

**SOCIALIST REPUBLIC OF VIETNAM
MINISTRY OF TRANSPORT
PROJECT MANAGEMENT UNIT No.1**

**CENTRAL REGION TRANSPORT NETWORKS IMPROVEMENT
SECTOR PROJECT (ADB5)**

**BINH DINH
UPDATED RESETTLEMENT PLAN**

October 2009(rev09)

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Abbreviations and Acronyms

ADB	Asian Development Bank
AHH	Affected Household
AP	Affected Person
COI	Corridor of Impact
CRTNISP	Central Region Transport Networks Improvement Sector Project
DMS	Detailed Measurement Survey
DRCC	Development Research and Consultancy Centre
EMDP	Ethnic Minority Development Plan
GOV	Government of Viet Nam
HH	Household
HHH	Head of Household
IMA	Independent Monitoring Agency
ISA	Initial Social Assessment
Km	Kilometre
LURC	Land Use Rights Certificate
MOLISA	Ministry of Labour, Invalid and Social Affairs
MOT	Ministry of Transport
PDOT	Provincial Department of Transport
PMU1	Project Management Unit No. 1
PMU1M	Project Management Unit No. 1 Middle Region
PPMU	Provincial Project Management Unit
Project	Viet Nam Central Region Transport Networks Improvement Sector Project
PSC	Project Supervision Consultants
PPC/DPC/CPC	Provincial/District/Commune People's Committees
DRC	District Resettlement Committees
RC	Resettlement Committee
RP	Resettlement Plan
ROW	Right-of-Way
SES	Socio-Economic Survey

Definition

Affected person (AP)	- means any person, household, firm or private institution who, on account of changes resulting from the Project, or any of its phases or sub-projects, 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.
Affected Household (AH)	In the case of <u>affected household</u> , it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
Common property resources	- mean all resources or assets that are held in communal or village ownership and include (but are not limited to) graves, burial grounds, wells, hand pumps and other affected drinking water sources, specimen trees, pagodas, churches and temples, shrines, religious symbols or sites, village ponds or community fishponds, schools, markets, community forest, community grazing land, irrigation canals and facilities, roads, paths, water supply lines and facilities, electricity lines and poles, and communication lines.
Compensation	- means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project.
Cut-off date	- means the date of completion of the Detailed Measurement Survey (DMS) for each sub-project, and establishes the eligibility for compensation for physical assets affected by a sub-project of the Project. Affected people and local communities will be informed of the cut-off date for each sub-project. People moving into the area impacted upon by the sub-project after the cut-off date will not be entitled to compensation and assistance under the Project.
Detailed Measurement Survey (DMS)	- With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Rehabilitation	- means assistance measures provided under this Policy Framework other than compensation for acquired assets, and refers to the process of re-establishing incomes, livelihoods and living and social systems.
Relocation	- means rebuilding housing assets, including productive land and public infrastructures in another location.
Replacement Cost	- means the method of valuing assets at current market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs. In the absence of land markets, the Provincial People's Committee will establish a compensation structure that enables APs to restore their livelihoods to levels equivalent to or better than those maintained at the time of land acquisition and/or resettlement. <ul style="list-style-type: none"> (i) Agricultural land: The replacement value of agricultural land will be based on a) its productive potential or, where applicable, the current market value of the land; plus b) the cost of preparing the land to levels similar to those of the affected land; and, c) the costs of any registration and transfer taxes. (ii) Residential and non-agricultural land: The replacement value equals a) the current market value of land of equal size and use, with similar or improved public infrastructure and services in the vicinity of the affected land; and b) the costs of any registration and transfer taxes. (iii) Houses and other structures: The replacement value equals a) the current fair market prices for new building materials and labour to build a replacement structure with an area and quality similar to or better than the affected structure, or to repair a partially affected structure; plus b) the costs of transporting building materials to the construction site; c) the costs of any labour or contractors' fees; and, d) the costs of any registration and transfer taxes. In determining the replacement

		value of structures, no deductions are to be made for a) depreciation of the asset; b) the value of salvage materials; or, c) the value of benefits to be derived from the project.
	(iv)	Annual crops: The replacement value for annual crops is equivalent to the average production over the last three years multiplied by the current market prices for agricultural products at the time of compensation.
	(v)	Perennial plants and trees: The replacement value for perennial plants and trees is equivalent to current market prices given the type, age and productive value of the plants and/or trees.
	(vi)	Other assets (community, cultural, aesthetic): Compensation will be calculated on the basis of the current market costs at time of compensation for repairing and/or replacing assets; or, the costs of mitigation measures. For example, compensation for the relocation of a gravesite will include all expenditures for excavation and construction of a new grave of similar type; exhumation and transport of remains to new grave; and, other reasonable costs.
Resettlement effects	-	mean all negative situations directly caused by the Project, or any of its phases or sub-projects, including loss of land, structures, trees and crops, other immovable properties, income generation opportunities, and cultural assets.
Resettlement Plan (RP)	-	is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Severely affected person	-	means APs who will (i) lose more than 10 percent of their total agricultural land holding; (ii) relocate and/or lose more than 50 percent of their main residential and/or commercial structure; and/or (iii) lose more than 10 percent of their total income sources due to the Project.
Viable		means an area of adjoining residential and garden land sufficient for the reconstruction of a house large enough to provide the AP with acceptable living conditions. The minimum plot for determining reorganization will be equal to, or more than, the legal standard plot size for each town. It also refers to the stability of the structure itself, after the proportion of the structure is acquired for the Project.
Vulnerable persons, households or groups	-	are defined as distinct groups of people who might suffer disproportionately from resettlement effects, including (i) those falling below the poverty line as defined by MOLISA, as well as any household earning up to 15% above the official poverty line; (ii) ethnic minority and other households living in remote, isolated areas or in communes with special difficulties as classified under Programme 135; or (iii) disadvantaged persons or households requiring "social protection" such as landless, disabled, handicapped, orphaned, vagrant, homeless, destitute, or lonely and elderly persons.

Executive Summary

Introduction. The Viet Nam Central Region Transport Networks Improvement Sector Project (CRTNISP) will improve the road transport Networks in the central region of Viet Nam. This project is funded by the ADB and aims at assisting the Government of Viet Nam (GOV) to implement its poverty reduction strategy and to stimulate economic development through improvement of provincial and district roads in 19 poor provinces in central region.

Binh Dinh Updated Resettlement Plan. The CRTNISP's Resettlement Policy Framework (RPF) was prepared and approved in August 2006 by the Bank and Vietnam Government. According to the ADB requirements towards the project, in its implementation stage, based on the approved RPF, it has to prepare and submit to ADB for approval updated resettlement plans¹ of its Phase 2's and Phase 3's subprojects, which should include the final data on subprojects' APs, the scale of their land acquisition and resettlement impacts, and final compensation options before delivery of compensation and assistances allowances to the APs and the implementation of the Resettlement Plan.

The Resettlement Plans, RPs, would be prepared according to the CRTNISP's approved Resettlement Policy Framework, ADB's Policy on Involuntary Resettlement (1995), and Operations Manual (OM) F2, (issued September 2006) following the requested project process. The RPs shall be based on a full census and detailed measurement survey of lost assets of 100 % of the APs (Detailed Measurement Survey, DMS), Socioeconomic Survey (SES) of at least 20 % of SAP's and 10% of marginally affected APs, assessment of the replacement costs of all assets, and stakeholders' consultations about proposed entitlements and options for compensation and resettlement and income restoration.

PPMU in coordination with PMU1 and relevant agencies, with assistance from consultants, carried out staking and cadastral measurement. From December 2008 to April 2009, public meetings were carried out in the subprojects' affected communes, SES and DMS were undertaken, and copies of public information booklets have been distributed to all affected persons (APs). Meetings also were held to clarify the Project Resettlement Policies and agree on implementation procedures and schedule.

The objectives of the updated RP is to ensure that all people affected by land acquisition and resettlement in the affected communes are adequately compensated for lost assets and that sufficient measures are taken to ensure that they are able to restore pre-project living standards.

Scope of Land Acquisition and Resettlement. Based on the approved design and detailed measurement survey carried out, DMS, a total of 524 households and 6 community assets will be affected. Most of the affected households are marginally affected, generally losing small pieces of their garden land. However, there are 7 HHs who will be severely affected (SAPs). 305 HHs will lose 27,109 m² of land, giving an average of 89 m² per HH. Loss of trees and crops will affect 471 HHs and 3 public properties. Further details are in Table 1 below.

¹ For Binh Dinh subprojects, no RP was prepared before this one

Table 1: Summary Scope of Land Acquisition and Resettlement Impacts

Impact	Number of APs	Quantities	
		m2	Other Units
Total numbers of APs, of which:	530		
+ Households	524		
+ Collective/Public properties	6		
Total SAPs	7		
<i>Residential Land</i>	35	670	
+ Households	35	670	
<i>Affected Agricultural Land, of which</i>			
+ Households	305	27,109	
+ Collective/Public properties	4	11,646	
<i>Affected Forest Land (Households)</i>	16	9,233	
<i>Affected Houses, Kiosks (Households)</i>	18	536.87	
<i>Affected Secondary structures. (Households)</i>	30	525.56	
<i>Affected Structures</i>	284		
+ Households	280		
+ Collective/Public properties	4		
<i>Affected Trees and Crop</i>	474		
+ Households	471		
+ Collective/Public properties	3		
<i>Affected Graves</i>	12		
+ Households	11		
+ Collective/Public properties	1		

Compensation and Entitlement Policy. The Project compensation and entitlement policy is designed to cover compensation for lost assets and assistance to restore or enhance livelihoods of all APs. The Resettlement Policy Framework approved in 2006 covers full range entitlements for various types of losses. However, based on the actual impacts identified through the DMS, the entitlements as shown in Table 2 below summarizes each type of impact and corresponding entitlement derived from the approved Resettlement Plan. In addition to cash compensation at market price for standing crops, all households losing agricultural land, regardless of severity of impacts, will receive additional cash allowances (income rehabilitation allowances).

It should also be noted that in consultation with affected households, cash compensation is preferred as mode of compensation for all their losses as they found the impacts to be not significant.

Table 2: Summarized Entitlement Matrix

Type of Impact	Entitlement
Marginal loss of agricultural land	<ul style="list-style-type: none"> Legal/legalizable² households and eligible organizations are entitled to cash at full replacement cost of the affected land. Land assistance allowance at rate equal 40% of lowest price of residential land to affected land that are located on road sides or within urban or rural settlement area.
Loss of residential land	<ul style="list-style-type: none"> Legal/legalizable households and eligible organizations are entitled to cash at full replacement cost of the affected land. Non-titled and/or non-legalizable land users: no compensation for affected land, but compensation for attached assets at full replacement costs;
Relocated APs or reorganized APs	<p>For HH with partially affected: Cash compensation at full replacement cost for materials and labour for entirely affected houses/structures and/or the affected portion with no deduction for depreciation or salvageable materials</p> <p>For households relocate to new site: Cash compensation at full replacement cost for materials and labour for entirely affected houses/structures and/or the affected portion with no deduction for depreciation or salvageable materials; Allowance for transportation, subsistence allowance, house rental and infrastructure</p>
Loss of crops, and trees	All households regardless of land use rights are entitled to cash compensation at current market prices.
Impacts on main and secondary structures and impacts on graves	<p>Cash compensation at full replacement cost for materials and labour for entirely affected houses/structures and/or the affected portion with no deduction for depreciation or salvageable materials regardless of LURC</p> <p>Allowance for house repair if partially affected.</p> <p>Compensation for removal of graves will be paid directly to households, including costs of new graves, exhumation and transport of remains, reburial, transportation assistance and all other reasonable costs. Graves will be exhumed and relocated in culturally sensitive and appropriate ways</p>
Affected commercial activities	Income rehabilitation allowance due to business stoppage
Temporary impacts during construction	<p>No compensation for land</p> <p>Rental in cash for the land temporarily acquired.</p> <p>Cash compensation at current market prices or replacement costs for all affected crops and/or trees,</p> <p>Land to be restored to the pre-project condition</p>
Vulnerable households	Special allowance amounting 2,000,000 VND/HHs for vulnerable HH; poor HHs, HHs under "social policy".

Consultations and Disclosure. Consultations with APs were carried out during the preparation of this updated RP and will continue throughout the various stages of the Project. The following disclosure activities were conducted: (i) the distribution of a Public Information Brochure (PIB) in Vietnamese (December 2008); and (ii) Placement of compensation charts in Vietnamese in district and commune offices (April and May 2009). This updated RP has been placed in Vietnamese and English in provincial, district and commune offices in May 2009. It will be uploaded on the ADB resettlement website immediately upon ADB approval. Series of meetings with APs at commune and village level have been conducted during preparation of this updated RP from December 2008 to April 2009.

Implementation Arrangements. The Ministry of Transport (MOT) is the Executing Agency for the Project, with responsibility for planning and implementation delegated to the Project Management Unit No. 1 (PMU1) and the Provincial Project Management Unit (PPMU). To speed up project implementation, the Government recently has separated resettlement as an

²“ Legalizable” refers to property at present not being formally owned. During the resettlement process, the ownership would be treated as formally owned for the sake of calculating compensation

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independent subproject and delegate management and implementation of resettlement subprojects to provinces. The PMU1 is responsible to work with relevant ministries to get budget for resettlement allocated adequately and transferred timely to project provinces. Provincial People Committee (PPC) delegates PPMU to be project manager of the resettlement subproject. DRC have been established in four affected districts. PPMU have been coordinating with consultants, DPCs, DRCs and CPCs to carry out resettlement activities and prepare this updated RP.

Grievance Mechanism. The Project has and continues to ensure that APs have clear and accessible mechanisms and procedures to address complaints and grievances about any aspect of land acquisition, compensation and resettlement. A four-step process will permit APs to submit grievances to the Commune People's Committee (CPC) and, if not satisfied with the decision, appeal successively to the People's Committees at district and provincial levels and, finally, to the District People's Court.

Monitoring. The Project will ensure internal and external monitoring of land acquisition, compensation and resettlement activities. PMU1 is responsible for internal monitoring, in close collaboration with PPC, PPMU, DPC, DRC and CPC. An independent monitoring agency, the Development Research and Consultancy Centre (DRCC), has been selected by PMU1, to conduct external monitoring and evaluation, focusing on the social impacts of the Project and whether APs are able to improve or at least restore their pre-project living standards, incomes and productive capacity. Monitoring will be carried out bi-annually during implementation of the RP, as well as post-evaluation 6-12 months after completion of all resettlement activities.

Updated Resettlement Plan Budget. Resettlement budget are made of i) compensation and rehabilitation costs and ii) operation costs. Total costs approved by the PPC for the two Subprojects is 5,961,582,153 VND or 350,681 USD and for Cau Chui – La Vuong Subproject 5,447,860, 283 VND or 320,462 USD and for Diem Tieu – Tan Thanh Subproject 513,721,915 VND or 30,219 USD.

Implementation Schedule. (Table 3A) and Resettlement Milestones (Table 3B)

These tables are set out below and summarizes the steps involved in the implementation of land acquisition, compensation and resettlement activities and implementation milestones for the Binh Dinh subprojects.

Table 3 A: Implementation Schedule

Activities	Schedule
Consultation, DMS, SES and Disclosure	7/ 2008 – 5/ 2009
Submit updated RP to ADB for approval	4 th week September, 2009
Approval of updated RP by ADB	1 st week October 2009
Compensation payment	1 st week October 2009
Award of civil works contracts	1st week October 2009
Clearance of acquired land	3rd week June 2009
Start of civil works	2 nd week October
Internal and External Monitoring	September 2009 – until end of construction activities
Post Evaluation by independent monitoring agency	6-12 months after completion of construction activities

Table 3 B: Resettlement Supervision Milestones

No.	Resettlement Tasks	Target	Responsible Agencies	Completion Deadline	Status
1.	Disclosure (PPTA Stage)				
1.1	RPF posted on ADB website		ADB	8/2006	
2.	Updated Resettlement Plan & Budget				
2.1	Establish DRCs		DPC	5/2008	
2.2	Demarcation of road ROW		PPMU	10/2008	
2.3	Detailed Measurement Survey (DMS)	# of APs	PPMU, DRC, Consultant	4/2009	
2.4	Approval of compensation rates		PPC	6/2009	
2.5	Approval of RP & budget		PMU-1/MOT	9/2009	
3.	Notification and Consultations				
3.1	Published list of eligible APs		DRC	5/2009	
3.2	Public Information Meeting	# of APs	DRC, PPMU, Consultant	12/2008	
3.3	Consultations with severely affected APs, women, vulnerable APs	# of APs	DRC, PPMU, Consultant	4/2009	
3.4	Notification to APs about compensation payment	# of APs	DRC	9/2009	
4.	Detailed Rehabilitation Measures				
4.1	Rehabilitation measures for severely affected people (SAPs), if applicable	# of APs	DRC	9/2009	
4.2	Rehabilitation measures for very poor APs, where applicable	# of APs	DRC	9 /2009	
4.3	Assistance for vulnerable APs, where applicable	# of APs	DRC	9 /2009	
5.	Disclosure of Updated Resettlement Plan				
5.1	Information booklet distributed to APs	# of copies	PPMU/DRC	12 /2008	
5.2	Updated RP placed in commune offices	# of copies	PPMU/DRC	12/2008	
5.3	Updated RP posted on ADB website		ADB		
6.	Implementation Capacity				
6.1	PMU-1 & PPMU resettlement staff	# of staff	PMU-1/PPMU		
6.2	Training of PMU-1 & PPMU staff	# of staff	Consultant	8/2008	
6.3	Setting up grievance redress committees	# of staff	PPMU, DRC	9 /2009	
6.4	Documentation as grievances	As required	PPMU, DRC	9 /2009	
7.	Monitoring & Evaluation				
7.1	Baseline survey	Sample	IMA		
7.2	Set-up internal supervision	As per RP	PMU.1/PPMU	7/2009	
7.3	Contract external monitor	As per RP	PMU-1		
7.4	Internal monitoring reports	Quarterly	PMU-1/PPMU		
7.5	External monitoring reports	Semi-annual	IMA	Every 6 months	
7.6	Post-resettlement evaluation		IMA		
8.	Flow of Funds / Compensation / Land Acquisition				
8.1	Disbursement of funds to PPC		PMU-1/PPMU	9 /2009	
8.2	Compensation payments	# of APs	PPMU, DRC	10/2009	
8.3	Rehabilitation allowances	# of APs	PPMU, DRC	10 /2009	
8.4	Land acquisition	# of m ²	PPMU, DRC	6/2009	

1 INTRODUCTION

The Viet Nam Central Region Transport Networks Improvement Sector Project will improve the road transport network in the central region of Viet Nam. The objective of the Project is to assist the Government of Viet Nam (GOV) to implement its poverty reduction strategy and to stimulate economic development in poor provinces. The Ministry of Transport (MOT) is the Executing Agency for the Project, with delegated responsibility to Project Management Unit No.1 (PMU-1). The Project has been approved by the Prime Minister at the Decision No 1435/TTg-CN dated 23/9/2005 and by the Ministry of Transport at the Investment Decision No 3674/QĐ-BGTVT dated 3/10/2005. The scope of the Project includes

- (i) Investments to rehabilitate provincial and district roads in 19 provinces; and,
- (ii) Institutional strengthening for management of provincial road networks.

The Project will be prepared and implemented in three phases:

- Phase 1: Nghe An, Thua Thien Hue, Binh Thuan and Lam Dong.

Phase 2: Ha Tinh, Quang Tri, Ninh Thuan, Dak Lak (1) and Dak Nong
Phase 3: Thanh Hoa, Da Nang, Quang Nam, Quang Ngai, **Binh Dinh**, Phu Yen, Khanh Hoa, Kon Tum and Gia Lai and Dak Lak (2);

2 BINH DINH SUBPROJECTS

2.1 DESCRIPTION OF THE SUBPROJECT

The Central Region Transport Network Improvement Sector Project (ADB5) in Binh Dinh includes 04 subprojects: Nhon Hoi – Cat Tien (sub-project code 1001); Nha Da – An Luong (sub-project code 1002); Diem Tieu – Tan Thanh (subproject code 1007) and Cau Chui – La Vuong (subproject code 100x) (see Map below).

2.1.1 Binh Dinh Province – Road 1001 - Nhon Hoi to Cat Tien:

- Description of the existing Terrain, Road and Land Occupation

The road is Linking Nhon Hoi to Cat Tien

Road Class: Class V – Mountainous (TCVN 4054-05).

Road length: 14.8 km

Design speed: 40 kph

Existing embankment: 5.0 to 7.0 m

Existing pavement: Some 5.5 to 6.0 m wide - SBST

- Pavement condition: Poor

Design carriageway: 5.5 m

Design shoulders: 1.0 m

- Design surfacing: Asphalt concrete.

The road passes through flat terrain over the largest part of the alignment. One mountainous section is found from Km 6+600 to 11+300 (4.7 km out of a total of 14.8). The road does not go through any village with a population density sufficient to require the use of an urban cross-section, with covered and lined side ditches. Many sections of the road are built on soft spongy ground, especially during the rainy season when it is saturated. Many potholes have developed in these sections.

The existing embankment width is not sufficient for the new standards and will require extensive widening.

The existing pavement is 5.0 to 6.0 metres wide and made of single bituminous surface treatment (SBST) lying on crushed aggregates 10 to 20 cm thick. The road is in a poor condition and its elastic modulus is in the 400 daN/cm² range. The elastic modulus of the penetration macadam sections has been measured in the same 600 daN/cm² range during the dry season.

The existing circular culverts are made of reinforced concrete. They are considered sufficient for the drainage purposes and will require only occasional widening or replacing.

A few junctions will require upgrading works.

- Road Design

The road has been designed according to standards for mountainous terrain as was decided in the meetings held during the month of August 2007 in Da Nang.

The road geometry complies with the standards used and all of the horizontal curves are complying with the standards. The vertical alignment gradients are also complying with the standards.

The designed cross-section complies with the agreement made during the meetings held in Da Nang during the month of August 2007 and with the standards and special requirements:

- Crushed stone sub-base and base.
- Asphalt concrete surfacing.

The road was built in 2002 under ADB3. The existing pavement is made of a crushed stone aggregate base with a prime coat. The road is presently becoming the main road linking the peninsula and the coastal area to the North of Quy Nhon since the Nhon Hoi bridge was opened. A relatively large traffic load of heavy trucks is being observed on the road. The road connects to PR 640, which is already surfaced with asphalt concrete and its last section, towards the bridge, is also already surfaced with asphalt concrete. It thus seems reasonable to complete the road surface with asphalt concrete.

The design of the drainage is based on the 25-year return flood.

The main junctions have already been designed.

One bridge is kept in its existing condition along the alignment.

Materials sources for fill materials, sand and crushed stone have been identified in the vicinity of the sub-project

No resettlement work required for Nhon Hoi – Cat Tien Road.

2.1.2 Binh Dinh Province – Road 1002 - Nha Da to An Luong:

- Description of the existing Terrain, Road and Land use

Linking Nha Da to An Luong

Road Class: Class V – Mountainous (TCVN 4054-05).

Road length: 12.2 km

Design speed: 30 kph

Existing embankment: 5.0 to 6.5 m

Existing pavement: No pavement
Surface condition: Poor
Design carriageway: 3.5 m
Design shoulders: 1.5 m
Design surfacing: Cement concrete

The road passes entirely through flat terrain and does not go through any village with a population density sufficient to require the use of an urban cross-section, with covered and lined side ditches. Many occasionally flooded areas are found along the alignment.

The existing embankment width is not sufficient for the new standards and will require widening.

There is no existing pavement and the surface is made of subgrade type materials with an elastic modulus in the 450 to 550 daN/cm² range.

The existing box and circular culverts are made of reinforced concrete. They are considered sufficient for the drainage purposes and will require only occasional widening or replacing.

A few junctions will require upgrading works. Stretches of electricity and telephone cables will require relocation because of the road widening or slight re-alignment.

- Road Design

It was decided to use Class V standards for mountainous terrain for the design of the road at the meetings held during the month of August 2007 in Da Nang. The road alignment entirely complies with the standards used. The vertical alignment gradients are complying with the standards.

The pavement structure is designed to be made of cement concrete.

The drainage is based on the 25-year return flood.

The new culverts are made of reinforced concrete.

Two Irish crossings (km 0+075 to 1+055 and km 1+587 to 1+670) already exist and will not require any rehabilitation works.

Densely built-up and populated areas exist from km 0+000 to 0+500, km 4+000 to 5+000 and km 6+000 to 10+700.

No bridges exist along the alignment.

Materials sources for fill materials, sand and crushed stone have been identified in the vicinity of the sub-project.

No resettlement work required for Nha Da – An Luong Road.

2.1.3 Binh Dinh Province – Road 1007 - Diem Tieu to Tan Thanh:

- Description of the existing Terrain, Road and Land use

Linking Diem Tieu to Tan Thanh.

Road Class: Class V – Mountainous (TCVN 4054-05).

Road length: 18.7 km

Design speed: 30 kph

Existing embankment: 5.50 to 7.0m

Existing pavement: 3.50m – penetration macadam

Pavement condition: Poor

Design carriageway: 3.5 m

Design shoulders: 1.5 m - Strengthening shoulder: 1.0 m

Design surfacing: Asphalt concrete

The road passes through flat terrain over the largest part of the alignment. One mountainous section is found from Km 6+000 to 11+500 (5.5 km out of a total of 18.7). The road does not go through any village with a population density sufficient to require the use of an urban cross-section, with covered and lined side ditches. One short occasionally flooded section exists.

The existing embankment width is not sufficient for the new standards and will require extensive widening.

The three short stretches of existing pavement are approximately 3.5 metres wide and made of penetration macadam (2 of the 3 sections) or cement concrete (one section) lying on subgrade materials. The earth road is in a poor condition and its elastic modulus is in the 400 daN/cm² range. The elastic modulus of the penetration macadam sections has been measured in the same 400 daN/cm² range.

The existing box and circular culverts are made of reinforced concrete. They are considered sufficient for the drainage purposes and will require only occasional widening.

A few junctions will require upgrading works.

The road has been designed according to modified standards for mountainous terrain. The design speed is 20 kph and even 15 kph in the most difficult places. The minimum radius of horizontal curves is proposed to be 15 metres because of the very difficult terrain conditions.

The road alignment complies with the modified standards used. The vertical alignment gradients are also complying with the standards. The embankment will be raised in occasionally flooded areas between km 15+220 to 16+075, km 16+735 to 17+700 and km 18+000 to 18+700.

The pavement structure is made of crushed stone sub-base and base, surfaced with asphalt concrete.

The road is connecting to asphalt concrete surfaced roads in both ends. One end connects to PR 630 which was rehabilitated under the ADB3 project with asphalt concrete, still in very good condition. The other end connects to NH1. The road will thus become an important regional road once it is upgraded, and asphalt concrete surfacing is recommended.

The drainage is based on the 25-year return flood.

The new culverts are made of reinforced concrete. Circular and slab culverts have been included in the design.

Materials sources for fill materials, sand and crushed stone have been identified in the vicinity of the sub-project

- Road Design

The road has been designed according to modified standards for mountainous terrain. The design speed is 20 kph and even 15 kph in the most difficult places.

The road alignment complies with the modified standards used. The vertical alignment gradients are also complying with the standards. The embankment will be raised in occasionally flooded areas between km 15+220 to 16+075, km 16+735 to 17+700 and km 18+000 to 18+700.

The pavement structure is made of crushed stone sub-base and base, surfaced with asphalt concrete according to the decisions made during the August meetings in Da Nang. The road is connecting to asphalt concrete surfaced roads in both ends. One end connects to PR 630 which was rehabilitated under the ADB3 project with asphalt concrete, still in very good condition. The other end connects to NH1. The road will thus become an important regional road once it is upgraded, and asphalt concrete surfacing is recommended.

The drainage is based on the 25-year return flood.

The new culverts are made of reinforced concrete.

Materials sources for fill materials, sand and crushed stone have been identified in the vicinity of the sub-project

2.1.4 Binh Dinh Province – Road 100x - Cau Chui to La Vuong

- Description of the existing Terrain, Road and Land use

Linking Cau Chui to La Vuong

Road Class: Class V – Mountainous (TCVN 4054-05).

Road length: 11.5 km

Design speed: 30 kph

Existing embankment: 3.0 to 7.0 m

Existing pavement: No pavement, only one short stretch made of cement concrete

Pavement condition: Poor

Design carriageway: 3.5 m

Design shoulders: 1.5 m

Design surfacing: Cement concrete

The road passes through flat to mountainous terrain. It does not go through any village with a population density sufficient to require the use of an urban cross-section, with covered and lined side ditches. The entire flat section of the road is flooded for at least one month per year, with water reaching 1.0 metre or more over the surface of the road.

The existing embankment width is not sufficient for the new standards and will require extensive widening. If the width of the pavement is kept to mountainous standards even in the flat section, then the embankment width would be sufficient.

There is no existing pavement and the surfacing materials have an elastic modulus in the 350 to 400 daN/cm² range.

The existing circular culverts are made of reinforced concrete. Most of them will require widening or replacement.

A few junctions will require upgrading works.

- Road Design

The road has been designed according to standards for mountainous terrain, on the basis of the decisions made during the August meetings held in Da Nang.

Since the road is flooded for a long period of time each year, the pavement structure is made of cement concrete.

The drainage is based on the 25-year return flood.

The new culverts are made of reinforced concrete.

Materials sources for fill materials, sand and crushed stone have been identified in the vicinity of the sub-project

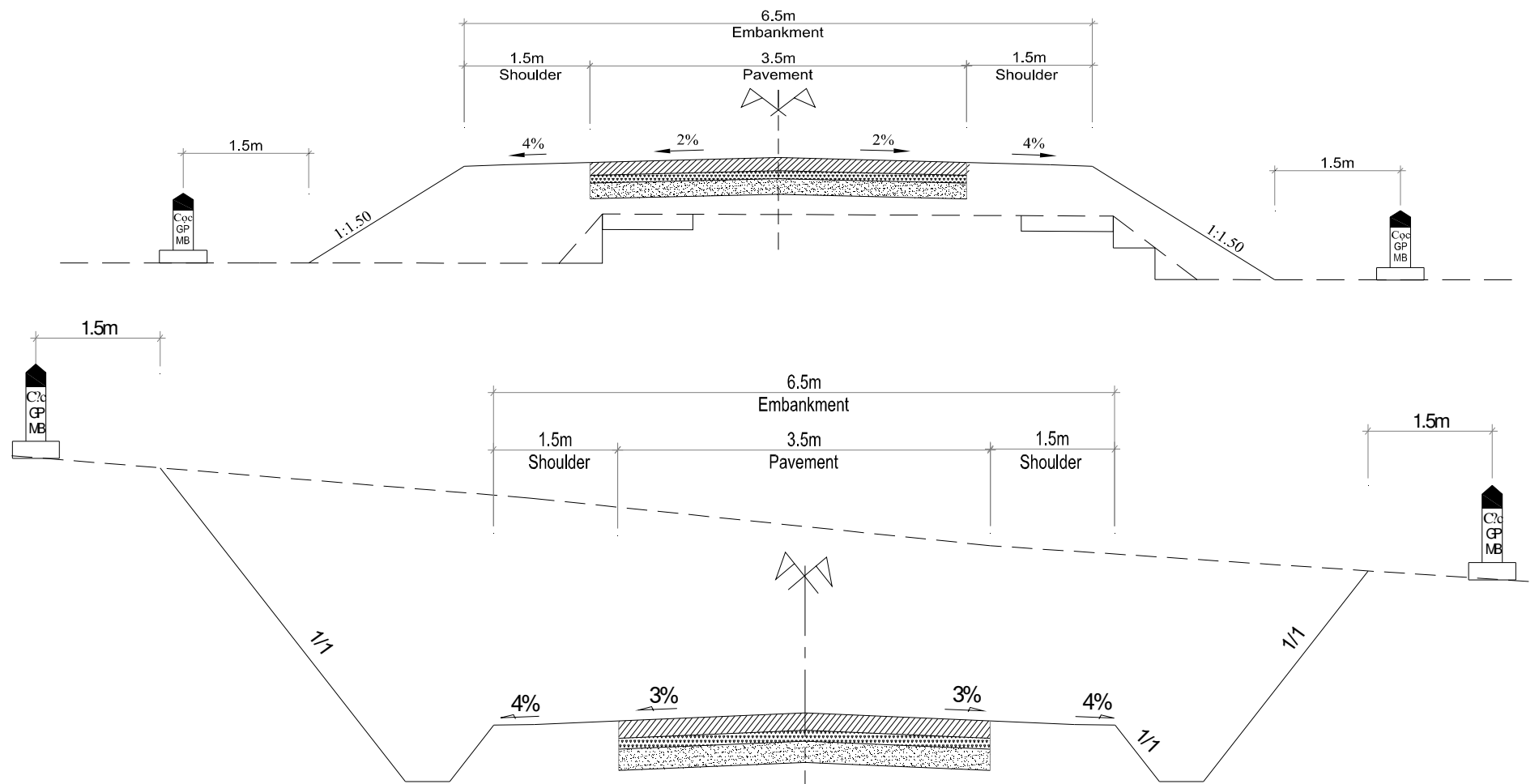
2.2 CORRIDOR OF IMPACTS

Corridor of Impact of resettlement of the Project includes permanent and temporary acquired lands:

1. Permanent acquired land: to toe of new road and/or edge of side drainage. All houses, structures, trees and crops will be removed for road.
2. Temporary acquired land: 1.5 m each side from toe of new road or/and edge of side drainage will be acquired temporary for construction implementation as follow:
 - Agricultural land: compensate loss of crops and trees during construction time.
 - Residential land: where houses, structures and other public facilities exist, contractors are required to have appropriate implementation approaches not to affect to houses and structures.

Typical Cross Section of Corridor of Impact

CAU CHUI – LA VUONG



DIEM TIEU – TAN THANH

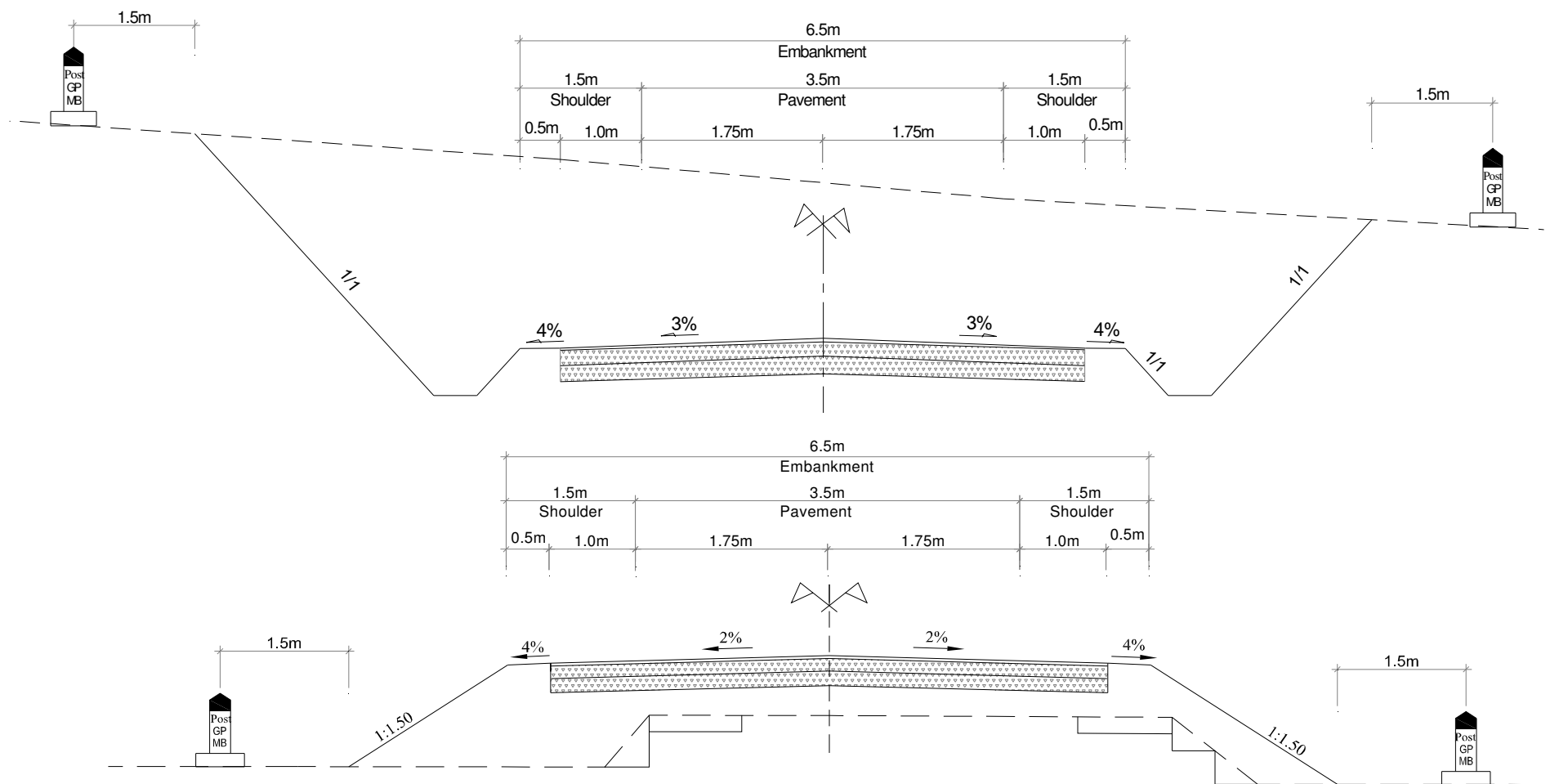


Figure 2 : Corridor of Impact (COI)

3 Resettlement Policy

3.1 LEGAL FRAMEWORK

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 *Policy on Involuntary Resettlement*. In cases where there are differences between the ADB Policy and GOV Regulation, this policy will take precedence.

The principal documents include:

- The ADB's Policy on Involuntary Resettlement (1995)
 - The 2003 Land Law No. 13/2003/QH11 adopted by the National Assembly on 26 November 2003 and effective as of 1 July 2004.
 - Decree No181/2004/ND-CP dated 29 October 2004 on Land Law implementation guidance
 - Decree No 17/2006/ND-CP dated 27 January 2006 on amendment and supplement of decrees on Land Law implementation guidance.
 - Document No 7760/TC-QLCS by Ministry of Finance dated 14 July 2004 on Land Law Implementation
 - Decree No.197/2004/ND-CP dated 03 December 2004 regulates compensation, rehabilitation and resettlement in the event of land recovered by the Government.
 - Decree No 84/2007/ND-CP dated 25 May 2007 amending provisions of land use right certificates, land acquisition, implementation of land use right, procedures and sequencing of compensation, assistance and resettlement when State recover land, and solving land grievances.
 - Decree No.188/2004/ND-CP dated 16 November 2004 by the Government establishes a price framework for various categories of land.
 - Decree No.186/2004/ND-CP dated 05 November 2004 on management and protection of road infrastructures.
 - Circular No. 116/2004/TT-BTC dated 07 December 2004, from the Ministry of Finance, that guides the implementation of Decree No.197/2004/ND-CP. Circular No 69/2006/TT-BTC by MOF, dated on Feb. 18th 2006, amending the Circular No116/2004/TT-BTC on guidelines for implementation of Decree 197/2004/CP
 - Circular No. 114/2004/TT-BTC dated 26 November 2004, from the Ministry of Finance, that guides the implementation of Decree No.188/2004/ND-CP.
 - Decree No 123/2007/ND-CP dated 27 July 2007 amending some provisions of Decree 188/2004/ND-CP on methods evaluating land prices and price frameworks for various categories of land.
- Circular No. 13/2005/TT-BGTVT dated 7 November 2005 by Ministry of Transport on guidance for implementation of Decree No 186/2004/ND-CP dated 5 November 2004 in relevant to management and protection of road infrastructure facilities.
- Document No. 6267/BGTVT-CGD by Ministry of Transport on official approval of the Resettlement Policy Framework of the Central Region Transport Networks Improvement Sector Project (ADB5)
- Law on Grievance and Accusation of Citizen dated 02 December 1998. Laws amending Law of grievance and Accusation, dated on June, 15th 2004 and November, 29th 2006.

- Decision No 3037/QĐ-BGTVT of Ministry of Transport dated 14 October 2003 on regulation and guidance on resettlement implementation procedures for transport infrastructure facilities.
- Current regulations of Binh Dinh PPC on land acquisition and resettlement within the province, including:
 - Decision No.1127/QĐ-CTUBND, issued by Binh Dinh PPC, dated 23 May 2008 regarding to the establishment of Resettlement Committee for Cau Chui La Vuong section.
 - Decision No. 2806/QĐ-CTUBND, issued by Binh Dinh PPC, dated 19 December 2008 approving the Mode and method of compensation for resettlement for Cau Chui – La Vuong section.
 - Decision No. 436/QĐ-CTUBND, issued by Binh Dinh PPC, dated 22 June 2009, on regulating acquisition of land for resettlement for Cau Chui – La Vuong section
 - Decision No. 1459/QĐ-CTUBND, issued by Binh Dinh PPC, dated 22 June 2009 approving the compensation amount to APs for Cau Chui – La Vuong section.
 - Decision No. 44/2008/QĐ-UBND, issued by Binh Dinh PPC, dated 31 December 2008 on regulating compensation prices for various lands within Binh Dinh province.
 - Decision No. 37/2007/QĐ-UBND, issued by Binh Dinh PPC, dated 31 October 2007 on regulating compensation prices for houses and structures when State recovers land, applied within Binh Dinh province.
 - Decision No. 20/2008/QĐ-UBND, issued by Binh Dinh PPC, dated 23 May 2008 on regulating revision of compensation prices for houses and structures regulated in Decision No. 37/2007/QĐ-UBND issued on 31 October 2007
 - Decision No. 03/2009/QĐ-UBND, issued by Binh Dinh PPC, dated 15 January 2009, promulgating policy of compensation, assistance and resettlement when State recovers land, applied within Binh Dinh province

3.2 PROJECT COMPENSATION AND ENTITLEMENT POLICY

3.2.1 Objective

The overall objective of the compensation and entitlement policy for the Project is to ensure that all people affected by the Project and its sub-projects 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.

3.2.2 Principles

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

- a. The acquisition of land and other assets and the relocation of affected people will be minimized as much as possible by exploring all viable options.
- b. All APs are entitled to compensation at replacement cost for their lost assets, incomes and businesses, including temporary losses or impacts.
- c. 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.

Particular attention will 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 socio-economic status.

- d. 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.
- e. 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 Policy Framework.
- f. 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.
- g. 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.
- h. Compensation for permanent houses and other structures will be determined according to replacement value for materials and labour 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.
- i. In the determination of compensation for movable structures including houses, where the structures can be moved easily, relocation and repair allowances will be calculated. An assessment of material replacement will be made, based on the condition of materials, with valuations calculated based on market prices.
- j. 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.
- k. Efforts shall be made to maintain, to the extent possible, the existing social and cultural institutions of the resettled people and host communities.
- l. APs will be fully consulted and will participate in the preparation and implementation of RPs for each sub-project. The comments and suggestions of affected people and communities will be taken into account during the design and implementation phases of resettlement activities.
- m. Adequate resources will be identified and committed during resettlement planning for each sub-project and the overall Project. This includes adequate budgetary support fully committed for each sub-project and made available to cover the costs of land acquisition, compensation, resettlement and rehabilitation within the agreed implementation period for the sub-project; and, adequate human resources for supervision, liaison and monitoring of land acquisition, resettlement and rehabilitation activities.
- n. 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.

- o. Detailed 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.
- p. ADB shall not approve award of civil works contract for any sub-project to be financed from the loan proceeds unless the Resettlement Plan following detailed design and based on detailed measurement survey has been submitted to and approved by ADB. The Ministry of Transport shall ensure that civil works contractors are not issued a notice of possession of site for construction works with respect to any specific section of a road unless, for that section, MOT has (i) satisfactorily completed, in accordance with the approved RP, compensation payment and relocation to new sites; and (ii) ensured that required rehabilitation assistance is in place and the area required for civil works is free of all encumbrances.

3.2.3 Eligibility

For the Project, the cut-off-date for eligibility for entitlement is defined as the completion of the Detailed Measurement Survey (DMS) of affected land. For this sub-project the land DMS has been completed in April 2009.

People who move into the sub-project area and/or who construct assets after the sub-project cut-off date are not entitled to compensation or any other form of resettlement assistance. 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.

3.2.4 Project Affected People

In Viet Nam, the types of land users who may be APs include:

- i) Legal and legalizable APs are those land users or occupants who possess a Land Use Right Certificate (LURC) issued by competent State authorities, or are eligible to obtain a LURC. The status of land use or occupancy will be demonstrated by means of the LURC or application for LURC; or, by one or more means of evidence as stipulated in the regulations to the Land Law. In the absence of these, the status of land use or occupancy may be established simply by being listed in the DMS.
- ii) APs with temporary or lease rights are persons, households, firms or organizations that occupy agricultural, residential and/or other non-agricultural land temporarily allocated to them by local authorities, for which they possess written permission or a signed contract.
- iii) Non-titled APs are those land users or occupants who are unable to prove legal or legalizable status prior to the cut-off date. They will be provided with economic rehabilitation assistance in lieu of compensation for land. They will also be compensated at full replacement cost for affected structures, crops, trees and other affected assets.

Resettlement assistance to non-titled affected people may also include replacement land although there is no entitlement to this for such APs. The resettlement package may include measures to ensure that such APs are able to find alternative sites or income sources, depending on their losses.

- (i) Organizations that have paid land use or land transfer charges for land allocated by the State, and the funds for the charges were not from the State budget; and/or, that have investments on State-allocated land and the investments were not paid from the State budget.

Other organizations that do not pay land use or transfer charges, or that use State funds to pay these fees are not eligible for land compensation. They are, however, eligible for compensation for investments made on affected land, if those investments are not paid from State funds. In addition, following acquisition of affected land, they may request the State to allocate or lease alternate land to meet their needs.

3.2.5 Resolving Inconsistencies on Involuntary Resettlement

With the promulgation of Decree 197/2004/ND/CP (3/12/2004) and relevant decrees stated above, the policies and practices of the Government have become more consistent with ADB's social safeguards policies. Nonetheless, as per approved in 2006 Resettlement Framework, provisions and principles adopted in this updated RP will supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Decree 131/2006/ND-CP (November 2006), which regulates the management and use of official development assistance.

It should also be noted that as per Decree 197/2004, Article 32, it states "*Apart from the supports prescribed in Articles 27, 28, 29, 30 and 31 of this Decree, basing themselves on the local realities, the provincial-level People's Committee presidents shall decide on other supporting measures to stabilize life and production of persons who have land recovered; special cases shall be submitted to the Prime Minister for decision*".

3.2.6 Project Entitlements

Following detailed design and conduct of detailed measurement survey, the actual impacts have been identified for the Quang Ngai subprojects. Since the actual impacts of the Binh Dinh subprojects are finally identified, the Entitlement Matrix below reflects only the actual ones and corresponds to the entitlements described in the CRTNISP's approved Resettlement Framework of 2006. It should be noted that all households losing agricultural land, regardless of severity of impacts, will receive additional cash allowances (income rehabilitation allowances). This is an improvement in comparison with the proposed resettlement framework (See Table 4).

Table 3: Entitlement Matrix

Type of impact	Entitlement
Marginal loss of agricultural land	<ul style="list-style-type: none"> Legal/legalizable³ households and eligible organizations are entitled to cash at full replacement cost of the affected land. Land assistance allowance at rate equal 40% of lowest price of residential land to affected land that are located on road sides or within urban or rural settlement area.
Loss of residential land	<ul style="list-style-type: none"> Legal/legalizable households and eligible organizations are entitled to cash at full replacement cost of the affected land. Non-titled and/or non-legalizable land users: no compensation for affected land, but compensation for attached assets at full replacement costs;
Relocated APs or reorganized APs	<p>For HH partially affected: Cash compensation at full replacement cost for materials and labour for entirely affected houses/structures and/or the affected portion with no deduction for depreciation or salvageable materials</p> <p>For households relocated to new site: Cash compensation at full replacement cost for materials and labour for entirely affected houses/structures and/or the affected portion with no deduction for depreciation or salvageable materials; Allowance for transportation, subsistence allowance, house rental and infrastructure</p>

³ "Legalizable" refers to property at present not being formally owned. During the resettlement process, the ownership would be treated as formally owned for the sake of calculating compensation

Type of impact	Entitlement
Loss of crops, and trees	All households regardless of land use rights are entitled to cash compensation at current market prices.
Impacts on main and secondary structures and impacts on graves	Cash compensation at full replacement cost for materials and labour for entirely affected houses/structures and/or the affected portion with no deduction for depreciation or salvageable materials regardless of LURC Allowance for house repair if partially affected. Compensation for removal of graves will be paid directly to households, including costs of new graves, exhumation and transport of remains, reburial, transportation assistance and all other reasonable costs. Graves will be exhumed and relocated in culturally sensitive and appropriate ways
Affected commercial activities	Income rehabilitation allowance due to business stoppage
Temporary impacts during construction	No compensation for land Rental in cash for the land temporarily acquired. Cash compensation at current market prices or replacement costs for all affected crops and/or trees, Land to be restored to the pre-project condition
Vulnerable households	Special allowance amounting 2,000,000 VND/HHs for vulnerable HH; poor HHs, HHs under "social policy".

4 Institutional Arrangements

Based on the Resettlement Policy Framework of the Central Region Transport Networks Improvement Sector Project (ADB5) approved by Ministry of Transport with agreement from ADB, relevant ministries and PPCs at the Document No. 6267/BGTVT-CGD dated 10 October 2005; Decree No.197/2004/NĐ-CP dated 03 December 2004; Decision No.2057/QĐ-BGTVT dated 6 October 2006 by the Ministry of Transport on approval of addendum to project management mechanism of the Central Region Transport Networks Improvement Sector Project (ADB5), which replaces Decision No 4181/QĐ-BGTVT dated 7 November 2005; and Document No.1665/TTg- CN dated 17 October 2006 by Prime Minister and Document No. 8186/BGTVT-CGD dated 27 December 2006 by Ministry of Transport on guidance on implementation of the Document No.1665/TTg-CN; the institutional arrangements of the Project is revised as below:

4.1.1 Ministry of Transport (MOT)

The MOT is the Executing Agency, responsible for approving project documents, providing funds and guidance to PMU-1 and for the overall implementation and coordination of the Project, including land acquisition and resettlement and EMDP activities.

4.1.2 Project Management Unit No1 (PMU1)

PMU-1 is the acting representative of the MOT for the Project. Within PMU-1, the Project Management Division 1 is responsible for implementation and ongoing management of Project activities, including land acquisition and resettlement. Selected Project activities will be delegated to a PMU-1 and its Project Management Division 1. Land acquisition and resettlement activities in Binh Dinh province will also be delegated to o PMU-1 and its Project Management Division 1.

Under the instruction and guidance of MOT, the main responsibilities of project management teams at PMU-1 include:

- (i) Provide project documents and schedule, ensuring coordination and supervision RP preparation and implementation as well as implementation of tasks and responsibilities of the project manager towards the project manager of the resettlement subproject assigned by the PPC (PPMU or Consultant or RCs at all levels)

- (ii) Determine the corridor of impact of the Project, and collaborate with provinces in public disclosure, land acquisition and land allocation for the Project as required.
- (iii) Ensure adequate fund for provinces to pay resettlement compensation and assistance timely. Be responsible for inclusion of final costs of resettlement subprojects paid by provinces into the project cost.
- (iv) Ensure provision of additional budget for resettlement in cases where the budget approved by the MOT differs to actual costs.
- (v) Acts as project manager in oversee and supervise resettlement activities to ensure resettlement implementation schedule.
- (vi) Establish project-wide procedures for the establishment and maintenance of AP databases for all sub-projects at PPMUs, and ensure that regular reports are provided by PPMUs and RCs to PMU-1 and make all data available to the external monitoring organization.
- (vii) Approve contracts for research institutes, consultants and/or NGOs to carry out monitoring of land acquisition, resettlement and ethnic minority development components of the RPs.
- (viii) Regularly report to MOT and ADB on resettlement activities.

4.1.3 Provincial People's Committee (PPC):

The Provincial People's Committee (PPC) is the principal authority at the provincial level assigned by the Government for preparation and implementation of RPs for the Project. The responsibilities of the PPC include:

- a) Instruct, organise, make notifications, mobilise all organisations, individuals on compensation, assistance, resettlement and site clearance policies in correct conformity with the land recovery decision of competent State agencies.
- b) Instruct agencies, departments and DPCs to:
 - Establish management unit for resettlement subproject as regulated by the Government (PPMU)
 - Establish or delegate to DPC to establish DRCs
 - Develop projects for resettlement, for resettlement areas in service of land recovery.
 - Approve or authorise the district People's Committee to approve compensation, assistance and resettlement schemes/charts.
 - Instruct PDOF, PDOC, PDONRE and PPMU (resettlement project manager) to provide PPC with advice so as to enable the issue of decisions on replacement costs for land, structures, crops and trees, regulations on supports and allowances, resettlement plans, trainings, land classification, and urban and rural land quotas. Instruct on procedures for appraisal of compensation plans as part of updated resettlement plans (RPs).
 - Assign PPMU and DPCs to instruct DRCs to collaborate with authorized bodies to measure and extract information from cadastral maps on the acquired land, which will be used as a basis for DMS, IOL and RP preparation. At the same time, PPC issue decisions on allocation and / or acquire land to construct roads, resettlement areas proposed by the Provincial Department of Natural Resources and Environmental Management.
 - Assign CPCs and DPCs to protect resettlement stakes, ROW stakes from any encroachment within the ROW and its safety corridor.
 - Instruct relevant agencies to settle complaints, denunciations from citizens on compensation, assistance and resettlement under authorities provided by law. Ensure objectivity and fairness when compensation, assistance and resettlement are considered and decided when the State recovers land under authorities provided in this Decree.

Decide or authorise the district People's Committee to take coercive measures regarding cases of people who deliberately refuse to implement the State's land recovery decision under authorities.

- Instruct, examine and deal with violations in cases of compensation, assistance and resettlement.

4.1.4 Provincial Project Management Unit (PPMU) under Provincial department of Transport (PDOT) (Resettlement Project Manager assigned by PPC)

PPMU under PDOT coordinates with RCs to implement resettlement procedures including DMS, land use right ratification, land classification to prepare RPs for APs; Compensates and relocates public facilities within Project COI.

PPMU under PDOT has following responsibilities

- a. Assist PPC to prepare detailed plans on measures, procedures and schedule to implement resettlement activities and instruct implementation of the plans timely.
- b. PPMU under PDOT assign staff to regularly check the implementation of resettlement activities in term of quality and time and ensure regular coordination among relevant agencies: consultant, staking consultant, cadastral measurement consultant. Provide relevant documents for staking out and cadastral measurement such as approved detailed design drawings, etc.
- c. Sign contract and coordinate with authorized bodies to measure or extract information from cadastral maps on the acquired land, which will be used as a basis for DMS, IOL, and RP preparation. Set up procedures to submit to related functional provincial departments, and the PPC to issue decisions on land acquisition as needed.
- d. Guide, oversee and participate into the RCs to conduct SES and DMS following detailed designs and establish database of APs to report to PMU1.
- e. Report to PPC and collaborate with RCs to establish, implement and maintain public information campaigns and stakeholder consultation programs with affected households and communities, ensuring that all APs are fully informed about their rights and entitlements, timeframes and procedures for land acquisition and resettlement. Ensure that all disclosure activities are carried out according to the Resettlement Policy framework, including distribution of the public information brochures (PIB) to all APs and the placement of resettlement plans in commune offices.
- f. Monitor and participate with the RCs, and other relevant parties in the implementation of the land acquisition, resettlement components of the RP, ensuring that all eligible APs have been identified with sufficient information from the RCs; and, that they have been provided with their respective entitlements according to the RP and Resettlement Policy Framework.
- g. Coordinate with relevant departments and agencies to prepare unit rate of land and structures, and submit it to PPC for approval.
- h. Coordinate with consultant to compile materials to provide guidance on DMS procedures.
- i. Compile guidance document and be responsible for giving instructions to Districts on the identification of legal status of land, and assets based on the current RPF and Vietnamese Law and Regulations
- j. Review and endorse compensation, assistance cost charts and RPs prepared by PPMU, RC and consultants before submit RPs to relevant departments for appraisal and PPC for approval.

- k. Announce through mass media and send letters to infrastructure management agencies/bodies to coordinate in doing inventory of affected infrastructures and review relocation proposals of the infrastructure management agencies/bodies before submit PPC for approval.
- l. PPMU and RCs are responsible for accurateness and validity of inventory, measurement, legality of land, assets, compliance with RPF and approved compensation plans.
- m. Certify and record resettlement documents.
- n. PPMU is responsible for the accurateness and validity of inventory, measurement, legality of land and assets, compliance with RPF and approved compensation plans (updated RPs). The PPMU is a participant in the IOL and DMS process and will attest and record resettlement records.
- o. Manage compensation budget in accordance with Vietnamese regulation. Once funded, PPMU should reallocate properly budgets at lower levels and is responsible for accounting balance as per Project regulations. PPMU should be audited by an auditor introduced by the PMU -1
- p. Ensure hand over of clear construction site on time. In case of delay, PPMU should report and propose solutions to PPC.
- q. PPMU is eligible to open a new bank account or using existing account and its stamp for the project.
- r. Review and sign resettlement completion documentation.
- s. Coordinate with PDARD and other provincial agencies in implementation of agricultural extension programmes and assistances. Ensure proper implementation of rehabilitation measures and rural development support activities
- t. Ensure a good coordination in implementation of resettlement, EMDP and construction.
- u. Report regularly to PPC and PMU1 on resettlement and construction activities.

4.1.5 District People's Committee

The **District People's Committee (DPC)** has the responsibility to:

- (i) Lead public information campaign to mobilize all affected peoples on RPF and resettlement implementation following the land acquisition decision.
- (ii) Appoint members to the District Resettlement Committee (DRC). Instruct the DRC to prepare and implement RPs; appraise and approve RPs as delegated by the PPC.
- (iii) Collaborate with provincial departments and project manager to carry out construction of resettlement site as delegated by the PPC.
- (iv) Redress grievances on resettlement compensation and support as decentralized by the PPC. Determine resettlement enforcement activities as decentralized by the PPC, coordinate with functional agencies to implement enforcement.
- (v) Direct district departments to appraise RPs submitted by DRC and submit to PPC for approval or approved if delegated.

4.1.6 District Resettlement Committee (DRC)

The **District Resettlement Committee (DRC)** has the responsibility to:

- (i) Plan, organize and implement resettlement activities in the district on behalf of the DPC. Coordinate with consultant and PPMU to conduct measurement survey, DMS and SES, prepare compensation charts and RPs.

- (ii) Cooperate with land management agency to identify and be responsible for legality and classification of land based on current policies and regulations.
- (iii) Work with departments, agencies to sort out compensation, relocation, restoration and other resettlement issues.
- (iv) Review and certify resettlement documents ensuring compliance with Government regulations and project policies.
- (v) Organize compensation payment for APs.
- (vi) During implementation of resettlement, DRC will mobilize related commune members to participate in the preparation of RPs, updated RPs, and resolve obstacles in resettlement in communes.
- (vii) Coordinate with relevant communes to:
- (viii) Carry out public information campaign on COI, Project compensation and entitlement policies, purpose and significance of the resettlement and other matters as required.
- (ix) Announce the cut off date and ban on construction / development within the ROW (COI)
- (x) Cooperate with the PPMU, consultant and other relevant parties, to announce to the public through mass media and prepare letters and documents to bodies who manage public structures and facilities to work together and agree on the minutes on the existing status and impact level of the affected structures.
- (xi) Cooperate with the PMU-1, PPMU and other relevant parties as requires, to stake out resettlement and ROW stakes in order to identify the accurate COI in accordance with plans or approved design; Cooperate with the PPMU and other bodies to measure or extract measurement from cadastral maps required information, as well as other technical documentation regarding APs. Cooperate in the identification of the exact number of households including the number of households and structures in the COI, number of households and structures directly outside of the COI, but affected by the project
- (xii) Coordinate with CPCs and social political organisations, PPMU and consultant to conduct meetings with APs to inform the project resettlement policies and timeframe.
- (xiii) Deliver, guide on filling and collect inventory forms to APs. CPC should attest on affected land origin, location and classification of affected land, number of persons in the affected household, quantity and state of affected assets, crops, tress on acquired land.
- (xiv) Cooperate with related bodies to complete procedures on LURC for Households with changes in their land due to the Project.
- (xv) Coordinate with Provincial departments to submit PPC documents on land acquisition and allocation for approval.
- (xvi) Open a bank account and use own stamp or use stamp of the Functional Division of the DPC during the resettlement process.
- v. Manage budgets for compensation in the district in compliance to the Project and Government policies. Following allocation of funds by PPC, organise payments for APs timely, and is responsible for accounting balance as per Project regulations. PPMU should be audited by an auditor introduced by the PPMU.
- (xvii) Submit monthly progress reports to DPC and PPMU.
- (xviii) Hear and resolve AP grievances regarding resettlement policies and entitlements that have been appealed from CPC, appointing inspectors to review the circumstances of specific complaints.

- (xix) Refer cases to the PPC for resolution as needed. Ensure enforcement of decisions as needed.
- (xx) Directly review and sign all resettlement documents in the District according to current laws and regulations.
- (xxi) Formulate resettlement completion documents and finalise accounting procedures of resettlement costs as regulated.
- (xxii) Ensure hand over of clear construction sites on time. In case of delay, DRC should report to the DPC and PPC as needed.
- (xxiii) Implement other tasks as assigned by DPC and PPC

The DRC are formed of the following members:

- Head of the DRC: President or Vice President of DPC
- Standing Deputy Head: Leader of District Finance Division
- Standing member: Representative from PPMU
- Members include: heads of relevant divisions (District Transport Division, Construction Division, Natural Resources and Environment Division, Agriculture Division), president or vice president of CPCs and 1 or 2 representatives of the APs.
- Task Team include: experts of PPMU, DRCs (transport, land administration, finance, construction, etc) and representative from Consultant.

4.1.7 Commune People's Committee (CPC)

The **Commune People's Committee (CPC)** has the responsibility to:

Organize public information campaigns on the purposes of land acquisition, RPF, mobilize local organizations and individuals to accept and follow the RPF.

Cooperate with the DPC and APs to choose the most appropriate location for construction of resettlement areas, if needed.

Participate actively in all activities related to land acquisition, resettlement, rehabilitation assistance and social development support.

Sign compensation and other resettlement documents of APs.

Coordinate with DRC to hold meetings with APs to ensure that grievances of APs are properly addressed.

4.1.8 Affected Persons

During implementation of RPs and the updating of RPs, APs and their representatives will participate in the following activities:

- SES, IOL and DMS data collection, asset valuation and agreements.
- Consultation meetings
- Resettlement locations as needed.
- Construction of houses and other technical assistance as required
- Removal and relocation of affected assets

4.1.9 Consultant

The consultants are tasked to guide and assist during RP updating and implementation. The activities include consultation and disclosure activities, SES, DMS, design appropriate rehabilitation measures or programs, finalization of RP budget. The consultants are also tasked to assess capacity of project staff and provide trainings and appropriate capacity building activities.

The consultants will work closely with the concerned agencies to ensure accurateness and validity of DMS and SES data and compliance with RPF and RPs. Ensure that the updated RPs are disclosed to APs prior to submission to ADB for review and approval.

5 Grievance Redress and Resolution Mechanism

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 will be publicized through an effective public information campaign. The grievance redress mechanism and appeal procedures will also be explained in the PIB that will be distributed to all APs.

The PIB will also include information on the (a) rights of the APs to write a complaint directly to the Operations Department (i.e., Mekong Infrastructure Division, Mekong Department) and (b) the Consultation Phase of the ADB's Accountability Mechanism which allows APs to write to the Office of the Special Project Facilitator (OPSF) if they are still unsatisfied with the responses from the executing agency, project staff, and MKID. The OPSF aims to actively respond to the concerns of the affected people through fair, transparent and consensus-based approach.

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 to the CPC, DPC or PPC will be exempt from all administrative fees incurred. In addition, APs who lodge complaints and appeals to district courts will be provided with free legal representation.

For the purposes of grievance redress and resolution, the RCs at commune, district and provincial levels will also serve as the Grievance Redress Committees. The Commune Grievance Redress Committee will make all reasonable attempts to settle AP issues at the commune level through community consultation; and, as required, the involvement of NGOs, mediators and facilitators, as well as social and resettlement experts. Moreover, to avoid a redress process, grievances will be prevented to the extent possible through careful sub-project design and implementation. Effective strategies include full and frank participation and consultation with APs; establishing a rapport between the affected communities and the implementing agencies; and, frequent interactions, transparency and monitoring.

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's People's Committee (CPC). The complaint will be discussed in an informal meeting with the AP and the CPC. It will be the responsibility of the CPC to resolve the issue within 15 days from the date the complaint is received.

Stage 2: If no understanding or amicable solution can be reached or if no response is received from CPC within 15 days of registering the complaint, the AP can appeal to the District People's Committee (DPC) in the presence of the District Resettlement Committee (DRC). The AP must lodge the complaint within 30 days of registering the original complaint and must produce documents that support his/her claim. The DPC will provide a decision within 1 month of receiving the appeal.

Stage 3: If the AP is not satisfied with the decision of the DPC or in the absence of any response, the AP can appeal to the Provincial People's Committee (PPC). The PPC together with the Provincial Resettlement Committee (PRC) or PPMU will

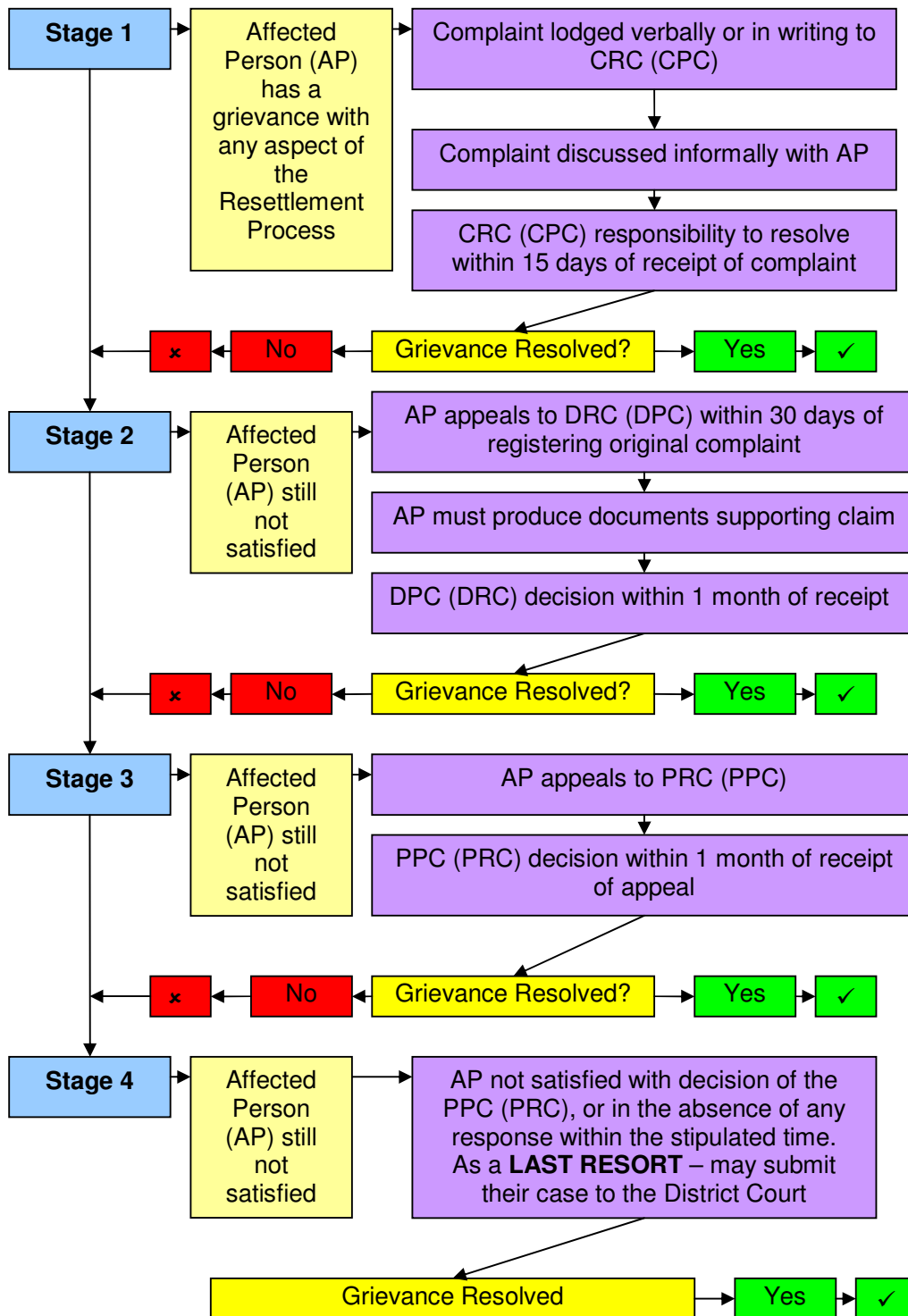
provide a decision on the appeal within 30 days from the day it is received by the PPC.

Stage 4: If the AP is still not satisfied with the decision of PPC/ PPMU 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. Beyond this the AP may lodge their complaint to the Operations Department or the Office of the Special Project Facilitator (OPSF) as detailed above as per ADB Policy.

The procedure described in these four steps is consistent with the legal process for resolution of disputes in Viet Nam. However, the system is oriented primarily towards disputes between people, as opposed to between people and government. Therefore, as part of the Project internal monitoring and evaluation, each PPC and PMU-1 will keep a written record of all grievances and complaints brought forward by APs, as well as their final resolution. The independent monitoring agency 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 redress unresolved grievances.

The PMU-1 and the PPC will be responsible to ensure that the grievance redress procedures and timeframes are explained clearly to each level of People's Committees.

Figure 3 : Grievance Resolution Process



6 Monitoring and Evaluation Program

The Project has already established 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 and the Policy Framework; and, as relevant, the provisions of the EMDP or specific actions are implemented properly. External monitoring and evaluation, in particular, will focus on social impacts on affected households and whether or not affected households have been able to restore a standard of living equal to, if not better than, that which they had before the project.

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.

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

The range of activities and issues that will be recorded and checked, include:

- land acquisition and transfer procedures;
- compensation payments;
- construction of replacement houses by displaced households;
- re-establishment of displaced households and business enterprises;
- reaction of severely affected, very poor and other vulnerable APs to rehabilitation packages; and
- Re-establishment of livelihoods and income levels.

Table 5 summarizes a range of indicators established to ensure the attainment of the RP and Policy Framework objectives. The various indicators and benchmarks will be monitored by means of two monitoring mechanisms:

- ongoing internal monitoring of process and output indicators; and
- External monitoring by APs and an independent monitoring agency to assess the extent to which resettlement and rehabilitation objectives have been met.

Table 4: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
Process Indicator	Staffing	Number of PDOT staff on Project, by road and job function Number of PMU-1 staff on Project, by road and job function Number of other line agency officials available for tasks
	Consultation, Participation and Grievance Resolution	Number of consultation and participation programs held with various stakeholders Grievances by type and resolution Number of field visits by PMU-1 staff Number of NGOs/CBOs participating in project
	Procedures in Operation	Joint DMS and asset verification/quantification procedures in place Effectiveness of compensation delivery system Number of land transfers effected Coordination between PMU-1, PDOT and other line agencies

Type	Indicator	Examples of Variables
Output Indicator	Acquisition of Land	Area of cultivation land acquired by road section and sub-project 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
Impact Indicator	Household Earning Capacity	Employment status of economically active members Landholding size, area cultivated and production volume, by crop Selling of cultivation land Changes to livestock ownership – pre- and post disturbance Changes to income-earning activities (agriculture and non-farm) – pre- and post disturbance Amount and balance of income and expenditures
	Changes to Status of Women	Use of credit facilities Participation in road construction Participation in commercial enterprises
	Changes to Status of Children	School attendance rates (male/female) Participation in road construction
	Settlement and Population	Growth in number and size of settlements Growth in market areas Influx of illegal settlers/encroachers

6.1.1 Internal Monitoring

The Project Management Division 1 of PMU-1 and its delegates at PMU-Middle are responsible for internal monitoring of RP implementation. In particular, the Resettlement Specialists in the project management teams at PMU-1 and PMU-Middle, with assistance from the PSC and in collaboration with PRCs/PPMUs, will supervise and monitor the implementation of RP; and, prepare and submit quarterly monitoring reports to PMU-1.

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. PMU-1 will submit recommendations for change to MOT and ADB for review and approval.

6.1.2 External Monitoring

PMU-1 has recruited an independent monitoring agency (IMA), Development Research and Consultancy Centre (DRCC), to conduct external monitoring for the Project in August 2007.

The monitoring agency has been mobilized, and will carry out independent bi-annual reviews of RP and, as relevant, EMDP implementation to determine whether intended goals are being achieved, and if not, what corrective actions are needed.

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

- The DMS and the SES carried out during RP preparation provide a database on APs in terms of their social and economic status, the nature and extent of losses, entitlements, compensation, etc. This database provides a baseline for monitoring project benefits, as well as being the basis for entitlements and compensation, and must be made available to the external monitoring agency to create their initial database.
- Periodic participatory rapid appraisals (PRA) will permit the external monitoring agency to consult with various stakeholders such as local government, resettlement committees, PMU-1, implementing agencies, NGOs, community leaders, ethnic minority communities and APs. PRA will involve obtaining information, identifying problems and finding solutions through participatory means.

A Post-Resettlement Evaluation will be carried out 6-12 months after completion of all resettlement activities, using the same survey questionnaire and sample as used during monitoring activities.

The external monitoring agency will maintain databases of resettlement and, as relevant, ethnic minority monitoring information that will be updated every six months. All monitoring databases will be fully accessible to implementing agencies and PMU-1.

The independent monitoring agency will carry out a replacement cost survey to verify and update the PPC compensation rates and ensure that the current market rates are applied and are acceptable as replacement values to both APs and PPC/PPMU.

Every six months, the independent monitoring agency will submit external monitoring reports summarizing its findings to the respective PPMUs and PMU-1, as well as directly to ADB. The reports will 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 agencies, PMU-1 and implementing agencies held after submission of the reports. Necessary remedial actions will be taken and documented.

7 Public Disclosure and Consultation

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

- 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;
- 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; 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, resettlement monitoring;

- reduce the potential for conflicts, as well as the risk of project delays; and
- Enable the Project to design the resettlement and rehabilitation program in a manner to fit the needs and priorities of APs.

7.1 CONSULTATION AND DISCLOSURE DURING RP PREPARATION

Prior to the conduct of the Socio-economic surveys (SES) and Detailed Measurement Surveys (DMS), PMU1, PPMU requested DPC and CPC to inform all APs about the proposed project, potential impacts, RP preparation activities, project entitlements (i.e., compensation payment based on current market rates) and schedule of DMS and SES.

The Public Information Brochure (PIB) in Vietnamese with content presented in Appendix 10.2 has been delivered to APs in November 2007 and placed at commune offices.

Series of meetings with APs at village and commune levels were conducted by DRCs and CPCs in conjunction with Consultant and participation of PPMU during DMS and SES activities from December 2008 to April 2009. Meetings provided APs with additional information about the Project and an opportunity for open discussion about resettlement policies and procedures. Interviews and focus group discussions with severely affected households as well as with local competent authorities/agencies were also held by PMU and consultant to identify APs' needs, priorities and proposed measures for restoration of their income and living standards.

7.2 UPDATED RP DISCLOSURE

As soon as Compensation Charts are approved by PPC, they are placed at the CPC office. It is regulated that placement of approved compensation charts should be done at least 7 days prior to start of payment.

Copies of this updated RPs in Vietnamese have been made available at PPC, DPC and CPC offices. The updated RP will be uploaded on the ADB website immediately upon ADB approval.

7.3 NOTIFICATION TO APs ABOUT COMPENSATION PAYMENT AND PROCEDURES

The PPMU/DRC/CPC will issue a letter to each AP, informing about the time, location and procedures for compensation payments.

The procedures for payment of compensation are as follows:

- 1.** DRC/PPMU will submit Sub-Project Compensation Chart to PPC/DPC
- 2.** PPC/DPC will approve Sub-Project Compensation Chart and will prepare and provide budget.
- 3.** Once the budget is allocated, PPMU will inform commune officials and District/Commune Resettlement Committees about the dates for compensation payment.
- 4.** PPMU will ensure that all representatives from PPMU and DRCs are present during payment to APs.
- 5.** PPMU will submit all necessary documents such as Sub-Project Compensation Chart, and acknowledge receipt by PPC.

The responsibilities of the PPMU and DRCs for payment to APs include:

- (i) Inform APs regarding payment schedule at least two weeks in advance.
- (ii) Prepare list of APs and their corresponding entitlements and payment.
- (iii) Prepare 4 copies of all compensation forms and documents (copies for APs, DRC, PPMU and PPC).
- (iv) Prepare and regularly update the list of APs, including date of payment made, to the computerized database maintained at PPMU.
- (v) Submit weekly progress report to PPC/PMU1 attaching the list of APs and signed compensation forms documents for proper monitoring.

The responsibilities of APs include:

- (i) Bring necessary documents (land titles, ID, certifications, etc.).
- (ii) If the AP will not be available to claim compensation payment on the scheduled date, he/she will inform DRC/CRC immediately or send his/her representative, through a written authorization, to claim on his/her behalf. Alternately, the AP may request DRC/CRC to reschedule the date of payment.
- (iii) Review carefully all compensation documents and ask DRC/CRC for clarification or explanation if necessary.
- (iv) If the AP is not satisfied with the compensation payment or if there is disagreement between the AP and DRC/CRC, he/she can resort to grievance resolution committee for assistance.
- (v) If the AP finds the compensation documents in order, he/she will sign the said documents and acknowledge receipt of compensation payment. APs will receive 1 copy of all compensation forms.
- (vi) The AP will clear the area within the specified time provided by the Project in order for construction works to begin.

8 Social Economic Survey (SES) and Detailed Measurement Survey (DMS)

8.1 RESULTS OF SOCIAL ECONOMIC SURVEY (SES).

SES and DMS were carried out from December 2008 to the end of April 2009 in the affected Districts. The DMS indicate that 524 households and 6 public properties were affected. A total of 69 affected households were interviewed for the SES, comprising part of the affected households and 100 % of the SAP (7 HHs). The aims of the socio-economic analysis are to determine issues related to compensation and site clearance; provide basis to evaluate and monitor the ability of recovering living standards for affected households after implementing resettlement.

8.2 GENERAL INFORMATION

Most of the head of affected households are male (426 households), accounting for 82 % of the total number of affected households. The households headed by females account for 18 % or 91 households. In the three different Districts, the HHs headed by females are the same, some 18 %. There are no ethnic minorities among the AP.

The average age of affected HHHs is 54 years. Among the 517 HHHs, 31 % are 60 years or more of age and 27 % area between 50 and 60 years old. More details on the composition of affected HHHs by subproject and affected Commune is shown in Table 6 below.

Table 5: Affected Household Classified by Age and Gender

Province	Numbers of Heads of HHs Surveyed (HH)	a) Gender of HHH (pers)		b) Average age of Head of HHs Surveyed	Head of HHs Classified by Age					
		Male	Female		c) Numbers of Heads of AHHs Surveyed	<30 ages	30 - <40 ages	40 - <50 ages	50 - <60 ages	≥60 ages
1	2	3	4	5	6	7	8	9	10	11
Total	517	426	91	54	517	2	82	134	140	159
%	100	82	18		100	0	16	26	27	31
1. Cầu Chui - La Vuông Road	375	308	67	54	375	0	58	93	108	116
1.1. Hoài Nhơn District	375	308	67	54	375	0	58	93	108	116
Hoài Châu Bắc Commune	99	77	22	53	99	0	21	24	27	27
Hoài Sơn Commune	276	231	45	55	276	0	37	69	81	89
2. Diêm Tiêu - Tân Thạnh Road	142	118	24	53	142	2	24	41	32	43
2.1. Hoài Ân District	65	54	11	52	65	1	12	20	16	16
Ân Tường Đông Commune	65	54	11	52	65	1	12	20	16	16
2.2. Phù Mỹ District	77	64	13	53	77	1	12	21	16	27
Mỹ Trinh Commune	77	64	13	53	77	1	12	21	16	27

8.3 SOCIAL - ECONOMIC CONDITIONS OF AFFECTED PEOPLE

8.3.1 Academic level

Academic level of the surveyed affected HHHs is 6.7 grades, which is an average in this part of Vietnam. Around 10 % has attained upper secondary school and 46 % primary

school only. Lower secondary school has been attained by 43 %. None of the head of households were illiterate. One HHH – 0.19 % of the total - had attained university or college. For the members of the HHHs, encompassing 303 persons in the survey, the average academic grade was lower than for the HHHs, around 6. Among these strata, there are also 16 illiterate persons, comprising 5 % of the total. Some 60 % of this group had attained primary school only.

More details on academic level of affected HHHs and of the HH members in the surveyed households are given in Table 7 and 8 below.

According to the surveyors, results of survey showed that there are no gender differences in terms of education: Almost all school-age children surveyed, both boys and girls, of affected households, are attending school. Little differentiation between surveyed adult males and females in their academic levels could be observed. Results also revealed that the education of the young generation has improved, and has become gender more neutral – that is, boys and girls attend the school on equal terms.

Table 6: Academic level of surveyed Household Heads

	Numbers of Heads of HHs Surveyed (Person)	Average age of Head of HHs Surveyed	Academic Level of Heads of Affected Household						
			Average Academic Level	a) illiterate %	b) Literate %	c) Primary School %	d) Lower secondary %	e) Upper secondary School %	f) University, college %
1	2	3	4	5	6	7	8	9	10
Binh Dinh Province	517	53.88	6.71	0.00	0.97	45.45	43.13	10.25	0.19
1. Cầu Chui - La Vuông Sub-project	375	54.37	6.66	0.00	1.33	44.00	45.07	9.60	0.00
1.1. Hoài Nhơn District	375	54.37	6.66	0.00	1.33	44.00	45.07	9.60	0.00
Hoài Châu Bắc Commune	99	52.60	7.18	0.00	2.02	29.29	49.49	19.19	0.00
Hoài Sơn Commune	276	55.00	6.47	0.00	1.09	49.28	43.48	6.16	0.00
2. Diêm Tiêu - Tân Thạnh Subproject	142	52.59	6.84	0.00	0.00	49.30	38.03	11.97	0.70
2.1. Hoài Ân District	65	52.00	6.38	0.00	0.00	60.00	29.23	9.23	1.54
Ân Tường Đông Commune	65	52.00	6.38	0.00	0.00	60.00	29.23	9.23	1.54
2.2. Phù Mỹ District	77	53.26	7.22	0.00	0.00	40.26	45.45	14.29	0.00
Mỹ Trinh Commune	77	53.26	7.22	0.00	0.00	40.26	45.45	14.29	0.00

Among the members of the 303 surveyed HHs, there are 16 (5 %) which are illiterate. Some 63 or 21 % had attained Lower Secondary School and 13 % Upper Secondary School. No one had attained a University or College degree. See Table 8 below for further details.

Table 7: Education – Academic Level of Members among Surveyed Households

Descriptions			Education of Members of AHHS
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		Numbers of Heads of HHs Surveyed (Person)	Average age of Head of HHs Surveyed	Average Academic Level	a) illiterate %	b) Can read and write	c) Primary School	d) Lower Secondary School	e) Upper Secondary	f) University, college %	g) Children not old enough for school
	1	2	3	4	5	6	7	8	9	10	11
Binh Dinh Province	Persons	303	35	6	16	4	182	63	38	0	0
	%	100			5	1	60	21	13	0	0
1. Cầu Chui - La Vuông Subproject		163	33	4	1	2	89	6	1	0	0
Hoài Nhơn District	Hoài Châu Bắc Commune	49	35	4	0	6	86	8	0	0	0
	Hoài Sơn Commune	114	32	4	2	1	90	5	2	0	0
2. Diêm Tiêu - Tân Thạnh Subproject		140	38	7	10	0	26	38	26	0	0
Hoài Ân District	Ân Tường Đông Commune	75	36	7	8	0	31	37	24	0	0
Phù Mỹ District	Mỹ Trinh Commune	65	40	7	12	0	22	38	28	0	0

8.3.2 Employment and Income

Most of the 517 affected HHHs are engaged in agriculture, amounting to 501 HHs or 97 % of the total. Only 10 affected HHHs are in the commercial or service sector. There are 5 Affected HH, in which the Head of HH is retired. Thus, the affected households are predominantly farming households. See Table 9 below.

Table 8: Occupation of Surveyed HHHs

Binh Dinh Province		Numbers of Head of AHHs Surveyed (Person)	Occupation								
			1) Gov. Employee	2) Teachers	3) Doctors / Nurses	4) Retires	5) Farmers	6) Business	7) Services	8) Retired/Specially supported	9) Other jobs
	1	2	3	4	5	7	8	9	10	11	12
	No:	517	6	1	2	0	501	0	2	5	1
	%		1.16	0.19	0.39	0.00	96.91	0.00	0.39	0.97	0.19
1. Cau Chui - La Vuông Road	No:	375	0	0	1	0	372	0	2	0	1
	%		0	0	0.27	0	99.2	0	0.53	0	0.27
1.1. Hoài Nhơn District		375	0	0	1	0	372	0	2	0	1
	Hoài Châu Bắc Commune	99	0	0	0	0	99	0	0	0	0
	Hoài Sơn Commune	276	0	0	1	0	273	0	2		1
2. Diêm Tiêu - Tân Thạnh Road	No:	142	6	1	1	0	129	0	0	5	0
	%	100	4.23	0.70	0.70	0.00	90.85	0.00	0.00	3.52	0.00
2.1. Hoài Ân District		65	3	0	1	0	60	0	0	1	0
	Ân Tường Đông Commune	65	3	0	1	0	60	0	0	1	0
2.2. Phù Mỹ District		77	3	1	0	0	69	0	0	4	0
	Mỹ Trinh Commune	77	3	1	0	0	69	0	0	4	0

According to MOLISA, in rural areas the poverty line is defined as when per capita income is below 220,000 VND per month and person or 1 million VND per household.

The average income of the surveyed HHs equals 685,000 VND/person per month for the Binh Dinh project as a whole. Some 35 % of the surveyed HHs has an income ranging from 401,000 to 700,000 VND/person/month. The above average income group (with

incomes of 701,000 -1,500,000 VND/pers/month) accounts for 36 %, and the high income group counts for 7 % of the surveyed HHs. The poorer income group with a per capita income varying between 220,000 and 400,000 VND per month, accounts for 19 %. The poorest group with income below the poverty line consists of 3 % of the total number of surveyed HHs. . .

In the project areas, the Diem Tieu – Tan Thanh road had the highest average income, amounting to 905,000 VND, whilst the Cau Chui – La Vuong road the lowest average income of 497,000 VND. See Table 10 below.

Table 9: Distribution of Households by Income Group

Binh Dinh Province		Numbers of HHs Surveyed	Average per capita income (vnd/pers/month)	Household by Income Group (1000 VND/person/month)					
				<221	221 – 400	401 - 700	701 - 1000	1001- 1500	>1500
1		2	3	4	5	6	7	8	9
Total Project	HH	69	685	2	13	24	15	10	5
	%	33		3	19	35	22	14	7
1. Cầu Chui - La Vuông Road	HH	36	497	2	11	15	3	4	1
	%	100		6	31	42	8	11	3
1.1. Hoài Nhơn District	HH	36	497	2	11	15	3	4	1
	%	100		6	31	42	8	11	3
Hoài Châu Bắc Commune		11	641		2	5	1	2	1
Hoài Sơn Commune		25	434	2	9	10	2	2	
2. Diêm Tiêu - Tân Thanh Road	HH	33	905	0	2	9	12	6	4
	%	100		0	6	27	36	18	12
2.1. Hoài Ân District	HH	17	864	0	1	7	5	2	2
	%	100		0	6	41	29	12	12
Ân Tường Đông Commune		17	864	0	1	7	5	2	2
2.2. Phù Mỹ District	HH	16	953	0	1	2	7	4	2
	%	100		0	6	13	44	25	13
Mỹ Trinh Commune		16	953	0	1	2	7	4	2

8.3.3 Assets ownership

The most common asset owned by the households was valuable furniture, numbering 141 among the 69 HH. This was followed by the bicycle, owned by 85 or 124 % of the surveyed HHs. Rice cooker and television sets were found among some 85 % of the surveyed HHs. Home telephones and cell phones were found among 33 % and 44 % of the surveyed HHs respectively. Motorbikes were a common asset, having an ownership rating of 105 %. There doesn't exist any clear difference of the possession of HH's assets between the affected districts. See Table 11 below.

Table 10: Assets Ownership of Affected Households, units

Location/ Sub-projects	Numbers of HHs Surveyed	Bicycle	Motorbike	Car	Air Condition	Washing Machine	Valuable Furniture	Television	Telephone	Mobile Phone	Video	Computer	Electrical Cooker	Other Machines
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													r	
Total for Province	69	85	73	1	1	2	97	62	23	31	34	6	58	1
	100 %	124	105	1	1	3	141	88	33	44	49	9	84	1
1. Cầu Chui - La Vuông Road	36	47	36	0	0	0	7	34	8	13	17	1	30	0
	100 %	131	100	0	0	0	19	94	22	36	47	3	83	0
1.1. Hoài Sơn District	36	47	36	0	0	0	7	34	8	13	17	1	30	0
	100 %	131	100	0	0	0	19	94	22	36	47	3	83	0
2. Diêm Tiêu - Tân Thạnh Road	33	38	37	1	1	2	90	28	15	18	17	5	28	1
	100 %	115	112	3	3	6	272	85	45	55	52	12	85	3
2.1. Hoài Ân District	17	21	18	1	0	1	43	14	10	9	11	1	14	1
	100 %	123	106	6		6	253	88	59	53	65	6	82	6
2.2. Phù Mỹ District	16	17	19	0	1	1	47	14	5	9	6	4	14	0
	100 %	106	119	0	6	6	294	81	31	44	38	19	88	0

8.3.4 Infrastructure

All 36 HHs surveyed in the Subproject areas are connected to the national grid and have access to electricity. Virtually all HHs view themselves as having access to safe drinking water. More than 90 % of the respondents have dug wells and the remaining drilled wells or were buying drinking water. Some 26 % of the respondents use open space for toilette. Among the 74 % having private toilettes, 46 % use buckets, while 24 % have septic tanks. Private bathrooms are the privilege for 83 % and almost half of them have no showers. Energy sources for cooking are both electricity and firewood. Some 87 % of the respondents have both, which means that they have access to both these sources for energy. Very few use coal. Further details are shown in the Table 12 below.

Table 11: Living Conditions and Energy source for Cooking

Living Condition		Cầu Chui - La Vuông Road			Diêm Tiêu - Tân Thạnh Road				Total for Province	
		Total for Sub-project		a) Hoài Sơn District	Total for Sub-project		a) Hoài Ân District	b) Phù Mỹ District		
		HH	%	HH	HH	%			HH	%
Numbers of AHHs Surveyed		36		36	33	100	17	16	69	100
Access to electricity	Yes	36	100		33	100	17	16	69	100
Safe water sources	Yes	0	0	0	0	0	0	0	0	0
	Yes, in which:	36	100	36	33	100	17	16	69	100
	Drilled Well	2	6	2	0	0	0	0	2	3
	Dug well	33	92	33	33	100	17	16	66	96
	Rain water	1	3	1	0	0	0	0	1	1
Have Private and type of toilette	No	5	14	5	13	39	7	6	18	26
	Free space, rice field, canal, bank	0	0	0	13	39	7	6	13	19
	Forest	4	11	4	0	0			4	6
	Borrow neighbour's	1	3	1	0	0	0	0	1	1
	Yes	31	86	31	20	61	10	10	51	74
Have Private and type of toilette	Septic tank	3	8	3	14	42	5	9	17	25
	Bucket	28	78	28	4	12	3	1	32	46

Living Condition		Cầu Chui - La Vuông Road			Diêm Tiêu - Tân Thạnh Road				Total for Province	
		Total for Sub-project		a) Hoài Sơn District	Total for Sub-project		a) Hoài Ân District	b) Phù Mỹ District		
		HH	%	HH	HH	%			HH	%
	Temporary	0	0	0	2	6	2	0	2	3
Private bathroom: No:		3	8	3	9	27	5	4	12	17
	Yes:	33	92	33	24	73	12	12	57	83
Type of bathroom	Masonry with showers	10	28	10	7	21	5	2	17	25
	Normal, no shower	16	44	16	13	39	3	10	29	42
	Temporary	7	19	7	4	12	4		11	16
Energy source for Cooking	Firewood	35	97	35	26	79	12	14	61	88
	Coal	0	0	0	1	3	1	0	1	1
	Electric	31	86	31	28	85	14	14	59	86
	Gas	3	8	3	6	18	4	2	9	13

8.3.5 APs perception towards Project Impacts

Affected households were informed by the PPMU and local authorities on the project and its resettlement policies applied for their lost assets. They were made aware of their entitlements described in the RPF and the Subproject Resettlement Plan. All the APs expressed their strong support towards the Project, expecting that it could bring great benefits for their communities and themselves. They, 87 %, believed that investment of the road will radically improve their traffic conditions, creating favourable conditions for communication, marketing local products, exchanges of goods, facilitate travelling to school for children etc..

Some 65 % of the interviewed people considered that the road development would improve their access to external markets; 55 % considered that it could have positive impacts on their employment opportunities. Some 55 % of the surveyed APs expected that the project would improve conditions for education of their children.

According to discussions between the APs and the Province, the subproject would connect with the other parts of the Province and this will be viewed as the main road. This is very much supported and will develop culture and economic in the areas.

There is a big need to improve the road, and this is very much supported by the APs. This will ensure the safe and faster transportation of materials, goods and people. The benefit from the new road is higher than the negative consequences such as resettlement and relocation. They do also believe that their income will increase, because of better access to the market.

The condition of the existing road is very bad and is difficult to use in the rainy season. During the dry season, the road gets very dusty. The bad condition of the road causes problems for the children to go to school during rainy season. Heavy traffic cannot use the road during rainy season. The improved road can be used over the full season. Cost and time spent for transportation will be lower, and the children can go to school, irrespective of weather.

8.3.6 Gender aspects

■ Households headed by women

As mentioned above, among the 524 affected households, there are 91 households headed by women, accounting for 17 % of the total HHs. However, the number of APs with actual female heads may be lower as it's likely some of them were only listed

under female names, but the actual HH's heads may be their alive husbands or adult children who are under the age of labor. For many reasons those HHs confirmed that their alive husbands or adult children help nothing to earn.

Gender differentiation in living standards between households headed by men and by women is not significant. However, households headed by women are viewed as more vulnerable to any risks associated with land acquisition than male headed ones.

During construction, local women's union will ensure that the contractors are in compliance with the conditions set out for resettlement, in particular for female headed households.

- **Education**

The results of socio-economic survey showed that there is no gender discrimination in schooling or education. Almost all school-aged boys and girls of affected HHs go to school. However, previously the women were disadvantaged in the education sector, compared to the males. Thus, average education of male HHHs is grade 7.17 whilst the grade for households headed by women is 4.54, thus substantially lower. For members of AHH, there is virtually no difference between men and women. According to the Province Officer, women above 30 years of age, have less education as compared to the young generation. The gender gap in academic level tends to reduce among the young generation. See Table 13 below.

Table 12: Academic level of surveyed Household Heads and HH's members, disaggregated by Gender

Binh Dinh Province	Average Academic Level of Head of AHHs			Average Academic Level of Members of AHHs		
	Male	Female	Average	Male	Female	Average
Total Binh Dinh	7.17	4.54	6.71	5.74	5.49	5.62
1. Cầu Chui - La Vuông Road	7.09	4.69	6.66	4.43	3.84	4.14
Hoài Nhơn District	7.09	4.69	6.66	4.43	3.84	4.14
1.1 Hoài Châu Bắc Commune	7.5	6.05	7.18	4.43	3.82	4.08
1.2. Hoài Sơn Commune	6.95	4.02	6.47	4.43	3.84	4.17
2. Diêm Tiêu - Tân Thạnh Road	7.36	4.13	6.83	7.28	7.39	7.34
2.1. Hoài Ân District	6.87	4	6.38	7.48	7.17	7.33
Ân Tường Đông Commune	6.87	4	6.38	7.48	7.17	7.33
2.2. Phù Mỹ District	7.76	4.25	7.22	7.03	7.62	7.34
Mỹ Trinh Commune	7.76	4.25	7.22	7.03	7.62	7.34

- **Division of labour**

There appears not to be any gender discrimination in employment opportunities. The males and females are more or less equal to each other in the localities. Females receive an equivalent income as men for the same type of work. More physical works are done by men rather by women. Men also used to be ready to help women in their hard, heavy or difficult works. However, at home, the most of household works are done by female. That's why local women considered that the project road investment would benefit them greatly. They also think that it may improve their living and working conditions differently from men. Women think they will benefit more than the men from the project. Women believe that the improved road could reduce the burden of their housework with the reduced dust in the house. Therefore, less cleaning and washing

will be necessary. Women and children have also often health problems associated with poor road conditions (respiratory problems). These problems will be certainly reduced. Women could have more time and be more healthy to attend more public and women activities, including training courses and agricultural extension, organized in different localities, while traveling will be cheaper and will require much less energy and time.

■ **Occupation and Income**

Gender disaggregated data of SES revealed small differences. The local HHs headed by women are slightly less diversified in terms of their main occupation than the male HHs. Thus, among the total surveyed 90 female HHs, 98 % work in agriculture. The balance includes women who depend on social support and retired salary (See Table 14).

Average monthly income among HHs is slightly higher for households headed by women, but the difference is marginal.

Table 13: Main Occupation of surveyed HHH disaggregated by Sex

Gender of Head of AHHs	Numbers of Head of AHHs (person) - Whole sub-project	Average Monthly Income (1000 VND/ person/ month)	Occupation of Heads of AHHs Classified by Gender (%)					
			Gov. Employee	Farmer	Business	Service	Unemployment	Retired, I social assistance
Household headed by men								
Sub-Total	427	679.175	3.52	94.31	0	0.49	0	1.68
1.Cầu Chui - La Vuông Road	308	457.225	0.32	98.70	0	0.97	0	0
2. Diêm Tiêu - Tân Thạnh Road	119	981.026	6.72	89.92	0	0	0	3.36
Household headed by women								
Sub-Total	90	705.367	0	97.83	0	0	0	2.17
1.Cầu Chui - La Vuông Road	67	689.522	0	100	0	0	0	0
2. Diêm Tiêu - Tân Thạnh Road	23	716.458	0	95.65	0	0	0	4.35
Total Binh Dinh Subproject								
Grand-Total	517	685.034	2.90	95.10	0	0.24	0	1.76
1.Cầu Chui - La Vuông Road	375	496.886	0.162	99.351	0	0.487	0	0
2. Diêm Tiêu - Tân Thạnh Road	142	905.435	5.63	90.85	0	0	0	3.52

Along the Cau Chui – La Vuong Road, the female HH members have a higher per capita monthly income than the men. This is however the opposite case in the remaining Communes, where men tend to earn more than the women. However, the differences are rather small, possibly with the exception of the Hoi An District.

The average income per capita in the project area, among the HHs included in the SES, is 685,000 VND per capita per month. There are small differences between households headed by men and by women. This is also reasonably above the poverty line as defined by MOLISA.

Table 14: Average Monthly Income of Household Members, aggregated by Gender of HHH

Unit: 1,000VND/pers/month

Province	Numbers of AHHs Surveyed (HH)	Numbers of Persons Surveyed (person)	Monthly per capita Income		
			Average Monthly Income	HHs headed by Man	HHs headed by Woman
Binh Dinh Province	69	303	685	679	705
Cầu Chui - La Vuông Road	36	163	497	457	690
Hoài Nhơn District	36	163	497	457	690
1. Hoài Châu Bắc Commune	11	49	641	535	815
2. Hoài Sơn Commune	25	114	434	434	424
Diêm Tiên - Tân Thạnh Road	33	140	905	981	716
Hoài Ân District	17	75	864	940	562
1. Ân Tương Đông Commune	17	75	864	940	562
Phù Mỹ District	16	65	953	1042	809
1. Mỹ Trinh Commune	16	65	953	1042	809

Table 15: Distribution of surveyed APs by Average Monthly Income, aggregated by Gender of HHHs

Unit: 1,000 VND/pers/month

Gender of Head of AHHs	Numbers of AHHs Surveyed	Average per capita income (vnd/pers/month)	HH by income groups (1000 VND/Person/Month)				
			<221	221 – 400	401 - 700	701 - 1000	>1000
1	2	3	4	5	6	7	8
HHs headed by Woman	20	705	0	3	6	7	4
HHs headed by Man	49	679	2	10	18	8	11
Total Binh Dinh	69	685	2	13	24	15	15

■ *Living conditions*

All surveyed HHs have access to electricity as well as regard themselves as having access to safe drinking water. The HHs use electricity and firewood interchangeable as most of them have the facilities for both.

For ensuring gender equality, during resettlement implementation, attention has been made to involve women participation in all related resettlement activities, such as information meetings and public consultations. Also, the project will ensure that the women are guaranteed that compensation payments will be paid at their full awareness and control.

■ *Gender Strategy*

The following points will be part of the gender strategy for the project:

General measures

- Joint registration of land-use rights in the names of both husband and wife in instances where households are allocated alternative forestry, agriculture and/or residential land.
- Presence of women at the time of compensation payment. Husband and wife will jointly receive compensation payment from RC and local PPMU.
- Attention to complaints and grievances made by women.

- The external monitoring should include specific follow up through gender-specific PRA after the resettlement process has been finalised.

8.3.7 Ethnic Minority Groups

Not applicable in this Province and Subprojects.

8.4 RESULTS OF DETAILED MEASUREMENT SURVEY (DMS)

The DMS was conducted from December 2008 (starting with detailed land measurement) to April 2009 (by the completion of DMS on other assets). In Binh Dinh Province, land acquisition will affect 397 HHs. The total land acquired amounts to 46,684 m², out of which 31,189m² or 66 % is permanently acquired land. The agricultural land acquired amounts to 27,109 m² from a total of 354 HH. The average per HH amounts to 77 m². Most of the land acquired is located along the Cau Chui- La Vuong Road, in the District of Hoai Nhon.

Table 16: Summary of Affected Households land losses

Subproject /Commune	Total land Acquired				Type of land					
	Total		Types		Resid. Land		Agric. Land		Forest land	
	HHs	Land acquired (m ²)	Permanent acquisition	Temporary acquisition	HHs	Land acquired (m ²)	HHs	Land acquired (m ²)	HHs	Land acquired (m ²)
Cầu Chui - La Vuông Road	321	41,197	28,959	12,238	35	670	278	21,621	16	9,233
Hoài Nhơn District	321	41,197	28,959	12,238	35	670	278	21,621	16	9,233
1. Hoài Châu Bắc Commune	72	7,222	4,656	2,565	4	45	68	7,176	0	0
2. Xã Hoài Sơn Commune	249	33,975	24,303	9,673	31	625	210	14,445	16	9,233
Diêm Tiêu - Tân Thạnh Road	76	5,488	2,230	3,257	0	0	76	5,488	0	0
Hoài Ân District	62	4,720	1,931	2,789	0	0	62	4,720	0	0
1. Ân Tương Đông Commune	62	4,720	1,931	2,789	0	0	62	4,720	0	0
Phù Mỹ District	14	768	300	468	0	0	14	768	0	0
1. Mỹ Trinh Commune	14	768	300	468	0	0	14	768	0	0
Binh Dinh Province	397	46,684	31,189	15,495	35	670	354	27,109	16	9,233

Other losses associated with the upgrading of the road are illustrated in Table 18, 19 and 20, which indicates a summary of affected assets and also the scope of losses. Out of 524 HH, 471 HH will lose trees and crop; 354 HH will lose agricultural land and 18 kiosks and 30 secondary and 280 other structures will be lost. The latter are brick walls, fences, concrete entrances etc. For permanent acquisition, a total of 21,286 m² of agricultural land will be lost among 354 HHs.

Table 17: Summary of Affected Assets

Sub-projects	Numbers of AHHs	APs, by type of loss							
		Residential/ Non-Agricultural Land	Agricultural Land	Forest Land	House/ Kiosk	Secondary structure	Other Structures	Trees + Crop	Graves
Cầu Chui - La Vuông Road	382	35	278	16	18	28	242	346	9
<i>Hoài Nhơn District</i>	382	35	278	16	18	28	242	346	9
1. Hoài Châu Bắc Commune	106	4	68	0	3	5	57	95	
2. Hoài Sơn Commune	276	31	210	16	15	23	185	251	9
Diêm Tiêu - Tân Thạnh Road	142	0	76	0	0	2	38	125	2
<i>Hoài Ân District</i>	65	0	62	0	0	1	18	48	0
1. Ân Tương Đông Commune	65	0	62	0		1	18	48	
<i>Phù Mỹ District</i>	77	0	14	0	0	1	20	77	2
1. Mỹ Trinh Commune	77	0	14	0		1	20	77	2
Binh Dinh Province	524	35	354	16	18	30	280	471	11

8.4.1 Land Acquisition

Binh Dinh Subprojects will acquire 46,684 m² (or 4.7 ha) of land in total, of which 31,189 m² (or 3.2 ha) will be permanent loss and the remaining 15,495 m² (or 1.5 ha) will be temporary loss. All APs have legal/legalizable rights on their land. The acquired land includes residential land, garden land, agricultural and forest land. See Tables 19 and 20. Out of the permanent loss, 21,286 m² is agricultural land; 670 m² is residential land and 9,233 m² (0.92 ha) is forest land. For details regarding permanent and temporary land acquisition, see Table 19 and 20 respectively.

Table 18: Scope of permanent Land Acquisition

Sub-projects/ Communes	Permanent Acquisition		Permanent Land Acquisition by Types					
			Residential Land		Agricultural Land		Forest Land	
	Number of AHHs	m2	Number of AHHs	m2	Number of AHHs	m2	Number of AHHs	m2
Cầu Chui - La Vuông Road	309	28,959	35	670	278	19,056	16	9,233
<i>Hoài Nhơn District</i>	309	28,959	35	670	278	19,056	16	9,233
1. Hoài Châu Bắc Commune	72	4,656	4	45	68	4,611	0	0
2. Hoài Sơn Commune	237	24,303	31	625	210	14,445	16	9,233
Diêm Tiêu - Tân Thạnh Road	71	2,230	0	0	76	2,230	0	0
<i>Hoài Ân District</i>	57	1,931	0	0	62	1,931	0	0
1. Ân Tương Đông Commune	57	1,931	0	0	62	1,931	0	0
<i>Phù Mỹ District</i>	14	300	0	0	14	300	0	0
1. Mỹ Trinh Commune	14	300	0	0	14	300	0	0
Binh Dinh Province	380	31,189	35	670	354	21,286	16	9,233

Table 19: Summary of Temporary land acquisition

Province/ Communes	Temporary Acquisition		Temporary land acquisition by Types					
			Residential Land		Agricultural Land		Forest Land	
	Numbers of AHHs	m2	Number of AHHs	m2	Number of AHHs	m2	Number of AHHs	m2
Cầu Chui - La Vuông Road	147	12,238	0	0	147	12,238	0	0
Hoài Nhơn District	147	12,238	0	0	147	12,238	0	0
1. Hoài Châu Bắc Commune	57	2,565	0	0	57	2,565	0	0
2. Hoài Sơn Commune	90	9,673	0	0	90	9,673	0	0
Diêm Tiêu - Tân Thanh Road	74	3,257	0	0	74	468	0	0
Hoài Hoài Ân District	62	2,789	0	0	62	0	0	0
1. Ân Tương Đông Commune	62	2,789			62	0		
Phù Mỹ District	12	468	0	0	12	468	0	0
1. Mỹ Trinh Commune	12	468	0	0	12	468	0	0
Binh Dinh Province	221	15,495	0	0	221	12,706	0	0

8.4.1.1 Impact on Productive Land:

The project acquires agricultural and forest land. The total permanent acquisition of productive land, that is agricultural and forest land, amounts to 30,519 m2, that is 3 ha. Agricultural land alone amounts to 21,286 m2 from 354 affected HHs, which is on average 63 m2 per HH.

8.4.1.2 Impact on residential Land

A total of residential land permanently acquired of 670 m2 belongs to 35 households. There is no temporary acquisition of residential land. See Table 19.

8.4.2 Loss of Crops

All loss of crops will be compensated, disregarding whether the land is legal or not. This includes compensation for crops planted in the affected agricultural land whether it is temporarily or permanently acquired. See Table 21 for details.

Table 20: Loss of Crops

Type of Crops	Cầu Chui - La Vuông Road		Diêm Tiêu Tân thanh Road		Total	
	Number of AHHs	(m2)	Number of AHHs	(m2)	Number of AHHs	(m2)
1. Paddy Rice	94	8,054	7	387	101	8,440
2. Tomato	19	436	0	0	19	436
3. Cassava	8	2,109	0	0	8	2,109
4. Maize	0	0	0	0	0	0
5. Peanut	13	982	0	0	13	982
8. Vegetable	30	2,137	7	375	37	2,512
9. Grass	8	460	2	64	10	524
Total	172		16		188	

8.4.3 Loss of Trees

Affected trees include a wide range of fruit and different trees such as industrial trees (could be rubber for instance), timber trees and fruit trees. Some 16,000 trees will be lost. The number of timber trees, belonging to 217 HHs, amounts to 9,724. The number of fruit trees to be cut amounts to 6,318, belonging to 308 HHs. Table 22 below shows the losses for the different trees on a Subproject, District and Commune basis.

Table 21: Loss of Trees

Province	Industrial trees				Fruit trees		Timber trees		Decorative trees		Other						Total	
	HH	Qty	HH	Sugarcane (m2)	HH	Qty	HH	Qty	HH	Qty	HH	Qty (m2)	HH	Qty (Unit)	HH	Qty (bush)	HH affected	Qty
Cầu Chui - La Vuông Road	1	2	5	35	241	5,594	134	8,476	114	876	2	343	5	12	1	1	272	
Hoài Nhơn Commune	1	2	5	35	241	5,594	134	8,476	114	876	2	343	5	12	1	1	272	
1. Xã Hoài Châu Bắc Commune					59	2,148	23	1,404	15	55	2	343	3	10	1	1	65	
2. Hoài Sơn Commune	1	2	5	35	182	3,446	111	7,072	99	821			2	2			207	
Diêm Tiêu - Tân Thạnh Road	0	0	2	7	67	724	83	1,248	19	64	0	0	12	25	1	50	112	
Hoài Hoài Ân District	0	0	0	0	29	564	23	169	7	24	0	0	6	19	1	50	40	
1. Ân Tương Đông Commune					29	564	23	169	7	24			6	19	1	50	40	
Phù Mỹ District	0	0	2	7	38	160	60	1,079	12	40	0	0	6	6	0	0	72	
1. Mỹ Trinh District			2	7	38	160	60	1,079	12	40			6	6			72	
Total Binh Dinh	1	2	7	42	308	6,318	217	9,724	133	940	2	343	17	37	2	51	384	

8.4.4 Impact on Houses and secondary structures

■ Main houses

There are 13 HHs which will be affected through loss of main houses (Brick houses Class 3 and 4 and temporary houses) in which 2 HHs totally effected to be removed and 5 HHs partially effected to be repaired. and 5 HHs with kiosks. Likewise along this road, there are 5 kiosks totally effected and will be removed . All of these HHs are along the Cau Chui - La Vuông. See Table 23 below.

■ Loss of secondary Structures

A number of secondary structures are affected, including live tree fences, amounting to some 3,415 meters, concrete courtyard foundation, amounting to some 1,073 m2 etc.

There are also 65 graves to be reallocated plus two masonry graves. For further details, please consult Table 23.

There are 86 m2 of kiosks and commercial shops which will be affected by the project. All are along the Cau Cui – La Vuong Road. See Table 23.

Table 22: Loss of Houses and Structures

Affected structures	Unit	Cầu Chui - La Vuông Road	Diêm Tiêu - Tân Thành Road	Total
I/ Houses				
1) Brick Houses (Class 4)	m2	382		382
2) Houses - Class C3	m2	16		16
3) Temporary Houses	m2	53		53
II/ Secondary structures				
1) Kiosk/ Business store	m2	86		86
2) Kitchens, bathrooms, toilets, etc.	m2	33	2	35
3. Shed	m2	483	8	491
III/ Other Structures				
1) Wooden, Planting Tree Fences	linear meter	2,715	700	3,415
2) Brick, Concrete Walls	m2	424	35	459
3) Concrete Electrical Poles	m3	20	0	20
4) Concrete Posts	m3	12	1	13
4b) Masonry Posts	m3	42	1	43
5) Concrete Wells	linear meter	72		72
6) Concrete Courtyard, foundation	m2	1,073	28	1,101
7) Concrete, Brick Courtyard	m2	450		450
8) Culverts	m3	13		13
8b) Culverts	linear meter	62		62
8c) Sewage Systems	System	2		2
9) Iron Wire Fences (b40)	m2	1,742	30	1,772
9b) Barbwire Fences	linear meter	0	40	40
10) Wells	unit	6		6
10a) Masonry Wells	m	0	16	16
11) Electricity Meters		0		0
12) Lean-to	m2	740		740
13) Decoration, Altars	m3	0	1	1
14. Other Structures	m2	269	0	269
	m3	533	3	536
	linear meter	15		15
		0		0
IV/ Graves				
1) Earth Grave (Over 3 ages)	unit	59	6	65
2) Masonry Graves		2		2

3) Concrete Graves				0
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Telecommunications cables and electricity lines will be affected as well four People's Committees property, such as agricultural land, trees and crop and structures. The amount of agricultural land is 7,831.1 m². In the Table 29 below is also indicated compensation for the various losses.

8.4.5 Impacts on graves

The project will affect 65 earth graves, most of which are located along the Cau Chui – Vuong Road. There are also 2 masonry graves which have to relocate. Graves with all their attached structures will be compensated fairly and relocated in culturally sensitive and appropriate ways. See Table 23 above.

9 Compensation and Resettlement Issues

9.1 PROJECT ENTITLEMENTS

9.2

Following detailed design and conduct of detailed measurement survey, the actual impacts have been identified for the Quang Ngai subprojects. Since the actual impacts of the Quang Ngai subprojects are finally identified, the Entitlement Matrix below reflects only the actual ones and corresponds to the entitlements described in the CRTNISP's approved Resettlement Framework of 2006. It should be noted that all households losing agricultural land, regardless of severity of impacts, will receive additional cash allowances (income rehabilitation allowances). This is an improvement in comparison with the proposed resettlement framework (See Table 4).

Table 23: Entitlement Matrix

Type of impact	Entitlement
Loss of agricultural land	<ul style="list-style-type: none"> Legal/legalizable⁴ households and eligible organizations are entitled to cash at full replacement cost of the affected land. In addition to payment of land at replacement cost, PPC also issued its decision to provide additional cash assistance equivalent to 40% of the total cost of residential land for agricultural land adjacent to residential/semi-urban areas.
Loss of residential land	<ul style="list-style-type: none"> Legal/legalizable households and eligible organizations are entitled to cash at full replacement cost of the affected land. <p>Non-titled and/or non-legalizable land users: no compensation for affected land, but compensation for attached assets at full replacement costs;</p>
Relocated APs or reorganized APs	<p>For HH partially affected: Cash compensation at full replacement cost for materials and labour for entirely affected houses/structures and/or the affected portion with no deduction for depreciation or salvageable materials</p> <p>For households relocated to new site: Cash compensation at full replacement cost for materials and labour for entirely affected houses/structures and/or the affected portion with no deduction for depreciation or salvageable materials; Allowance for transportation, subsistence allowance, house rental and infrastructure</p>
Loss of crops, and trees	All households regardless of land use rights are entitled to cash compensation at current market prices.

⁴ "Legalizable" refers to property at present not being formally owned. During the resettlement process, the ownership would be treated as formally owned for the sake of calculating compensation

Type of impact	Entitlement
Impacts on main and secondary structures and impacts on graves	Cash compensation at full replacement cost for materials and labour for entirely affected houses/structures and/or the affected portion with no deduction for depreciation or salvageable materials regardless of LURC Allowance for house repair if partially affected. Compensation for removal of graves will be paid directly to households, including costs of new graves, exhumation and transport of remains, reburial, transportation assistance and all other reasonable costs. Graves will be exhumed and relocated in culturally sensitive and appropriate ways
Affected commercial activities	Income rehabilitation allowance due to business stoppage - The particular registered business AP will receive business rehabilitation assistance of 3,000,000 VND. The non-registered business APs will be given a business assistance allowance of 1,000,000 VND per business HH for rehabilitation of income. - The allowance of 1,000,000 VND/household for all the SAPs that have to remove and/or re-build shops or relocate in new sites
Temporary impacts during construction	No compensation for land Rental in cash for the land temporarily acquired. Cash compensation at current market prices or replacement costs for all affected crops and/or trees, Land to be restored to the pre-project condition
Vulnerable households	Special allowance amounting 2,000,000 VND/HHs for vulnerable HH; poor HHs, HHs under "social policy".

9.3 OPTIONS AND PREFERENCES FOR COMPENSATION

Since level of resettlement impacts of subprojects in Binh Dinh Province is not significant for the most of its APs, land for land compensation is not an option and 100% of them prefer compensation in cash. Severely Affected Households

According to the project compensation policies, severely affected persons are those APs who will (i) lose equal or more than 10 percent of their total agricultural land holding; (ii) relocate and/or lose more than 50 percent of their main residential and/or commercial structure; and/or (iii) lose more than 10 percent of their total income sources due to the Project. There are only severely affected households or SAPs. Of those, 5 are business units. All SAP is located along the Cau Chui – La Vuong Road. There is only one female headed household among the SAPs. None of the HHs have lost more than 10 % of their land. See Table 24 below.

Table 24: Summary of Severely Affected Persons, SAPs

		Numbers of Severely AHHs		Types of impact				
		Total	HHs headed by Women	Partially AHHs	Relocated to new site	AHHs who lost more than 10% of total Agricultural Land	Partially Affected Business	Relocated Business to new site
Location		Total	HHs headed by Women	Partially AHHs	Relocated to new site	AHHs who lost more than 10% of total Agricultural Land	Partially Affected Business	Relocated Business to new site
Total of Province		7	1	0	2	0	0	5
Cầu Chui - La Vuông Road		7	1	0	2	0	0	5
Hoài Nhơn District	Sub-total	7	1		2	0	0	5
	Hoài Châu Bắc Commune	0	0	0	0	0	0	0
	Hoài Sơn Commune	7	1	0	2	0	0	5
Diêm Tiêu - Tân thanh Road		0	0	0	0	0	0	0
Hoài Ân	Sub-total	0	0	0	0	0	0	0

District	An Tường Đông Commune	0	0	0	0	0	0	0
	Sub-total	0	0	0	0	0	0	0
Phù Mỹ District	Mỹ Trinh Commune	0	0	0	0	0	0	0

9.3.1 Relocated and reorganized Households

There are 18 HHs which will be affected through loss of main houses/kiosks (brick house, Class 4 and Class 3, and temporary houses, and kiosks). All of these HHs are along the Cau Chui La Vuong Road. Likewise along this road, there are 16^{m²} of houses, Class 3 and 53^{m²} temporary houses to be removed. See Table 23 above. There are also 5 HHs which have to be relocated and 2 HHs have to move to the new sites. All the SAPs are entitled to subsistence allowance, house renting and transportation assistance. Besides, assistances for reconnect electricity, water supply or telecommunication lines will be given to the SAPs wherever applicable.

.Relocated APs who opt for self-relocation will be entitled to relocation land assistance, based on square meters of residential land affected. The amount of this relocation assistance would not exceed 40,000,000 VND/HH in low land and 25,000,000 VND/HH in mountainous areas. According to results of the SES and replacement cost assessment, the value of such relocation assistance given to relocated APs were reported to be more than sufficient to purchase new plots for relocation.

100% of the entitled APs have preferred to receive compensation and assistance in cash and resettle to new site by themselves.

9.3.2 APs losing agriculture land

All HHs losing agriculture land will receive compensation for land. In Binh Dinh, there are 354 HHs which loose on a permanent basis 21,286 m2 of agricultural land. In addition, any agricultural land adjacent to the populated areas or traffic roads is entitled to an allowance amounting to 40% -50% of the lowest price for residential land in that rural area. This is in addition to compensation for land, irrespective whether the AP is severely affected or not.

9.3.3 APs losing more than 10% of their productive land

There are no APs which will loose more than 10 % of their agricultural land.

Very Poor and Vulnerable Affected People

Vulnerable APs are defined as a distinct group of people who might suffer disproportionately from resettlement effects, including (i) those falling below the poverty line as defined by MOLISA, as well as any household earning up to 15% above the official poverty line; (ii) ethnic minority and other households living in remote, isolated areas or in communes with special difficulties as classified under Programme 135; or (iii) disadvantaged persons or households requiring “social protection” such as landless, disabled, handicapped, orphaned, vagrant, homeless, destitute, or lonely and elderly persons.

As the project mainly brings benefits to the local population, the fair compensation policy of the project could allow marginally impacted APs to quickly restore their assets and improve their living standards. There are many on-going development programs such as regular agricultural extension, poverty reduction programs, and career and job creations, health care programs etc. in all project affected communes, from which most APs could benefit. The project's special rehabilitation assistance should pay special attention to vulnerable SAPs, who experience severe impacts and may have to face more hardness in the process of rehabilitation. A List of SAPs and Vulnerable Persons is in Annex 1. Table 25

below is an extract from the Compensation Matrix, specifically addressing SAPs and vulnerable SAPs.

9.4 NON-TITLED APs

All of the affected HHs has legal/legalizable rights and other assets.,

Table 25: Rehabilitation Assistances for SAPs and vulnerable Persons

Type of impact	Allowances
Numbers of total relocated Households : 2 Households	Transportation allowance: 3,000,000 VND
	House rental allowance: 2,800,000 VND
	Subsistence allowance : 30kg rice/person x 3 months
	Assistance to restore the new replacement residential land: 22,000VND/m ² x required quantities
	Infrastructure development allowance 5,000,000 VND
Households who move the kiosk / business	- Repair Allowance: 500 000 VND
	- Allowance for AHHs whose business was interrupted: 30kg rice/person x 3 months.
Socially and economically vulnerable households	- Special assistance for vulnerable households : 2,000,000 VND
Progress bonus to households who move on time	- Hand-over the site within 20 days (starting from the date receiving land plot in the resettlement site) up to 5,000,000 VND/AHH

9.5 RESETTLEMENT COST

Compensation costs of Binh Dinh Subprojects were based on the following:

- Approved Project Compensation Policy
- DMS data.
- Decision No.1127/QD-CTUBND, issued by Binh Dinh PPC, dated 23 May 2008 regarding to the establishment of Resettlement Committee for Cau Chui La Vuong section.
- Decision No. 2806/QD-CTUBND, issued by Binh Dinh PPC, dated 19 December 2008 approving the Mode and method of compensation for resettlement for Cau Chui – La Vuong section.
- Decision No. 436/QD-CTUBND, issued by Binh Dinh PPC, dated 22 June 2009, on regulating acquisition of land for resettlement for Cau Chui – La Vuong section
- Decision No. 1459/QD-CTUBND, issued by Binh Dinh PPC, dated 22 June 2009 approving the compensation amount to APs for Cau Chui – La Vuong section.
- Decision No. 44/2008/QD-UBND, issued by Binh Dinh PPC, dated 31 December 2008 on regulating compensation prices for various lands within Binh Dinh province.
- Decision No. 37/2007/QD-UBND, issued by Binh Dinh PPC, dated 31 October 2007 on regulating compensation prices for houses and structures when State recovers land, applied within Binh Dinh province.
- Decision No. 20/2008/QD-UBND, issued by Binh Dinh PPC, dated 23 May 2008 on regulating revision of compensation prices for houses and structures regulated in Decision No. 37/2007/QD-UBND issued on 31 October 2007
- Results of Rapid assessment of replacement cost, conducted by PPMU in June - July 2009

Results of Replacement cost assessment is presented below. Compensation rates for agricultural land indicates that it is corresponding its replacement costs

- Compensation rates for residential land and attached garden land was found to reflect current market prices.
- Compensation rates for structures also correspond to current market rates.
- Unit rates for trees and crops generally reflect or even higher than their replacement cost
- For crops, prices also reflect current market rates. It should be noted that APs will be allowed to continue to cultivate in temporary acquisition land and the clear area within the RoW (1.5 m from the toe of the embankment).

RCS Approach and Methodology

1. Methodology

- a) To survey, collect and record the successful transaction of the local people in the district regarding houses, land, trees, crops, etc.
- b) To interview the local people in the district on compensation items that has not been transacted in the market.

Please note, some other local people will also be interviewed to collect opinions to check whether they are paid the same rate and compensation policy outlined in the PPC approved Options.

2. Survey quantity

- a) House: 02-03 households
- b) Residential land: 02-03 households
- c) Some types of trees according to the list to be compensated of the district 03-04 types.

3. Surveyor

- a) Resettlement Officer of the District will survey and sign the survey result table
- b) Respondent (all affected person) must have sufficient information as per format/tables: Full name, Residence, Identity Card Number (if any)

REPORT ON REPLACEMENT COST SURVEY RESULT

REHABILITATION OF PROVINCIAL ROAD IN HOAI AN DISTRICT , BINH DINH PROVINCE

UNDER ADB5 PROJECT - PHASE 3 IN CENTRAL REGION

Affected Assets	Location/ Commune	Rate applied (VND)	Replacement cost (VND)	Basis of Determination or Explanation for Replacement Cost					
				Name of Seller/ Purchaser	Type of Asset	Area/ Quantity	Unit Price	Amount	Remarks
1	2	3	4	5	6	7	8	9	10
1. Land :									
1.1. Garden Land:	My Trinh Commune	134,000	140,000	Purchaser: Vo Thi Hoa	Garden Land	100	140,000	14,000,000	
	An Tuong Dong Commune	98,000	100,000	Seller: Huynh Van Loi	Garden Land	115	100,000	11,500,000	
1.2. Agricultural and garden land	My Trinh Commune	50,000	50,000	Seller: Tran Thi Quyt	Agricultural land	120	50,000	6,000,000	
	An Tuong Dong Commune	28,000	28,000	Seller: Le Van Phuc	Agricultural land	200	28,000	5,600,000	
Forest land?									Have no real market price. All APs fully agreed with the unit rates of compensation. It is likely much higher than their expactations
2. Trees:									
Adult Coconut-palm	My Trinh Commune	600,000	70,000	Seller: Le Ba Truc	Fruit trees	5	70,000	350,000	
Jack-fruit, dia 40cm		800,000	700,000	Seller: Le Van Binh	Fruit trees	2	700,000	1,400,000	
Adult Mango, dia <45cm	An Tuong Dong Commune	400,000	150,000	Purchaser: Tran Dinh Thuan	Fruit trees	10	150,000	1,500,000	
Peach with fruit		220,000	100,000	Purchaser: Tran Dinh Thuan	Fruit trees	12	100,000	1,200,000	

Survey date: 2/7/2009 - 23/7/2009

Surveyor

Survey Team Leader

Ngo Tung Son

Ly Van Thanh

REPORT ON REPLACEMENT COST SURVEY RESULT

REHABILITATION OF PROVINCIAL ROAD IN HOAI NHON DISTRICT , BINH DINH PROVINCE

UNDER ADB5 PROJECT - PHASE 3 IN CENTRAL REGION

Affected Assets	Location/ Commune	Rate applied (VND)	Replacement cost (VND)	Basis of Determination or Explanation for Replacement Cost					
				Name of Seller/ Purchaser	Type of Asset	Area/ Quantity	Unit Price	Amount	Remarks
1	2	3	4	5	6	7	8	9	10
1. Land :									
1.1. Residential Land:	Hoài Châu Bắc Commune	100,000	102,000	Purchaser: Lê Minh Cầu	Residential Land	160	102,000	16,320,000	
	Hoài Sơn Commune	100,000	102,000	Purchaser: Mai Thành An	Residential Land	182	102,000	18,564,000	
1.2. Agricultural and garden land	Hoài Châu Bắc Commune	35,000	30,000	Seller: Võ Thị Tuyết	Agricultural land	250	30,000	7,500,000	
	Hoài Sơn Commune	25,000	20,000	Seller: Nguyễn Thành Trung	Agricultural land	300	20,000	6,000,000	
2. Houses/Structures									
2.1. House/ Grade	Hoài Châu Bắc Commune	1,419,454	1,400,000	Seller: Lê Xuân	House, Grade 4	20.00	1,400,000	28,000,000	
	Hoài Sơn Commune	713,000	700,000	Seller: Đỗ Văn Mau	House, Grade 8	50.00	700,000	35,000,000	
3. Trees:									
Adult Coconut-palm	Hoài Châu Bắc Commune	450,000	70,000	Seller: Trần Xách	Fruit trees	10	70,000	700,000	
Jack-fruit, dia <30cm		400,000	300,000	Seller: Nguyễn Văn Hiền	Fruit trees	1	300,000	300,000	
Adult Mango, dia <45cm	Hoài Sơn Commune	700,000	200,000	Seller: Nguyễn Hữu Thành	Fruit trees	3	200,000	600,000	
Adult Mango, dia >45cm		1,200,000	450,000	Seller: Nguyễn Đình Lưu	Fruit trees	4	450,000	1,800,000	

Survey date: from 16/6/2009 – 19/7/2009

Surveyor

Ngo Tung Son

Survey Team Leader

Ly Van Thanh

9.5.1 Compensation for Affected land and assets

Compensation for affected households includes productive land, residential land, crops and trees and structures.

9.5.1.1 Land Compensation:

For land, unit rate varies by grade and location of land. All 31,189 m² of permanently acquired land costs 1,324,928,490 VND as a basic compensation. Compensation for land also consist of job or income rehabilitation assistance, as well as subsistence allowances, costing 1,043,481,360 VND. Compensation for temporary loss of land (agricultural and forest) is given in the form of compensation for loss of crops for two harvests and is included in compensation for lost crops.

Details on compensation cost for affected land by land types and by subproject are given in Table 26.

Compensation costs for the 670 m² of residential land amounts to 67,000,000 VND or 3,941 USD. For agricultural land, the compensation payments would be 1,226,037,410 VND or 72,120 USD. The compensation for forest land would be 31,891,080 VND or 1,876 USD for 9,233 m². See Table 26 below for details

Table 26: Compensation Costs for Land

Items	Cầu Chui - La Vuông Road		Diêm Tiêu - Tân Thành Road		Total	
	Quantities (m2)	Amount (VND)	Quantities (m2)	Amount (VND)	Quantities (m2)	Amount (VND)
Compensation for Land	28,959		2,230		31,189	
Residential Land	670	67,000,000	0	0	670	67,000,000
Agricultural land	19,056	1,065,605,210	2,230	160,432,200	21,286	1,226,037,410
Forest Land	9,233	31,891,080	0	0	9,233	31,891,080
Total (VND)		1,164,496,290		160,432,200		1,324,928,490
Total (USD) (1US\$ 17,000 VND)		68,500	0	9,437	0	77,937

9.5.1.2 Compensation for crops and trees

The total compensation costs for crops and trees lost are 634,358,557 VND or 37,315 USD. See Table 27 below for details.

Table 27: Compensation Costs for Crops and Trees

Items	Cầu Chui - La Vuông Road	Diêm Tiêu - Tân Thành Road	Total
Total AHHs	419	125	544
Compensation Cost (VND)	569,006,849	65,351,708	634,358,557
USD (1US\$ = 17,000 VND)	33,471	3,844	37,315

9.5.1.3 Compensation for houses and secondary structure

The total compensation cost for houses and structures affected by ADB5 Binh Dinh project accounts for 1,231,617,782 VND or 72,448 USD. Table 28 below summarizes these costs by type of structures and by subproject.

Table 28 Compensation Costs for houses, Secondary Structures and Graves

Items	Cầu Chui - La Vuông Road		Diêm Tiêu - Tân Thạnh Road		Total	
	(m2)	(VND)	(m2)	(VND)	(m2)	(VND)
House Class 3	382.49	21,859,200			382.4875	21,859,200
House Class 4	15.84	270,221,216			15.84	270,221,216
Temporary House	53	18,285,000			53	18,285,000
Kiosk	85.54	361,443,320			85.54	36,144,320
Secondary structures.	33.49	43,240,372	1.5	759,000	34.99	43,999,372
Shed	482.57	130,574,680	8	1,472,000	490.57	132,046,680
Other Structures		634,519,126		18,732,869	0	653,251,995
Graves (Earth - each)	59	47,790,000			59	47,790,000
Graves (Masonry - each)	2	4,420,000	6	3,600,000	8	8,020,000
Total (VND)		1,207,053,914		24,563,869	0	1,231,617,782
Total (USD) (1US\$ = 17,000 VND)		71,003		1,445		72,448

9.5.1.4 Compensation for graves

Compensation for graves includes costs of excavation, relocation, reburial and all other related costs. The total cost for graves and their associated decorative works of the project is 55,810,000 VND or 3,283 USD. See Table 28 above.

9.5.2 Compensation for Community/Collective Assets

Total compensation for community assets amounts to 1,610,302,197 VND or 94,724 USD. The specifics are outlined in Table 29 below.

Table 29: Loss of Collective/Public Assets and compensation costs

Sub-projects/District/Commune	Name of Affected Agency	Agricultural Land		Temporary Lost (m2)	Total Acquisition on Land (m2)	Compensation for Temporary Acquisition Land (VND)	Trees/Crop (VND)	Structures (VND)	Total Compensation Cost (VND)
		Quantities (m2)	Amount VND						
Bình Định Province		7831.9	251,637,500	3813.9	11645.8	74,919,100	8,603,688	1,275,141,909	1,610,302,197
USD									94,724
Cầu Chui - La Vuông Road		4670.1	104,339,100	3346.2	8016.3	74,919,100	2,300,928	1,273,941,909	1,455,501,037
Removal of Telecommunication Lines	Telecommunication Center No.2							152,777,000	152,777,000
Removal of Electrical Lines 0.4KV	Electrical Co-operative							1,114,816,000	1,114,816,000
Hoài Nhơn District		4670.1	104,339,100	3346.2	8016.3	74,919,100	2,300,928	6,348,909	187,908,037
1. Hoài Châu Bắc Commune	People Committee House	3872	87,579,000	2336.6	6208.6	53,717,500			141,296,500
2. Hoài Sơn Commune	People Committee House	798.1	16,760,100	1009.6	1807.7	21,201,600	2,300,928	6,348,909	46,611,537
Diêm Tiêu - Tân Thạnh Road		3161.8	147,298,400	467.7	3629.5	0	6,302,760	1,200,000	154,801,160
Hoài Ân District		335.3	7,698,400	467.7	803	0	319,296	0	8,017,696
1. Ân Tường Đông Commune	People Committee House	335.3	7,698,400	467.7	803		319,296	0	8,017,696
Phù Mỹ District		2826.5	139,600,000	0	2826.5	0	5,983,464	1,200,000	146,783,464
1. Mỹ Trinh Commune	People Committee House	2826.5	139,600,000		2826.5		5,983,464	1,200,000	146,783,464

9.5.3 Rehabilitation Assistance

As described above, rehabilitation assistance is given to severely affected APs, reorganized and relocated HH and vulnerable HHs.

The total value of rehabilitation assistances to different types of APs is 643,956,460 VND or 37,880 USD. In Table 30 below is specified the different categories more in detail.

Table 30: Rehabilitation assistances to severely affected HHs and to Vulnerable APs

Items	Cầu Chui - La Vương Road	Diêm Tiêu - Tân Thạnh Road	Total
Transportation Allowance	6,000,000		6,000,000
Subsistence allowance for severely AHHs	7,776,000		7,776,000
House Rental	5,600,000		5,600,000
Allowance for Households whose business affected	11,166,300		11,166,300
House front Repair Allowance	2,500,000		2,500,000
Special assistance for HH under "social policy" (*)	2,000,000		2,000,000
Special assistance for vulnerable households (*)	388,000,000	98,000,000	486,000,000
Compensation for hiring land which is temporarily acquired	67,334,200		67,334,200
Assistance to upgrade house floor / foundation	26,579,960		26,579,960
Progress bonus	18,500,000	500,000	19,000,000
Infrastructure development allowance	10,000,000		10,000,000
Total (VND)	545,456,460	98,500,000	643,956,460
Total USD (1US\$ = 17,000 VND)	32,086	5,794	37,880

(*): It is additional to the income rehabilitation assistance based on per square meter of affected agricultural land, irrespective to level of impacts, marginally or severely affected (These AHHs are Vulnerable persons, households or groups)

9.5.4 Summary of Compensation Costs

The project total resettlement implementation cost includes compensation for land, assets, rehabilitation assistances and implementation costs. It amounts to 5,961,582,153 VND or 350,681 USD. Table 31 below presents a summary of the total resettlement cost of each Subproject in Binh Dinh Province.

Table 31: Summary of Compensation Costs

No.	Items	Cau Chui - La Vương Road	Diêm Tiêu - Tân Thạnh Road	Total
A	Compensation Costs			
1	Compensation for Land	1,564,021,190	160,432,200	1,324,928,490
2	Compensation for Assets	1,207,053,914	24,563,869	1,231,617,782
3	Compensation for Trees and Crop	569,006,849	65,351,708	634,358,557
4	Rehabilitation Assistance	545,456,460	98,500,000	1,043,481,360
5	Community Assets	1,455,501,037	154,801,160	1,610,302,197
	Sub-total:	5,341,039,449	503,648,937	5,844,688,386
	USD (1US\$ = 17,000 VND)			343,805
B	Implementation cost	106,820,789	10,072,979	116,893,768
	Contingencies			
	Total (VND)	5,447,860,238	513,721,915	5,961,582,153
	USD (1US\$ = 17,000 VND)	320,462	30,219	350,681

(*) It includes the project specific assistances added to the existing PPC rehabilitation assistance policy.

9.5.5 Flow of Fund

PMU1 will be responsible for channelling funds for the compensation for land acquisition and resettlement to the PPC in Binh Dinh. The PPC will be responsible for or delegate to its lower level for payment directly to APs with respect to affected land, structures, crops and trees.

It is noted that this total cost doesn't include:

1. cost for external monitoring paid by PMU1 in the overall budget for the 19 project provinces
2. cost for staking out paid by PMU1 from Government counterpart fund as a part of the resettlement budget
3. Cost for cadastral measurement paid by PPMU from Government counterpart fund as a part of the resettlement budget.

10 Appendix

10.1 IMPLEMENTATION SCHEDULE

Tables 3A and 3B summarizes the steps remaining for the implementation of land acquisition, compensation and resettlement activities in Binh Dinh Subprojects.

Land acquisition and relocation of affected households cannot commence until the updated RP has been reviewed and approved by ADB. PPMU will not allow construction activities in a specific district until compensation payment and reorganization have been satisfactorily completed, agreed rehabilitation assistance is in place, and that the specific area is free of all encumbrances.

10.2 PUBLIC INFORMATION BROCHURE

Question 1: What is the Central Region Transport Networks Improvement Sector Project?

Answer: The Central Region Transport Networks Improvement Sector Project is financed by the Asian Development Bank (ADB) and the Government of Viet Nam to upgrade provincial and district roads in 10 provinces in the Central Region. The overall objective of the Project is to assist the Government to implement its poverty reduction strategy and to stimulate economic development in poor provinces. The Ministry of Transport (MOT) is the Executing Agency for the Project, with delegated responsibility to Project Management Unit No. 1 (PMU-1).

Question 2: how will the Central Region Transport Networks Improvement Sector Project affect the local population?

Answer: The upgrading of provincial and district roads will require some land acquisition along these roads. However, the road design will attempt to avoid or at least to minimize the negative impacts on households and communities. The final road alignments will be selected after public consultations have been carried out.

If land acquisition is necessary, the Project affected people 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. Please also refer to other relevant Public Information Brochures.

Question 3: What is the main objective of resettlement plan?

Answer: The main objective of the Resettlement Plan is to ensure that all Affected Persons 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: If land is available, your affected land will be replaced with land of equal area and productive capacity and at a location suitable and acceptable to you; or if, after being fully informed about your options, you prefer cash, compensation can be paid in cash at replacement value at current market prices, or a compensation partly in cash and partly in land might be possible.

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 Affected Persons (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/legalizable 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 labour) without any deductions for building depreciation or salvageable building materials. This will ensure that the Affected Persons 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 non-harvested crops will be based on the average production in the past 3 years multiplied by current market prices. Compensation for trees will be based on the type, age and productivity of trees. A Replacement Cost Survey will be conducted during detailed design of the Project to establish market prices for compensation. If there are delays in paying compensation, prices will be updated to take inflation into consideration.

Question 8: 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 Affected Persons (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% 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 labourers 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.

Very poor households: Households that are not severely affected but whose monthly income is below the poverty level of MOLISA will receive an economic rehabilitation package consisting of a transition subsistence allowance equivalent to 30kg of rice per person per month for six months, and income restoration assistance.

Question 9: does that mean that anybody in our community can claim for compensation?

Answer: No. Entitled Affected Persons (APs) are those persons or households that are surveyed during the detailed measurement survey (DMS) activities. The APs and local authorities will be informed of the cut-off date (the date of DMS) for the sub-project. Anyone moving into the Project area after cut-off date will not be entitled to compensation and assistance under the Project.

Question 10: What if I have been told to move but was not included in the survey?

Answer: During the detailed design of the Project, some minor changes may occur. This could affect the results of original inventory of losses. These APs will be entitled to the same compensation as all other APs. Once the actual position and alignment of the road are known, a detailed measurement survey (DMS) will be conducted in the presence of APs to inventory the losses for compensation and rehabilitation.

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. APs will participate in resettlement planning and implementation and they will also be consulted on the following issues: a) resettlement options according to their entitlement, b) training and training preferences in current or new occupations, c) other project aspects.

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, Affected Persons (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: PMU-1 will ensure internal monitoring all Project activities. In addition, PMU-1 will engage an independent external monitoring agency to conduct external monitoring of resettlement activities during Project implementation. Every 6 months, the independent monitoring agency will submit a report to PMU-1 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.

10.3 PROVINCE INFORMATION

CONTACT ADDRESS

Binh Dinh Provincial People's Committee (PPC)

Telephone: 056. 3822294 Fax: 056 3822057
Address: 1 Tran Phu street, Quy Nhon City, Binh Dinh Province

Binh Dinh Provincial Department of Transport (PDOT)

Telephone: 052 822 012 Fax: 052 823975
Address: 16 Nguyen Hue str., Quy Nhon city, Binh Dinh Province

Binh Dinh Provincial Project Management Unit (PPMU)

Telephone: 056 3892357 Fax: 056 3891979
Address: 2 Tran Binh Trong, Quy Nhon city, Binh Dinh Province

Project Management Unit No1 (PMU1) under Ministry of Transport (MOT)

Telephone: 04.8.628.990 Fax: 04.8.628.993
Address: 308 Minh Khai, Hai Ba Trung District, Ha Noi city

Project Management Unit No1 - Branch Office in Central Region

Telephone: 0511.642.242 Fax: 0511.643.611
Address: Floor No4, Transport Projects Building
Road to Tuyen Son Bridge, Hoa Cuong Nam Ward
Hai Chau District, Da Nang city

UBND/PPC Hoai Nhon District

Telephone: 056 3861262 Fax: 056 3861094
Address: Bong Son Town, , Binh Dinh Province

UBND/DPC Phu My District

Telephone: 056 3855211 Fax: 056 3855211
Địa chỉ: Phu My Town, Binh Dinh Province

UBND/DPC Hoai An District

Telephone 056 3870274 Fax: 056 3870285
Address Tang Bat Ho Town, Binh Dinh Province

10.4 CONSULTATION AND DISCLOSURE ACTIVITIES

ID	Commune	Content	Time	Venue	Participant	Note
I. Cầu Chui -La Vương Subproject						
1	Hoài Châu Bắc Commune	To inform APs about Project Compensation Policies; implementation schedule...etc and answer all issues raised by local people on the Project and resettlement issues	9/2009	CPC office	<ul style="list-style-type: none"> - PMU.1 - PPMU - DPC, DRC - CPC - All APs. 	
2	Hoài Sơn Commune		9/2009	CPC office		
II. Diêm Tiêu – Tân Thạnh Subproject						
1	Mỹ Trinh Commune	To inform APs about Project Compensation Policies; implementation schedule...etc and answer all issues raised by local people on the Project and resettlement issues	9/2009	CPC office	<ul style="list-style-type: none"> - PMU.1 - PPMU - DPC, DRC - CPC - All APs. 	
2	Ân Tường Đông Commune		9/2009			

Beside above meetings, local authorities have held series of meetings with either **individual** or group of APs to explain further about the Project Resettlement Policies and response to APs enquiries when APs required