any structures, crops and trees.

QUESTION 6: IS THE COMPENSATION APPLIED FOR AFFECTED HOUSES AND STRUCTURES?

Answer: Yes. Compensation will be applied for all affected assets including houses, shops and other structures as well as other fixed assets at replacement value at current market prices (including material and labor) without any deductions for building depreciation or salvageable building materials. This will ensure that the APs are able to reconstruct houses and other structures of better or at least the same quality as before.

QUESTION 7: WHAT ABOUT AFFECTED CROPS AND TREES?

Answer: Affected crops, fruit and timber trees and tree fences will be compensated in cash at current market prices. Compensation for unharvested crops will be based on the average production in the past 3 years multiplied by the market prices (based on a recent survey data) at the time that acquisition takes place. Compensation for trees will be based on the type, age and productivity of trees.

QUESTION 8: HOW ARE COMPENSATION RATES DECIDED?

Answer: Compensation rates will be set by the PPC based on the advice from the Land Administration Bureau and an independent assessment of current market prices. You will have the rate to appeal if you are not satisfied with the proposed compensation rates (see Question 12 below.)

QUESTION 9: BESIDES THE COMPENSATION, HOW CAN THE PROJECT HELP?

Answer: In addition to compensation for loss of land and other assets, the Project will provide rehabilitation assistance to eligible APs to ensure that their standard of living is maintained or improved after the Project. Eligible APs for rehabilitation assistance include:

- **Severely affected households:** Households that lose more than 10 percent of their total productive landholdings will receive an economic rehabilitation package consisting of i) a transition subsistence allowance equivalent to 30kg of rice per person per month for six months and ii) income restoration assistance such as agricultural extension assistance to intensify use of existing land, access to existing credit programs or project-related employment.
- **Households that relocate:** Households that must relocate to new residential land will receive a transition subsistence allowance equivalent to 30kg of rice per person per month for six months for during transition; a transportation allowance of between VND 3,000,000 and 5,000,000 in cash or assistance from the District Resettlement Committee; and, an incentive bonus of VND 5,000,000 if APs demolish their affected houses or structures in a timely manner.
- **Business owners that lose income while they relocate or rebuild their shops/businesses:** Households with small, unregistered businesses will receive cash compensation equal to the provincial minimum wage for six months. Owners of registered businesses will receive cash compensation equal to their monthly after-tax revenues for six months.
- **Employees and hired laborers who lose their jobs:** will receive cash compensation for lost salary/wages for each month they cannot work, if the loss is temporary; or, if the loss is permanent, cash compensation equivalent to the provincial minimum wage for six months or cash compensation for remaining contract period whichever is higher.
- **Poor households:** Households that are not severely affected but whose monthly income is less than VND 200,000 per capita will receive additional compensation of VND1 million per household.

QUESTION 10: DOES THAT MEAN THAT ANYBODY IN OUR COMMUNITY CAN CLAIM FOR COMPENSATION?

Answer: No. Entitled APs are those persons or households that will lose land or property based on the detailed measurement survey (DMS) that will be conducted following completion of the final designs for the project subcomponents. Affected communes and local authorities will be informed of the cut-off date (the date of DMS) for the subproject. The DMS inventory the losses for compensation and rehabilitation of all APs who will be affected by the Project. The DMS will be conducted in the presence of APs, the design engineers, the Land Administration Department and officials from the Town/ District and Commune People's Committees.

QUESTION 11: HOW WILL APs BE CONSULTED AND INFORMED?

Answer: A consultation and public information program will be organized in your commune to ensure that APs receive complete and timely information about the Project. APs will be provided information on project components, impacts, their rights and entitlements, grievance mechanism, rights of participation and consultation, resettlement activities, responsibilities of institutions and implementation schedule.

This program will enable the Project to design the resettlement and rehabilitation program to meet the needs of APs, and help APs to make informed decisions about compensation and relocation. Consultations with APs and local authorities will reduce the potential for conflicts and minimize the risk of project delays, and maximize the economic and social benefits of the Project.

QUESTION 12: IF THERE ARE ANY DISAGREEMENTS OR PROBLEMS ABOUT LAND ACQUISITION, COMPENSATION OR OTHER GENERAL DISPUTES DURING PROJECT IMPLEMENTATION, DO APs HAVE THE RIGHT TO VOICE THEIR COMPLAINTS?

Answer: Yes, APs can voice their complaints (in verbal or written form) to responsible local authorities and resettlement committees. Their complaints can be filed first at the ward or commune level, and can be elevated to the district and provincial level and taken to district court if the APs are not satisfied with the decision of lower levels. APs will be exempted from all taxes, administrative and legal fees. All complaints of APs on any aspect of land acquisition, compensation, resettlement and implementation will be addressed in a timely and satisfactory manner.

QUESTION 13: AS A RESIDENT IN THE PROJECT AREA, HOW CAN I HELP?

Answer: We would like you to participate in all consultation meetings and other project related activities in order to ensure that you are fully informed and consulted. Your active participation during the detailed measurement survey (DMS) and implementation will allow us to determine measures to mitigate impacts, to identify problems or potentials problems and to identify ways of responding immediately to solve these problems.

QUESTION 14: HOW WILL YOU KNOW IF THE OBJECTIVES OF THIS PROJECT ARE MET?

Answer: The PPMU will ensure internal monitoring all Project activities. In addition, PPMU will engage an independent monitoring agency to conduct external monitoring of resettlement activities during Project implementation. Every 6 months, the independent monitoring agency will submit a report to PCU and ADB on resettlement implementation progress. A post-resettlement impact evaluation will assess whether negative impacts have been mitigated adequately and pre-project standards of living of APs have been restored as a result of resettlement and the Project.

KHANH HOA SUBPROJECT DESCRIPTION: The Project will improve wastewater disposal and management in Cam Ranh, through the upgrade of the drainage network and the introduction of a WSP in Cam Linh ward, and construction of several pumping stations. Solid waste management will also be tackled in Cam Ranh town with the introduction of a landfill site to serve the surrounding communes. In Ninh Hoa the project will introduce a safe water supply system, and effectively deal with raw water by constructing a water treatment plant (WTP) which will be served by 45km expansion of the existing transmission pipes. A second landfill site for Khanh Hoa will be located in between Ninh Hoa and Van Gia. Van Gia will also support an expansion of its water treatment plant construction of a further water pumping station.

LAND ACQUISITION IMPACTS IN NINH HOA WATER SUPPLY EXTENSION AND DEVELOPMENT SUBCOMPONENT: Based on the field surveys carried out in 2010, it is anticipated that the Water supply extension and development in Ninh Hoa will acquire land acquisition of 381 households, including 12 HHs as organizations, all of which will lose less than 10 percent of their current land holdings. None of AHs will be significantly affected due to losing >10% of total land holdings or relocation.

SCHEDULE FOR NINH HOA WATER SUPPLY EXTENSION AND DEVELOPMENT SUBCOMPONENT: The detailed measurement survey (DMS) was conducted in April 2010 to 369 AHs as family households affected in Ninh Hoa. The process of land acquisition and compensation is most likely to start in late 2010 with construction starting in middle of 2011.

FOR FURTHER INFORMATION AND SUGGESTIONS

Please contact the DPC or CPC where you live, the Khanh Hoa Provincial People's Committee (Address:; tel:.....) or the Khanh Hoa Provincial Project Management Unit (Address:; tel:.....).

Annex 2

Consultation and Disclosure Plan

Activity	Task	Timing	No of People	Agencies	Comments
Socioeconomic Survey (SES)/ Initial Inventory of Loss Survey	Collect socioeconomic info on APs as well as AP's perception on the project. Discuss entitlements and other provisions of RP.	September 2010	369 Affected households (100 percent)	Tuy Hoa CRC under direction of consultant	Importance of consultations and disclosure emphasized at participatory workshops. AP awareness initiated through contact with engineering teams.
Publicize LAR issues	Distribute PIB to APs in local language.	July-September 2010	All AHs	MABUTIP/ PWSC	Must be completed prior to ADB Management Review Meeting.
Disclosure of updated RP to APs	Copies of updated RP in local language place in commune offices.	December 2010	All commune residents	MABUTIP/ PWSC	
Web Disclosure of the updated RP	Updated RP posted on ADB website.	Late December 2010 (see comment)	-	ADB	Prior to RP implementation
Consultative meetings during DMS	Face to face meetings with APs.	Late September 2010	All APs	PRC, PPMU/ RWG	
Public Notification	Publish list of affected households/asset; establish eligibility cut-off date.	Late September 2010	All commune residents	PRC, PPMU/ RWG	
Public Information Meeting in each commune	Discuss all aspects relating to LAR and especially entitlements, compensation rates, grievance redress and implementation procedures and timing.	Sept. - November 2010	All commune residents	PRC, PPMU/ RWG	
Consultations with severely affected and/or vulnerable APs	Individual and/or small group consultations to identify appropriate rehabilitation measures.	Late 2010	Severely affected and vulnerable APs	PRC, PPMU/ RWG, T(D)PCs, CPCs	
Notification about compensation payments	Letter to APs informing about time, location and procedure for compensation payments.	Early December 2010	All APs	PRC, PPMU/ RWG, T(D)PCs, CPCs	

Annex 3

Affected Households

Nr.	Name of AH
NINH SON commune	
1	Lê Văn Quang
2	Nguyễn Tân
3	Hoàng Mai Khá
4	Ngô Thị Chính *
5	Hoàng Kim Thuận
6	Lại Thái Trục
7	Trần Tèo
8	Nguyễn Thị Theo*
9	Vũ Xuân Đạo
10	Mai Xuân Thanh
11	Huỳnh Tấn Phát
12	Hoàng Bá Lý
13	Nguyễn Đình Chức
14	Trương Minh Đệ
15	Nguyễn Văn Vinh
16	Phạm Văn Phồn
17	Đỗ Đức Quê
18	Trần Văn Quới
19	Vương Thị Hạnh*
20	Đào Trung Dũng
21	Nguyễn Đình Phư
22	Nguyễn Thị Hàn*
23	Đặng Quốc Thể
24	Hoàng Thị Lịch*
25	Nguyễn Văn Minh
26	Võ Xuân Dương
27	Nguyễn Đình Đức
28	Nguyễn Đình Công
29	Nguyễn Thị Vân*
30	Tạ Hồng Thái
31	Hoàng Kim Hiền
32	Đinh Thị Thu*
33	Nguyễn Thị Tịnh*
34	Đông Thị Tám*
35	Phan Thế Thành
36	Lê Thị Minh Nguyệt*
37	Đinh Đăng San
38	Trần Hữu Tuyển

39	Lê Kiệt
40	Đặng Thị Hòa*
41	Hoàng Kim Tùng
42	Trần Hữu Tuế
43	Nguyễn Trọng Nhượng
44	Vương Văn Khiêm
45	Trần Văn Đệ
46	Hoàng Kim Hoàn
47	Nguyễn Thị Vinh*
48	Nguyễn Cộng Hòa
49	Trương Công Chất
50	Lê Văn Ninh
51	Hồ Văn Ngự
52	Nguyễn Chu Minh Thắng
53	Phạm Minh Vũ
54	Hoàng Văn Liêm
55	Hoàng Văn Đính
56	Nguyễn Thị Cảnh*
57	Lương Công Hiếu
58	Tăng Văn Lý
59	Đào Xuân Điệp
60	Nguyễn Thị Thủy*
61	Nguyễn Xuân Liên*
63	Phạm Dũng
64	Lê Mươi
65	Nguyễn Đại
66	Hoàng Công Bồn
67	Nguyễn Văn Sơn
68	Võ Thanh Hải
69	Trang Văn Nhật
70	Nguyễn Duy Quý
71	Nguyễn Chúc
72	Nguyễn Thanh Quang
73	Nguyễn Thị Hồng*
74	Trương Văn Định
75	Nguyễn Hữu Nghị
76	Nguyễn Trợ
77	Võ Văn Tấn Nghĩa
78	Nguyễn Đức Khung
79	Trần Đức Sơn

80	Ninh Sơn CPC
NINH AN commune	
81	Lê Văn Vui
82	Lê Thị Thi*
83	Lê Thành
84	Lê Văn Hòa
85	Phạm Văn Phương
86	Ngô Xuân Minh
87	Mai Đát
88	Trần Thị Thu*
89	Phan Chín
90	Nguyễn Thị Kim Tơ*
91	Nguyễn Khánh Linh**
92	Nguyễn Ninh
93	Lê Thị Ánh Hồng*
94	Nguyễn Thị Thu Hương*
95	Trần Văn Rô
96	Phạm Long Hải
97	Trần Trí
98	Đặng Nhu
99	Võ Dũng
100	Đào Thị Năm*
101	Trần Hân
102	Phạm Xuân Ngà
103	Hồ Quang Bình
104	Phạm Thị Thanh Giàu*
105	Nguyễn Ngọc Khoai
106	Đặng Hữu Sơn
107	Nguyễn Văn Phúc
108	Ninh An police-post
109	Nguyễn Nhỏ
110	Nguyễn Thị Mai*
111	Nguyễn Thanh Liêm
112	Nguyễn Thị Hoa*
113	Trung Thực petrol station
114	Trần Văn Tiến
115	Bùi Tá Liễu
116	Trần Ngọc Tuấn
117	Nguyễn Thế Thành
118	Nguyễn Văn Tiến
119	Phan Khánh
120	Bùi Văn Đang
121	Lê Chí Yên

122	Nguyễn Ngọc Tiến
123	Trần Hữu Nhân
124	Lê Đức Dũng
125	Đặng Văn Thuận
126	Hoàng Công Thảo
127	Trương Tân
128	Trần Đình Long
129	Phạm Ngọc Thạch
130	Nguyễn Thị Kim Xuyên*
131	Nguyễn Công Tâm
132	Huỳnh Văn Dũng
133	Ngô Đình Chương
134	Nguyễn Hữu Phương
135	Phạm Thị Thúy Kiều*
136	Tạ Văn Hùng
137	Nguyễn Thị Đào*
138	Nguyễn Hữu Thơm
139	Trần Trường
141	Đào Ngọc Cương
142	Trần Ngọc Thái
143	Lê Phú
144	Nguyễn Thị Hiền*
145	Huỳnh Công Hoàng
146	Nguyễn Thị Mỹ*
147	Huỳnh Trường
148	Nguyễn Tuấn
149	Nguyễn Thái
150	Phan Sen
151	Nguyễn Trùng
152	Trần Văn Trãi
153	Nguyễn Thị Tỵ*
154	Trần Đức Cường
155	Nguyễn Cang
156	Nguyễn Kim
157	Phạm Thị Bình*
158	Nguyễn Trung
159	Trần Thanh Danh
160	Nguyễn Văn Minh
161	Nguyễn Thị Cải*
162	Trương Thế Ga
163	Nguyễn Hận
164	Lê Văn Hóa
165	Trương Minh Tiến

166	Nguyễn Văn Dũng
167	Nguyễn Văn Trọng
168	Lê Văn Hữu
169	Lê Minh Hương
170	Nhan Sơn
171	Nguyễn Trọng Bảo
172	Nguyễn Đức Dũng
173	Trần Ngọc Tân
174	Nguyễn Công Lượng
175	Đặng Văn Hiếu
176	Nguyễn Văn Hòa
177	Nguyễn Đình Thúy
178	Nguyễn Văn Thê
179	Nguyễn Thị Tuyết Mai*
180	Nguyễn Ngọc Anh
181	Nguyễn Tám
182	Hồ Thị Nhung*
183	Hồ Liên
184	Ngô Mé
185	Lê Văn Khoa
186	Trần Minh Sơn
187	Nguyễn Thị Nhạn*
188	Lương Thị Mộng Liên*
189	Nguyễn Văn Nhân
190	Lê Bá Lợi
191	Trần Thế Vinh
192	Cao Khắc Mỹ
193	Nguyễn Đức
194	Võ Thị Quý*
195	Hồ Trung Thắng
196	Nguyễn Quốc Bình
197	Lê Văn Thuận
198	Lê Hoàng Phong
199	Trương Đưa
200	Huỳnh Ngọc Hoàn
201	Nguyễn Thị Hoa Mai*
202	Trần Văn Tây
203	Nguyễn Thị Hạng*
204	Lưu Minh Khương
205	Hồ Ngọc Ân
206	Lương Hữu Ngọc
207	Nguyễn Văn Trông
208	Trương Đưa

209	Nguyễn Ngọc Vũ
210	Mai Hữu Cầu
211	Lê Thị Chút*
212	Đinh Thị Lung*
213	Nguyễn Văn Cường
214	Phạm Hùng
215	Nguyễn Ngọc Thành
216	Phạm Đức Đông
217	Trần Minh Đức
218	Nguyễn Ngọc Phước
219	Trần Ngọc Sinh
220	Nguyễn Thị Tiết - diệu thanh
221	Nguyễn Ngọc Nở*
222	Ngô Văn Hồng
223	Hồ Sỹ Tín
224	Nguyễn Thị Thúy Hằng*
225	Nguyễn Hận
226	Nguyễn Văn Ba
227	Phạm Xuân Sứ
228	Lê Văn Xuân
229	Hồ Quang Bình
230	Mai Sang
231	Lương Văn Lợi
232	Trần Thị Thu Hải*
233	Trần Duy Linh
234	Nguyễn Thị Yển*
235	Nguyễn Lân
236	Lạc An office
237	Lê Thị Thanh Vân*
238	Nguyễn Văn Lâm
239	Đặng Quy Uyên
240	Dương Đông Thạch
241	Nguyễn Hữu Quyết
242	Nguyễn Cường
243	Lê Thị Trường*
244	Lương Hải Minh
245	Lê Bá Tân
246	Nguyễn Phi Hùng
247	Nguyễn Xuân Quốc
248	Trần Châu Nhi*
249	Trần Đình Thắng
250	Phan Tái Bình

251	Đoàn Trung Thuế
252	Trần Ngọc Thái
253	Trần An Hùng
254	Hồ Thị Tuyết*
255	Nguyễn Văn Đương
256	Nguyễn Thành Cúc*
257	Huỳnh Trung Hảo
258	Nguyễn Lý
259	Nguyễn Quốc Phong
260	Trần Ty
261	Nguyễn Thị Hóa*
262	Nguyễn Đình Phán
263	Lê Trung
264	Trần Thị Liễu*
265	Trần Văn Minh
266	Nguyễn Xuân Nhị*
267	Vũ Hồng Ngọc
268	Võ Đình Hiệp
269	Võ Thị Thuận*
270	Đình Minh Trí
271	Trần Năm
272	Nguyễn Thị Hiếu*
273	Lê Văn Lập
274	Nguyễn Chín
275	Võ Minh Hùng
276	Trần Thị Kim*
277	Nguyễn Văn Tuấn
278	Nguyễn Thị Liên*
279	Trần Thế Dân
280	Ninh An CPC
NINH ĐA ward	
281	Lê Minh Thủy
282	Trần Minh Tuấn
283	Nguyễn Long Truyền
284	Huỳnh Tâm
285	Nguyễn Ba
286	Phùng Thanh Nhật
287	Lê Ngọc Tâm
288	Lê Mốt
289	Nguyễn Vĩnh Thành
290	Nguyễn Mười
291	Trần Kim Phượng*
292	Trần Văn Bình

293	Võ Văn Quang
294	Trần Ngọc Châu
295	Bùi Văn Hột
296	Bùi Thị Cườm*
297	Trần Thị Mai*
298	Nguyễn Ngọc Tám
299	Châu Huỳnh Tuyền
300	Lê Đích
301	Lê Môi
302	Hà Minh Tâm
303	Hà Văn Sanh
304	Hà Thị Ngọc Bích
305	Nguyễn Mộng
306	Nguyễn Văn Hải
307	Nguyễn Thị Nhậm*
308	Huỳnh Chinh
309	Võ Văn Lâm
310	Phan Thị Hoa*
311	Nguyễn Bông
312	Phạm Bảy
313	Lê Ngọc Phúc
314	Nguyễn Duy Quân
315	Lê Ngọc An
316	Bùi Thị Bích Chuyền*
317	Phạm Văn Tình
318	Hồ Thị Bảnh*
319	Nguyễn Hữu Trí
320	Đỗ Thị Thanh Liên*
321	Huỳnh Thị Cơ*
322	Nguyễn Bảo Ngân
323	Trần Anh
324	Châu Lộc
325	Phạm Hữu
326	Châu Thị Còn
327	Trần Đông
328	Lê Khánh Trình
329	Nguyễn Thị Thu*
330	Trần Định
331	Lê Gởi
332	Nguyễn Trung
333	Trần Văn Nghĩa
334	Lê Mười
335	Mai Văn Ba

336	Trần Trai
337	Lê Quốc Phong
338	Đỗ Minh Ngân
339	Ninh Đa CPC
NINH THỌ commune	
340	Đoàn Văn Khoa
341	Hồ Thị Mai*
342	Nguyễn Thọ Cường
343	Trần Hữu Thìn
344	Nguyễn Minh Đức
345	Trần Văn Thu
346	Phạm Phú Cường
347	Phạm Thị Mỹ Liên*
348	Nguyễn Thành Nam
349	Lương Văn Đông
350	Trần Văn Duyệt
351	Đặng Thị Thanh Nga*
352	Nguyễn Văn Bá
353	Phạm Ngọc Phúc
354	Ninh Thọ CPC
NINH DIEM ward	
355	Lê Thanh Hiếu
356	Từ Văn Hoa
357	Trần Văn Lực
358	Nguyễn Như Lai

359	Trương Thị Bích Thủy*
360	Nguyễn Thị Phượng*
361	Trịnh Ngọc Tiến
362	Tổng Nhật Phong
363	Võ Thị Hồng Thi*
364	Trần Đình
365	Nguyễn Thị Kim Hằng*
366	Trần Thanh Mỹ
367	Nguyễn Minh Thư*
368	Đặng Việt Dũng
369	Nguyễn Thị Sê*
370	Trịnh Tiến Khoa
371	Ninh Diêm Post office
372	Agribank office
373	Ninh Diêm clinics
374	Trương Thanh Thu
375	Ninh Diêm CPC
NINH THỦY ward	
376	Phạm Văn Luyện
NINH HẢI ward	
377	Ngô Thị Túy*
378	Nguyễn Cao Trí
379	Nguyễn Thị Lệ Thảo*
380	Đỗ Thị Luyện*
381	Ninh Hải CPC

Note: *Female headed AHs
12 AHs are organizations

Annex 4

Outline TOR for Independent Monitoring Agency/Consultant

1. Aims and Objectives

The aims and objectives for external monitoring and evaluation are to:

- Verify results of internal monitoring;
- Assess whether resettlement objectives have been met; specifically, whether livelihoods and living standards have been restored or enhanced;
- Assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement policy making and planning; and
- Ascertain whether the resettlement entitlements were appropriate for meeting the objectives, and whether the objectives were suited to AP conditions.

2. Information Requirements

The Independent Monitoring Organization (IMO) will monitor and evaluate achievements and impacts related to implementation of the approved Resettlement Plan. The IMO will develop a database sufficient to evaluate whether the objectives of the Resettlement Plan are being met. This database will be developed to enable comparisons of "before" and "after" resettlement conditions. The database will consist of data acquired through the Census and Detailed Measurement Survey of each affected household, which will form the basis for the Project's record keeping system. The IMO will expand the database as necessary with maps, charts, photographs of affected properties, copies of contracts and land titles, payments, and valuation documents relating to resettlement.

3. Method and Approach

The method and approach for external monitoring shall include (i) review of pre-project baseline data on APs, (ii) identification and selection of an appropriate set of indicators for gathering and analyzing information on resettlement impacts, (iii) use of various formal and informal surveys for impact analysis, (iv) use of participatory methods for monitoring and evaluation; and (v) assessment of resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement policy making and planning.

4. Detailed Methodology

The methodology for conducting monitoring and evaluation of the implementation of the RP will include the following activities:

- a. A twice-yearly sample household survey using the same or similar questionnaire to that used during the baseline census survey to determine whether RP objectives are being met; sampling may be 20% of each category relocated, rehabilitated, and marginally affected;
- b. Periodic Participatory Rapid Appraisals (PRAs) to allow the IMO to consult with the various stakeholders (local government, resettlement committees, PMU resettlement field staff, NGOs, community leaders and APs). PRAs will involve obtaining information, identifying problems and finding solutions through participatory means which will include the following:
- c. Key informant interviews with selected local leaders, resettlement committee members,

- d. Focus group discussions on specific topics such as compensation payment, income restoration, relocation;
- e. Community public meetings to discuss community losses and impacts, construction work employment;
- f. Structured direct field observations on the status of resettlement implementation, plus individual and group interviews for cross-checking purposes;
- g. Informal surveys and interviews of APs, hosts communities, special interest or vulnerable groups and women; and
- h. In-depth case studies of problems that have arisen during internal or external monitoring requiring special efforts for resolution.
- i. An ex-post evaluation 6 to 12 months after all resettlement and income restoration activities have been completed, following the same methodology as for the periodic monitoring during RP implementation.

Sample monitoring indicators to address progress towards achieving resettlement plan objectives are attached.

5. Participatory Monitoring and Evaluation

The IMO consultant shall ensure participation of all stakeholders, especially women and vulnerable groups, affected people, local community based organizations (CBOs) and/or NGOs, and hosts in the monitoring and evaluation process. The IMO consultant will plan and implement PRA techniques during the monitoring and evaluation process, including key informant interviews, focus group discussions, community public meetings, structured direct observations, informal surveys/interviews, and in-depth case studies.

6. Resource Requirements

The IMO consultant will consist of a team of human geographers/sociologists from a local research or consulting agency, university department or development NGO, with experience in resettlement monitoring and evaluation. The consultant's team should include persons with demonstrated experience in household surveys, data input and analysis, and participatory rapid appraisal techniques.

7. Time Frame for Monitoring and Evaluation

The consultant will conduct a baseline socioeconomic survey of 20% of affected households before any relocation takes place. This will be followed by two monitoring activities per year, beginning after resettlement activities begin and continuing until resettlement activities are completed. The consultant will also conduct one ex-post evaluation survey to assess the achievement of resettlement objectives, the changes in living standards and livelihoods and the restoration of the economic and social base of the APs.

8. Reporting Requirements

The IMO will produce a report following each bi-annual monitoring activity. The reports will contain a description of monitoring activities, findings in relation to whether the project activities have been completed as planned and budgeted, findings in relation to achievement of RP objectives, and recommendations, timetable and budget for addressing outstanding problems.

The IMO will also produce a report following the ex-post evaluation. The evaluation report will cover the following:

- Whether the resettlement activities have been completed (a) in accordance with the approved resettlement plan, and (b) in accordance with ADB's Policy on Involuntary Resettlement

- The extent to which the specific objectives and the expected outcomes/results have been achieved and the factors affecting their achievement or non achievement
- Description of any outstanding actions that may be required to bring the resettlement into compliance with ADB's Policy.
- Description of any further mitigation measures needed to meet the needs of any affected person or families judged and or/perceiving themselves to be worse off as a result of the Project, and a timetable and budget requirements for supplementary mitigation measures, and detail the process of compliance monitoring and final "signing off" for these AP.
- Major lessons learned
- Key risk factors
- Recommendations

POTENTIAL MONITORING INDICATORS

The following are sample monitoring indicators, from which specific indicators can be developed and refined.

Table A4.1 Potential Monitoring Indicators

Type of Monitoring	Basis for Indicators
Budget and Time Frame	<ul style="list-style-type: none"> Have all land acquisition and resettlement staff been appointed and mobilized for the field and office work on schedule? Have capacity building and training activities been completed on schedule? Are resettlement implementation activities being achieved against agreed implementation plan? Are funds for resettlement being allocated to resettlement agencies on time? Have resettlement offices received the scheduled funds? Have funds been disbursed according to RP? Has the social preparation phase taken place as scheduled? Has all land been acquired and occupied in time for project implementation?
Delivery of AP Entitlements	<ul style="list-style-type: none"> Have all APs received entitlements according to numbers and categories of loss set out in the entitlement matrix? Have APs received payments on time? Have APs losing from temporary land borrow been compensated? Have all APs received the agreed transport costs, relocation costs, displacement allowances, and income and livelihood restoration support according to schedule? Have all replacement land plots or contracts been provided? Are measures in process to provide land titles to APs? How many AP households have received land titles? How many AP households have received housing as per relocation options in the RP? Does house quality meet the standards agreed? Have relocation sites been selected and developed as per agreed standards? Are the APs occupying the new houses? Are assistance measures being implemented as planned for host communities? Is restoration proceeding for social infrastructure and services? Are APs able to access schools, health services, cultural sites and activities?
Delivery of AP Entitlements (continued)	<ul style="list-style-type: none"> Are income and livelihood restoration activities being implemented as set out in the income restoration plan, for example numbers of APs trained and provided with jobs, micro-credit disbursed, number of income generating activities assisted? Have affected businesses received entitlements?
Consultation, Grievance, and Special Issues	<ul style="list-style-type: none"> Have consultations taken place as scheduled including meetings, groups, community activities? Have resettlement information brochures been prepared and distributed? How many APs know their entitlements? How many know if they have been received? Have any APs used the grievance redress procedures? What were the outcomes? Have conflict been resolved? No. of conflicts or grievances reported (by women, men, vulnerable groups) Types of conflicts or grievances reported (by women, men, vulnerable groups) No. of conflicts or grievances resolved (of women, men, vulnerable groups) Degree/extent of awareness about resettlement process Degree/extent of satisfaction with resettlement process Degree/extent of awareness about the entitlement Degree/extent of satisfaction with their entitlement Degree/extent of awareness about grievance redress procedure Degree/extent of satisfaction with grievance redress procedure

Table A4.2 Indicators for External Monitoring and Evaluation

Type of Monitoring	Basis for Indicators
Basic Information on AP Households	<ul style="list-style-type: none"> • Location • Composition and structures, ages, educational and skill levels • Gender of household head • Ethnic/caste group • Access to health, education, utilities and other social services • Housing type • Land other resource owning and using patterns • Occupations and employment patterns • Income sources and levels • Agricultural production data (for rural households) • Participation in neighborhood or community groups • Access to cultural sites and events • Value of all assets forming entitlements and resettlement entitlements
Restoration of Living Standards	<ul style="list-style-type: none"> • Were house compensation payments made free of depreciation, fees or transfer costs to the AP? • Have APs adopted the housing options developed? • Have perceptions of "community" been restored? • Have APs achieved replacement of key social and cultural elements?
Restoration of Livelihoods	<ul style="list-style-type: none"> • Were compensation payments sufficient to replace lost assets? • Was sufficient replacement land available of suitable standard? • Did transfer and relocation payments cover these costs? • Did business displacement allowances allow for re-establishment of enterprises and production? • Have enterprises affected received sufficient assistance to re-establish themselves? • Have vulnerable groups been provided income earning opportunities? Are these effective and sustainable? • Do jobs provided restore pre-project income levels and living standards?
Levels of AP Satisfaction	<ul style="list-style-type: none"> • How much do APs know about resettlement procedures and entitlements? Do APs know their entitlements? • Do they know if these have been met? • How to APs assess the extent to which their own living standards and livelihoods have been restored? • How much do APs know about grievance procedures and conflict resolution procedures?
Effectiveness of Resettlement Planning	<ul style="list-style-type: none"> • Were the APs and their assets correctly enumerated? • Were any land speculators assisted? • Was the time frame and budget sufficient to meet objectives? • Were entitlements too generous? • Were vulnerable groups identified and assisted? • How did resettlement implementers deal with unforeseen problems?
Other Impacts	<ul style="list-style-type: none"> • Were there unintended environmental impacts? • Were there unintended impacts on employment or incomes?

Annex 5

Outline -Terms Of Reference for Consulting Services: Resettlement Planning, Implementation, And Capacity Building Consultants

A. BACKGROUND

The Central Region Small and Medium Town Development Project (CRSMTDP), aims to improve the urban environment and enhance poverty reduction activities in five provinces of the Central Region of Viet Nam, namely, Dak Nong, Binh Thuan, Ninh Thuan, Phu Yen and Khanh Hoa.

The Project will consist of improvements to water supply, drainage, wastewater management and solid waste management systems in up to 13 towns where inadequate urban infrastructure poses serious environmental and health risks, and inhibits social and economic development. The Project will also strengthen local management capacities and the institutional framework for urban environmental services in the towns, and improve community health through a targeted program of community environmental sanitation and awareness.

The implementation of the project will require the acquisition of land and property and thus lead to some involuntary resettlement. In line with ADB policy, the PPTA consultants prepared Resettlement Plans for each province.

These RPs will need to be updated after detailed design, presented to ADB for approval, and then implemented. Subproject resettlement plans will also be prepared where significant resettlement (over 200 APs are affected) is involved. Because of the complexity of the overall project, which involves up to 13 towns and over 15 sub-projects, and the need for all RPs and resettlement related processes to be fully ADB-compliant, specialist resettlement consultants will be recruited by the Management Board for Urban Technical Infrastructure Development Projects (MABUTIP), the delegated agency of the Ministry of Construction, the Executing Agency for the Project

B. SCOPE OF SERVICES

1. Facilitate Establishment and Implementation of a Centralized Resettlement/Social Management System

The consultant will guide and assist in the establishment and implementation of a centralized resettlement/social management system for dealing with resettlement and other related topics such as ethnic minorities and gender aspects of the Project. The consultant will guide and assist the Resettlement Office of MABUTIP and implementing agencies and resettlement committees based on the approved Resettlement Plan for activities that include, but are not limited to, the following:

- Update and implement the approved Resettlement Plans;
- Establish and implement procedures for (a) minimizing adverse social impacts from land acquisition and loss of other assets throughout the planning, design and implementation phases; (b) undertaking and completing census and detailed measurement survey of all losses; (c) coordination of resettlement and compensation activities on the various subprojects; (d) participatory needs assessment for replacement house and land plots; (e) tracking compliance with project policies; and (f) implementing promptly corrective actions and resolving grievances;
- Design and implement detailed income restoration programs for people severely affected by loss of income;
- Establish and implement procedures for a management information system and ongoing internal monitoring;
- Validate that compensation and resettlement have been satisfactorily completed for a subproject and income restoration measures are in place before the contract is given the notice to proceed.

2. Formal and On-the-Job Training on Resettlement and Social Issues

The consultant will provide formal and on-the-job training for the Resettlement Office of MABUTIP, Resettlement Committees and other members of the project team, and domestic consulting agencies on, but not limited to the following:

- policies, procedures, and best practices related to resettlement planning, implementation and monitoring,
- social impact assessment, gender, ethnic minorities;
- participatory rapid appraisal and basic social research methodologies; and
- report preparation.

C. THE CONSULTANT AND STAFFING INPUTS

The Consultant is expected to have an advanced degree in a social science or other relevant discipline, have at least 5 years of international experience, including experience undertaking similar work in Viet Nam. Four (4) person months of international consultant's input will be required with expertise covering: resettlement planning and implementation, and social assessment.

In addition approximately 25 person months of input from a domestic consultant will be needed, preferably with experience of preparation and implementation of resettlement plans.