

Resettlement Plan

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VIE: Integrated Rural Development Sector Project in Central Provinces – Additional Financing

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CURRENCY EQUIVALENTS

Currency unit: Vietnam Dong (VND) and US dollar (\$)

Exchange rate on 15th May 2018: \$1 = VND 22,800

ABBREVIATIONS

ADB	- Asian Development Bank
AH	- Affected Household
APs	- Affected Persons
APMB	- Agricultural Project Management Board
CPC	- Commune Peoples' Committee
CPMU	- Central Project Management Unit
CSB	- Commune Supervisory Board
DARD	- Department of Agriculture and Rural Development
DMS	- Detailed Measurement Survey
DOF	- Department of Finance
DONRE	- Department of Natural Resources and Environment
DP	Displaced Person
DPC	District Peoples' Committee
DPI	- Department of Planning and Investment
DCARB	- District Compensation, Assistance, Resettlement Board
EA	- Executing Agency
EM	- Ethnic Minority
EMO	- External Monitoring Agency
FGD	- Focus Group Discussion
FS	- Feasibility Study
GAP	- Gender Action Plan
GOV	- Government of Vietnam
HHs	- Households
HIV-AIDS	- Human Immuno Virus-Acute Immune Deficiency Syndrome
IPP	- Indigenous Peoples' Plan
IOL	- Inventory of Losses
IDSPCP	- Integrated Rural Development Sector Project in Central Provinces
IRMR	- Internal Resettlement Monitoring Report
LFDC	Land Fund Development Center
LIC	- Loan Implementation Consultant
LURC	- Land Use Rights Certificate
MARD	- Ministry of Agriculture and Rural Development
MOF	- Ministry of Finance
MOLISA	- Ministry of Labor, Invalids and Social Affairs
MONRE	- Ministry of Natural Resources and Environment
N-T-P	- Notice- to- Proceed
ODA	- Official Development Assistance

O&M	- Operation and Maintenance
PIB	- Project Information Booklet
PPC	- Provincial Peoples' Committee
PPMS	- Project Performance Monitoring System
PPMU	Provincial Project Management Unit
REMDf	- Resettlement and Ethnic Minority Development Framework
RP	Resettlement Plan
RCS	Replacement Cost Survey
ROW	Right-of-Way
RRCA	Rapid Replacement Cost Assessment
SAH	Severely Affected Household
SES	Socio-Economic Survey
SP	Subproject
SPS	- Safeguard Policy Statement
STI	- Sexually Transmitted Infection
USD	- United States Dollar
VAHs	Vulnerable affected households
VND	- Vietnamese Dong
VWU	- Viet Nam Women's Union
WUGs	- Water Users Groups

GLOSSARIES

Displaced person (DP)	- Means any person or persons, household, firm, private or public institution that are fully or partially, permanently or temporarily physically displaced (relocated, lost residential land, or lost shelter) and/or economically displaced (lost land, assets, access to assets, income sources or means of livelihood) due to (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. AHs could be of three types: (i) persons with formal legal rights to land lost; (ii) persons who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who have neither formal legal rights nor recognized or recognizable claims to the lost land. In the case of a household, the term DP 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.
Cut-off date	- Means the date of project land acquisition announcement by competent agency. The AHs will be informed of the cut-off date for each project component, and any person who settled or assets created in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
Detailed Measurement Survey (DMS)	- Based on the approved detailed engineering design, this activity involves the finalization of subproject land acquisition and resettlement impacts, including final cost of resettlement. This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of AHs will be determined.
Compensation	- Means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Ethnic minority (EM)	- Any of the 53 ethnic groups in Viet Nam other than the majority Kinh (Viet) and Hoa ethnic group that possess the following characteristics in varying degrees - collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; and customary cultural, economic, social, or political institutions that are separate from those of the dominant Kinh (Viet) society and culture.
Entitlement	- Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the AHs, depending on the type and severity of their losses, to restore their economic and

	social base.
Income restoration program	- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	- This refers to additional support provided to AHs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	- This is the physical relocation of a DP from her/his pre-project place of residence and/or business.
Resettlement and Ethnic Minorities Development Plan (REMDP)	- A plan for resettlement of an ethnic minority population, combining the resettlement plan with specific ethnic minority concerns and cultural sensitivity for the specific needs of the ethnic minority groups.
Replacement cost	- The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	- This includes all measures taken to mitigate all adverse impacts of a project on DP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Severely affected households (SAH)	This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject
Vulnerable groups	- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include households that are: (i) headed by women with dependents, (ii) headed by persons with disability, (iii) falling under the national poverty standard, (iv) with children and elderly who have no other means of support, (v) landless, and (vi) ethnic minorities.

WEIGHTS AND MEASURES

km	-	kilometer
kg	-	kilogram
ha	-	hectare
m	-	meter

NOTE

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EXECUTIVE SUMMARY

1. **Introduction:** This Resettlement Plan (RP) is prepared for the subproject “N24 canal – Van Phong irrigation scheme; Additional item: repair and calamity remedies of Van Phong irrigation scheme” that is one of the proposed subprojects of the Integrated Rural Development Sector Project in the Central Provinces (IRDSPCP) - Additional Financing. The subproject will aim to conduct reinforcement of primary canal from K0+950 till K32+080 for total 7,669.13m of eroded section and to upgrade, newly construct 60 canal structures. Regarding secondary canal, consolidation and reinforcement shall be applied to 1,090m of damaged section as well as repairing 08 structures. The RP is prepared based on the results of detail measurement survey (DMS), socio-economic survey (SES), replacement cost survey, the updated REMDF, and the results of public consultation and participation in SP area with the participation and consultation with different stakeholders, including affected people.

2. **Subproject location and scope of impacts:** Total length of canal Van Phong irrigation system is 188.89 km including primary canal with 33.97 km, canal level I with 85.33 km, and secondary canal with 61.72 km and tertiary canal with 3.96 km and other 3.91 km. However, as above mentioned this SP is to repair the points of landslide along canal due to natural disasters. Therefore, the activities of this additional item only is located in Cat Hiep, Cat Trinh, Cat Nhon, Cat Tuong communes in Phu Cat district, Binh Tan, Binh Thuan and Binh Thanh communes in Tay Son district and Tay An commune in An Nhon town. Of the total eight communes will have project activities, five communes¹ will be affected by land acquisition for additional item and three communes² have no land acquisition. According to DMS results, no affected household is relocated. There are total of 45 households and 04 organizations (Commune People’s Committees of Cat Hiep, Binh Tan, Binh Thanh and Binh Thuan) to be affected by the subproject, but only 33 AHs with affected land and assets on land, remaining 12 AHs are affected on structures crop and trees only by hiring annual crop land of CPCs. Total 18,899.8 m² of land is acquired by this sub-project, broken down into: 8,264.4 m² belong to 33 AHs (including annual cropland, perennial tree land and forest land) and 10,635.4 m² public land (including annual crop land, perennial tree land, forest land, transportation land and irrigation land).

3. The subproject affects 2,801 trees of 26 affected AHs and about 1,894.4 m² of annual crops of 17 affected HHs. Two AHs have structures to be affected. Of 45 AHs, only one of them who is classified as vulnerable group and none AHs are severely AHs by subproject and all of those losing less 10% of their agriculture land.

4. **Legal Policy Framework and Entitlements:** The updated Resettlement and Ethnic Minority Development Framework (uREMDF) was prepared and applied for the project to meet the requirements of the ADB’s SPS 2009 on Involuntary Resettlement Policy and the legal documents of the Government of Vietnam (GoV) that are described in Chapter VII in detail. The terms and principles in this RP are in accordance with the current regulations of Vietnam. However, in case of any discrepancy, Asian Development Bank’s (ADB’s) Policy will be followed.

5. **Information Disclosure, Public consultation and participation:** Information Public consultations and meetings at village and commune levels with the affected persons (APs) and local officials were conducted initially during project preparation in February 2017.

¹ Five communes include Cat Hiep, Cat Trinh in Phu Cat district and Binh Tan, Binh Thanh and Binh Thuan communes in Tay Son district.

² Three communes include Cat Tuong and Cat Nhon commune in Phu Cat district and Tay An commune in An Nhon town

Succeeding consultations took place during the DMS period done by DCARB and CPC from March to April 2018 by CPMU/LIC in combination with PPMU and DCARB and CPCs. Design, subproject policies and alternative plans for land compensation, replacement cost and income restoration were discussed during the meetings. The grievance redress mechanism was designed and discussed to ensure that the APs' concerns and grievances are addressed and resolved in a timely and satisfactory manner. The rights of the AHs/APs were fully disclosed to them verbally and in writing during the series of consultation meetings during both the project preparation and DMS stages in the resettlement planning process. Furthermore, their rights will be reiterated again during the time when compensation will be paid for acquired/affected lands and other assets.

6. **Vulnerable and Ethnic Minority Issues:** Per results of DMS, only one household belongs to vulnerable group and this household is disable headed. None of Ahs is ethnic minority.

7. **Gender Action Plan:** GAP was prepared in a separate report to ensure women's participation in SP implementation that includes gender performance indicators. Gender mainstreaming will be one of the areas to be monitored in the Project Performance Monitoring System (PPMS) as well as in the Internal Resettlement Monitoring Report (IRMR) to gauge the satisfaction levels of affected women household members as well the female-headed AHs in their compensation payments and grievance resolutions, among others. The gender monitoring indicators are also included and women are expected to take active part during the internal monitoring of the RP. Gender mainstreaming strategy as described in this RP encourages the participation of women in the entire subproject implementation cycle, specifically as members to the Commune Supervisory Board (CSB), during the regular public consultation, participation and information disclosure activities, in rendering unskilled labor equally paid with men during civil works construction and in their participation during the capacity-building for agricultural production and diversification, among others.

8. **Income Restoration Plan:** None of AHs is severely affected by the subproject. The vulnerable group (one HH) will have additional assistance and other allowances in accordance with subproject's policy, which are fully indicated in the subproject's entitlement matrix.

9. **Institutional Arrangement:** The Ministry of Agriculture and Rural Development (MARD), through its Central Project Management Unit (CPMU) under the Agricultural Project Management Board (APMB), will coordinate with relevant agencies in the implementation of the RP. CPMU will cooperate with Binh Dinh PPC and instruct the Department of Agriculture and Rural Development (DARD), through its Provincial Project Management Unit (PPMU) to ensure that the compensation and other forms of assistance are administered according to the provisions of this RP. The District Compensation, Assistance, Resettlement Board (DCARB) a belonging to Phu Cat District and Tay Son district to implement the compensation, assistance and resettlement process. During resettlement implementation, the Loan Implementation Consultant (LIC) was recruited by CPMU will conduct semi-annual monitoring missions to ensure compensation is implemented in line with the approved RP.

10. **Implementation schedule:** Civil contract award for the subproject (SP) shall not be approved by ADB unless its final RP is approved. CPMU will make sure that construction work will not be implemented by contractors unless Binh Dinh PPMU: (i) has adequately finished compensation payment and (ii) ensure that necessary allowances are provided to affected people for life rehabilitation/income restoration and land clearance are completed. As per implementation schedule, all AHs are expected to be paid compensation for their

affected assets beginning August 2018 and site clearance will be completed by end of August 2018.

11. **Monitoring and Evaluation:** Monitoring of RP implementation will be internally conducted on behalf of MARD and ADB by CPMU with support of LIC and PPMU. The parties shall evaluate the achievement of resettlement objectives during the period from 6 to 12 months after resettlement activities have been completed. LIC will prepare and submit every six (6) months during project implementation an Internal Resettlement Monitoring Report (IRMR) to ADB through CPMU, which highlights status of the RP implementation, particularly the issues and concerns that may affect smooth implementation; includes also actions taken by parties and the recommendations to address the issues. LIC will also evaluate the extent of living condition restoration of AHs during and after the subproject.

12. **Total resettlement cost:** Binh Dinh PPC is responsible for distributing counterpart fund for land acquisition and resettlement to District Compensation, Assistance, Resettlement Board of Phu Cat District and Tay Son district so that the payment will be made directly to affected households with a total of VND 432,193,759, equivalent to USD 18,956. In which: (i) compensation amount is VND 232,302,686 (ii) Assistance amount is VND 160,600,731; (iii) Management and Implementation Cost is VND 160,600,731 and (iv) Contingency is VND 39,290,342.

I. INTRODUCTION

A. Background

13. Van Phong irrigation scheme consists of a 33.94 km primary canal route, receiving water from Van Phong weir upon the Kon river with the designed discharge of 16.62 m³ per ha of irrigation for 10,125 ha of cultivation land of Tay Son and Phu Cat districts and An Nhon town of Binh Dinh province. Of which there are 6,844 ha for gravity irrigation, 2,453 ha for pumping irrigation and 828 ha of pumping irrigation providing water for industrial zones; 22 primary canals, 66 secondary canals, 04 tertiary canals, measuring the total 132.81 km; as well as 03 pumping stations and its irrigating canals. The subproject's commencement was initiated in June 2010 and completed and put into use in April 2016

14. After the sub-project's construction is completed and handed-over, Van Phong irrigation scheme has been fulfilling most of the set-out objectives which are to sufficiently provide water for productive cultivation, to contribute to the socio-economic comprehensive development strategy as well as promoting the national target program on building new rural areas. In 2016, Binh Dinh witnessed 05 historical flooding catastrophes occurring from October to December in which total average rainfall accounted for between 900-2400 mm. Due to the mentioned natural disaster, water level of all big rivers within the territory of Binh Dinh dramatically raised beyond the Grade III alert causing massive destructions and civilian casualties upon irrigation, traffic and community infrastructures in locality.

15. Regarding Van Phong irrigation scheme, the flood of 2016 and 2017 not only demolished several canal sections but also damaged a number of canal structures as well as causing canal slope to be eroded; Concerning the main canal, 182 eroded sections have been spotted accounting for 7,669.13 m in total length, and 19 structures on canal including 04 intakes, 09 outlets and 06 siphons. In terms of branch canals, 10 positions accounting for the total length of 1,090m and 8 positions of structures on canals have been eroded.

16. Accordingly, it is reasonable to conclude that the O&M budget fails to ensure sufficient payment for recovery and intervention activities regarding all mentioned damage. This subproject proposes measures to overcome flood consequences caused by natural disasters against Van Phong irrigation scheme to restore canal's operation and to ensure long-term stability. Moreover, subproject also aims to minimize impact of flood flow and to adapt to the climate change by proposing to supplement a number of irrigation structures to enhance the drainage ability and strengthen irrigating capacity of the entire scheme.

17. The subproject will aim to conduct reinforcement of primary canal from K0+950 till K32+080 for total 7,669.13m of eroded section and to upgrade, newly construct 60 canal structures. Regarding secondary canal, consolidation and reinforcement shall be applied to 1,090m of damaged section as well as repairing 08 structures.

B. Subproject location and affected area

18. The SP was screened from many SPs of the Province to ensure its suitability for the environment, social safeguard criteria of the ADB and the Government of Vietnam, as same as other screening criteria on poverty elimination. The investment plan of Upgrading Van Phong irrigation scheme sub-project under the Integrated Rural Development Sector Project in Central Provinces – Additional financing is accepted by Ministry of Agriculture and Rural Development as Document No.1942/ BNN-HTQT dated March 8, 2017 on the preparation of subprojects using the residual funds of ADB loans including L3032- VIE and L3173-VIE.

19. The activities of subproject will be in Cat Hiep, Cat Trinh, Cat Nhon, Cat Tuong communes in Phu Cat district, Binh Tan, Binh Thuan and Binh Thanh communes in Tay Son district and Tay An commune in An Nhon town. Subproject will restore irrigating capacity to ensure access to rural productive infrastructure prioritized for the poor as well as enhancing agricultural productivity and farmer income by minimizing natural disaster consequences such as drought and flood.

20. This is one of sub-projects being eligible for screening to ensure suitability with social and environmental protection measures of ADB and the Government of Vietnam and with other development selection criteria focusing on its impact on poverty in which activities of maximizing impacts on socio-economic issues from the investments will be implemented basing on priority basis. Other activities include project management assistance and institutional capacity building during the project implementation process and operation and maintenance process, including asset management.

C. Measures taken to Minimize Negative Impacts

21. As above mentioned, the project activities almost are repairing and remedy for existing canal except some locations where to be constructed newly structures for canal. To avoid potential impacts, households were informed during the consultation meetings to refrain from building new structures or planting trees at the identified subproject area. A public information booklet (PIB) that explains, among others, the policy on cut-off date for eligibility, was distributed to the AHs and local governments during the preparation of the RP. PIB will be regularly distributed to the AHs and local governments, as needed, following ADB's concurrence of the subproject RP. Other than the aforementioned, Government will ensure that the acquisition of assets, payment of compensation, assistance and rehabilitation of the AHs will be completed prior to the issuance of a notice- to- proceed (NTP) to contractors to start construction works.

22. Efforts towards minimizing the adverse environmental impacts of the subproject during construction will include re-using excavated materials from the existing work to upgrade and maintain the new works, reduce the volume of construction materials to be extracted from borrow pits and transported through public roads, thereby reducing environmental impacts such as dust, air emissions, and noise that would affect local people in the subproject area particularly children and the elderly who are at greater risk to these environmental impacts.

D. Resettlement Plan

23. This RP ensures that the subproject will (i) avoid involuntary resettlement wherever possible; (ii) mitigate potential impacts during the subproject design phase; and (iii) improve the standards of living of affected people especially the vulnerable group, minority people or at least will equal to their pre-subproject conditions.

24. In addition, the RP is the guiding document that identifies the key issues to address in reconciling the requirements of ADB's Involuntary Resettlement with National and Binh Dinh provincial policies. Which include:

- (i) Policy and procedural guidelines for asset acquisition, compensation, resettlement, and strategies that will help ensure full restoration of the affected households' livelihood and standards of living;
- (ii) Identification of households and communities to be adversely affected by the implementation of subproject, identification of which measures/compensation and mitigation plan which need to be applied;

- (iii) Identification of content, participation plan of affected households in the various stages of the Project, including resolution of grievances; and
- (iv) An estimated budget for resettlement implementation.

25. This RP is prepared based on the results of the detailed measurement survey (DMS), replacement cost, SES and consultations. Construction activities will only start once all compensation and assistances provided to affected households.

II. SUBPROJECT IMPACTS

26. Detailed Measurement Survey (DMS) was completed in April 2018 by DCARB of Phu Cat and Tay Son districts in Binh Dinh province, based on the approved detail design. Results of the DMS are summarize as follows:

A. Permanent impact

1. Affected households

27. Per DMS result, the subproject causes impacts on 45 affected households (equivalent to 198 persons) and 04 organizations (Cat Hiep, Binh Tan, Binh Thanh and Binh Thuan CPCs). Of the 45 affected households, 33 AHs are affected on land and assets attached to land whereas 12 AHs were leasing land from Cat Hiep, Binh Tan, Binh Thanh and Binh Thuan CPCs for cultivation and thus are affected on structures, crops and trees only. Out of 45 AHs whose land has been acquired, none of AHs are severely affected households due to loss of 10% or more of agricultural land holding or relocation. .

28. The following table describes in details the affected households:

Table 1 : Number of affected households

District/ Commune	AHs	APs	Severely AHs	Vulnerable AHs	AHs losing land and assets	AHs leasing land from CPCs (losing assets only)	AH losing residential land	AH losing two types of land
Phu Cat	17	66	0	1	16	1	0	0
Cat Hiep	9	34	0	0	8	1	0	0
Cat Trinh	8	32	0	1	8	0	0	0
Tay Son	28	132	0	0	17	11	0	0
Binh Thanh	5	21	0	0	4	1	0	0
Binh Thuan	19	95	0	0	13	6	0	0
Binh Tan	4	16	0	0	0	4	0	0
Total	45	198	0	1	33	12	0	0

Source: DMS April 2018

2. Vulnerable Group

29. Of 45 AHs, there is only One household classified as vulnerable AHs as disable headed households. There are no ethnic minority people in the subproject area.

3. Affected land

30. According to DMS result, the SP permanently affects a total 18,899.8 m². In which, 8,264.4 m² belongs to households and 10,635.4 m² is public land belonging to 04 CPCs.

31. The total 8,264.4 m² belonging to 33 AHs are agricultural land. These comprise 1,205.9 m² of annual crop land of 20 AHs, 3,305.6 m² garden land of 7 AHs and 3,752.9 m² forest land of 18 AHs.

32. An aggregate 10,635.4 m² of public land include 4,480.7 m² of annual crop land; 3,347.3m² of perennial tree land, 1,777.3 m² of forest land and 1,030.1 m² of graveyard land, those land are under the management of CPCs of Cat Hiep of Phu Cat district, CPCs of Binh Thanh, Binh Thuan and Binh Tan of Tay Son district. The following table summarizes the subproject's impacts on land:

Table 2: Affected land by type of land and ownership

District	Commune	Unit	Residential Land	Productive Land			Other None Residential Land	Total
				Annual Crop Land	Perennial Tree Land	Forest Land		
Phu Cat	Cat Hiep	m ²	0	0.0	3,626.6	489.7	0.0	4,116.3
		HH	0	0	8	3	0	9 AHs and CPC
	Cat Trinh	m ²	0	805.8	0.0	0.0	0.0	805.8
		HH	0	9	0	0	0	8 AHs
Tay Son	Binh Thanh	m ²	0	399.6	0.0	0.0	0.0	399.6
		HH	0	6	0	0	0	5 AHs and CPC
	Binh Thuan	m ²	0	424.8	0.0	5,040.5	0.0	5,465.3
		HH	0	4	0	17	0	19 AHs/CPC
	Binh Tan	m ²	0	4,056.4	3,026.3	0.0	1,030.1	8,112.8
		HH	0	5	1	0	1	4 AHs/CPC
Total		m ²	0	5,686.6	6,652.9	5,530.2	1,030.1	18,899.8
		HH	0	20 AHs and 4 CPCs	7 AHs and 2 CPCs	18 AHs and 2 CPCs	1 CPC	45 AHs and 4 CPCs

Source: DMS April 2018

Table 3: Summary of affected land of households and CPCs

District	Commune	Unit	Residential Land	Productive Land			Other None Residential Land	Total
				Annual Crop Land	Perennial Tree Land	Forest Land		
Phu Cat	Cat Hiep	m ²	0.0	0.0	3,305.6	0.0	0.0	3,305.6
	Cat Trinh	m ²	0.0	805.8	0.0	0.0	0.0	805.8
Tay Son	Binh Thanh	m ²	0.0	71.4	0.0	0.0	0.0	71.4
	Binh Thuan	m ²	0.0	328.7	0.0	3,752.9	0.0	4,081.6

District	Commune	Unit	Residential Land	Productive Land			Other None Residential Land	Total
				Annual Crop Land	Perennial Tree Land	Forest Land		
	Binh Tan	m ²	0.0	0.0	0.0	0.0	0.0	0.0
	Total affected land of HHs	m ²	0.0	1,205.9	3,305.6	3,752.9	0.0	8,264.4
Phu Cat	Cat Hiep	m ²	0.0	0.0	321.0	489.7	0.0	810.7
	Cat Trinh	m ²	0.0	0.0	0.0	0.0	0.0	0.0
Tay Son	Binh Thanh	m ²	0.0	328.2	0.0	0.0	0.0	328.2
	Binh Thuan	m ²	0.0	96.1	0.0	1,287.6	0.0	1,383.7
	Binh Tan	m ²	0.0	4,056.4	3,026.3	0.0	1,030.1	8,112.8
	Total affected land of CPCs		0.0	4,480.7	3,347.3	1,777.3	1,030.1	10,635.4
Total			0.0	5,686.6	6,652.9	5,530.2	1,030.1	18,899.8

Source: DMS April 2018

4. Status of land use rights of affected households

33. As above mention total of affected households by subproject is 45 households, of which 33 households have been affected on their land and these households have land use rights certificates (LURCs), while 12 households who are affected on assets on land only due to these households were leasing land from CPCs. These households have Land lease Contract with CPC. The following table summarizes the status of LURC of AHs on using land by the affected communes.

Table 4: The status of LURC for affected land

District	Status of LURC for affected land			Total
	With LURC	Without LURC	Land lease Contract with CPC	
Phu Cat	16	0	1	17
Cat Hiep	8	0	1	9
Cat Trinh	8	0	0	8
Tay Son	17	0	11	28
Binh Thanh	4	0	1	5
Binh Thuan	13	0	6	19
Binh Tan	0	0	4	4
Total	33	0	12	45

Source: DMS April 2018

5. Affected crops and trees

34. Regarding affected crops and trees, 17 AHs are affected on crops with an amount of 1,894.4 m² of annual crops including rice, grass, cassava and peanut and 26 AHs are

impacted on trees with a total of 2,801 timber trees such as Eucalyptus, Acacia. Please see below table for more information of affected annual crops by communes.

Table 5: Information of affected annual crops by SP

District Commune	Unit	Annual Crops (m2)			
		Rice	Grass	Cassava	Peanut
Phu Cat	Qty.	212.7	92.5	0	500.6
	HH	2	1	0	5
Cat Hiep	Qty.				
	HH				
Cat Trinh	Qty.	212.7	92.5		500.6
	HH	2	1		5
Tay Son	Qty.	422.4	0	0	666.2
	HH	6	0	0	4
Binh Thanh	Qty.	29.3			116.1
	HH	3			2
Binh Thuan	Qty.	393.1			550.1
	HH	3			2
Binh Tan	Qty.				
	HH				
Total	Qty.	635.1	92.5	0	1,166.8
	HH	8	1	0	9

Note: One HH lose two type of annual crops including rice and grass, therefore total of households is 17

Source: DMS April 2018

6. Affected houses and structures

35. There are no households affected by losing residential land, therefore, no house is affected by the subproject. However, in term of secondary structures, there are 2 households who will be affected by construction of subproject. One household is affected by fence with total of 34.7 m and one household is affected by 10 graves.

7. Affected historical or cultural heritages

36. According to DMS results, there are no affected historical or cultural heritages in sub-project area.

B. Temporary impacts

37. During construction, some lands will be temporarily acquired and rented as construction sites for worker camps, material storage etc. Likewise, there will be impacts to AHs along the road alignment. However, mitigation measures will be implemented. To minimize the temporary negative impacts, which are unavoidable, civil works contracts shall include the following provisions: (i) contractor to pay rent for any land temporarily required for construction work; (ii) temporarily used land will be restored or improved by contractors to its pre-subproject condition before returning to AHs with confirmation of LIC. Contractors are required to negotiate and reach an agreement with the landowner before the land is used for temporary material storage/disposal site. One of the conditions in the issuance of the final payment to civil contractors is that the contractor should submit supporting documents to prove that the temporarily acquired land has been restored to its pre-subproject conditions and there is no pending issue with confirmation of LIC.

III. SOCIO-ECONOMIC PROFILE AND INFORMATION

A. Socio-economic information of sub-project area

38. Tay Son district has a natural area of 708.0 km² and a population of 136,000 (2015). The population density is 1892.09 people/km². There are 15 administrative units in the whole district including 14 communes and 1 town: Binh Tan, Tay Thuan, Binh Thuan, Tay Giang, Binh Thanh, Tay An, Binh Hoa, Tay Binh, Tay Binh, Binh Tuong and Tay Vinh, Vinh An, Tay Xuan, Binh Nghi, Tay Phu and Phu Phong town. In terms of economic structure, the agricultural sector accounts for 25.5%, and the industry-service sector accounts for 43.3%. The rate of poor households is about 7.60% (in 2014)

39. Phu Cat district has a natural area of 680.49 km² and a population of 190,000 people. The population density is 279.0 people/km². The district has 18 administrative units including 17 communes of Cat Son, Cat Ha, Cat Hiep, Cat Hanh, Cat Tai, Cat Minh, Cat Khanh, Cat Thanh, Cat Hai, Cat Tien, Cat Chanh, Cat Thang and Cat Hung, Cat Tuong, Cat Tuong, Cat Trinh, Cat Tan and Ngo May Town. In terms of economic structure, the agriculture sector accounts for 34.2%, and the industry-service sector accounts for 64.8%. The rate of poor households is about 8.94%.

40. An Nhon town has a natural area of 242.64 km² and a population of 180,597 people in 2012. The population density is 744.0 people/km². The town has 15 administrative units including 10 communes and 5 wards: Nhon My, Nhon Hanh, Nhon Hau, Nhon Phong, Nhon An, Nhon Phuc, Nhon Khanh, Nhon Loc, Nhon Tan, Nhon Tho and Wards of Binh Dinh, Dap Da, Nhon Thanh, Nhon Hung, Nhon Hoa. The economic structure of the town in 2015 is: agriculture, forestry and fishery: 33.90%; Industry and construction: 44.62% and services: 21.48%. The rate of poor households is about 4.30% (2015).

41. The percentage of poor households in the five communes where have been conducted for socio-economic surveys in April 2018 are significant different, ranging from 4.69% to 15.12% of the population. The main sources of income of the households in these communes are mainly based on agricultural activities with the income level ranging from 2.5 million VND/month. The education level of the households is quite low compared to the general level, most of the households only completed secondary school. As a result, households do not have much employment opportunities other than purely agricultural activities. The results show that there is no presence of ethnic minorities in the project communes. Detailed information is provided for each commune in the table below.

Table 6: General information of AHs and surveyed households

District/Commune	Total of Household	Total of persons	Ethnic Minority People	Poor Household		
				By Household	By Person	Scale (%)
Phu Cat						
Cat Hiep	2,260	8,588	0	105	399	4.86
Cat Trinh	3,902	16,388	0	183	769	4.69
Tay Son						
Binh Tan	2,129	8,516	0	322	1,288	15.12
Binh Thanh	2,902	12,479	0	310	1,333	10.68
Binh Thuan	2,198	10,990	0	184	920	8.37

B. Socio-Economic Profile of Affected Households per DMS

42. A socio-economic survey (SES) was conducted in April 2018 specifically to determine their level of socio-economic status and poverty situation in terms of household income, assets owned, access to basic services and infrastructure facilities as well as their opinions regarding subproject implementation among other SES variables. A total of 30 households were covered in the SES or equivalent to about 66.67% of the total affected households under the subproject.

Table 7: General information of AHs and surveyed households

Commune	No of AHs	No of APs	Average No of Person/HH	Total of surveyed households			Scale of sample (%)
				Total	Male	Female	
Phu Cat	17	66		12	9	3	70.59
Cat Hiep	9	34	3.8	7	6	1	77.78
Cat Trinh	8	32	4.2	5	3	2	62.50
Tay Son	28	132		18	16	2	64.29
Binh Tan	4	16	4	3	3	0	75.00
Binh Thanh	5	21	4.3	4	3	1	80.00
Binh Thuan	19	95	5	11	10	1	57.89
Total	45	198		30	25	5	66.67

Source: SES data April 2018

43. The following are the results of the survey:

1. Ages of AH heads

44. Surveyed AH heads at the age of 60 years old and above account for 46.7% (or 14 AHs, 46.7% are within the ages 41-60, 6.6% are from 21 to 40, and none of household is below 20. The data shows that most of the households are headed by persons in the labor age or over working age with a total of 28 HH heads out of 30 surveyed HH heads, the detailed information of working ages of surveyed households by communes are presented in the below table.

Table 8: Ages of surveyed HH heads

District/Commune	Ages of surveyed HH Heads			
	< 20	21 – 40	41 - 60	>60
Phu Cat	0	1	3	8
Cat Hiep	0	1	2	4
Cat Trinh	0	0	1	4
Tay Son	0	1	11	6
Binh Tan	0	1	1	1
Binh Thanh	0	0	2	2
Binh Thuan	0	0	8	3
Total	0	2	14	14

Source: SES data April 2018

2. Education level of AH heads

45. Of the 30 surveyed households, their educational attainment indicates that a majority of them, 50 % (15 AHs) are completed for secondary school, the following is primary school with 33.33% (10 AHs), 10% (or 3 AHs) had completed for high school, 6.67% (2 AHs) had completed for college or vocational program.

Table 9: Education level of surveyed HH heads

Education level	No of HHs	Rate (%)
Did not attend school	0	0.00
Completed Primary School	10	33.33
Completed Secondary School	15	50.00
Completed High School	3	10.00
Completed college/vocational	2	6.67
University	0	0.00
Total	30	100

Source: SES data April 2018

3. Sources of Income of household heads

46. A majority of the households at 93.33% (28 AHs) of the total 30 consulted households cited agriculture and forestry as their main source of income, a few at 6.67% (2 AHs) reported that their income is from worker/staffs. The findings suggest that with the completion of the subproject, a majority of the households who are involved in agriculture production will benefit an increase in farm produce thanks to stable, adequate and reliable irrigation water.

Table 10: Source of Income of AH's heads

Main income sources	Quantities	Percentage (%)
Agriculture/Forestry	28	93.33
Freelance//hired labors	0	0.00
Worker/staffs	2	6.67
Business/services	0	0.00
Other	0	0.00
Total	30	100.00

Source: SES data April 2018

4. Average income of surveyed households

47. The poverty and pro-poor thresholds applied by the province and used in the SES are in accordance with Decision No. 59/2015/QĐ-TTg, dated November 19, 2015, by the Prime Minister on the poverty line and pro-poor threshold for the period 2016-2020. Accordingly, poor households were those with a monthly per capita income of less than VND 700,000, while pro-poor households were those with a monthly per capita income of VND 701,000 to VND 1,000,000. The results of the SES show that among 30 surveyed AHs, almost of HHs had monthly income from 2.5 VND Million (19 AHs or 63.33%) and over. None of AHs are

classified as poor households according to government poor standard. Please see in the below table for more details by communes.

Table 11: Information of average income of HHs per month

District/Commune	Average Income (Million VND/Month)			
	< 2.5	2.5 – 5.0	5.1 – 7.0	> 7.0
Phu Cat	0	6	5	1
Cat Hiep	0	3	3	1
Cat Trinh	0	3	2	0
Tay Son	0	13	5	0
Binh Tan	0	2	1	0
Binh Thanh	0	3	1	0
Binh Thuan	0	8	3	0
Total	0	19	10	1

Source: SES data April 2018

5. Access to Domestic Water and electricity

48. As per the socio-economic survey (SES) results during DMS, it was found out that all of the subproject AHs have access to the national power grid.

49. Access to domestic water source: all surveyed households responded that their source of water is from drilled or dug well.

C. Gender issues

50. Women participation in the local authorities: The gender ratio of women and men working in commune level governmental agencies seemed imbalanced with more men occupying key positions than women. Women working in CPCs are only about 30% of the total CPC work force. Gender situation in DCARB is more imbalanced as there is only one women member of the DCARB. It is noted that women only occupy key positions in the Vietnamese Women's Union (VWU), which is expected because the VWU is a homogenous mass organization exclusively for women regardless of social status, ethnicity and vulnerability. There are more men than women occupying key leadership positions in the all other governmental agencies/departments at provincial/district level.

51. Participation of women in the subproject: (i) the percentage of women participating in the Commune Supervisory Board (CSB) remains low due to the old and traditional perception that men must take charge in monitoring schemes because of their strength and because dispose of more time to take part in community activities; (ii) the women participating in the commune consultation meetings as representatives of the community are still of the opinion that housework is the main responsibility of women; which explains why women take charge of 90% of housework and, therefore, are unavailable in community meetings and other subproject activities. Accordingly, women's contributions to housework are not valued and they are not paid for this activity. Due to their domestic activities, women do not have sufficient time to participate to training and other capacity building activities. Housework and other related works associated with the performance of their reproductive gender role deprive them from gaining opportunities for building their self-confidence.

52. Consequently: (i) women with high education and capacity tend to take further advanced learning courses and then try to find new job opportunities in different areas; (ii) women who have low education stay at the commune and perform housework and attend to their family's needs and concerns, this resulting in their lack of self-confidence and in losing

the chance to become leaders occupying key decision-making tasks alongside men in the communes.

53. Women representation decision-making in the household: This gender concern was also explored during the SES where it was found out that both husband and the wife jointly make decision concerning house's building, investment in business, ancestor worshipping and on meetings and community participation. However, women solely make decisions on matters concerning management of family finances/expenses, as being the financial managers of the household, in purchasing household appliances/facilities, in children's raising and educating. Other household members rarely decide on households' concerns. There is now emerging concerns and sensitivity by men of the women constraints in the households. This shows that the gender mainstreaming efforts of the local authorities are making headway.

54. In addition, women in local governments are not provided opportunities to participate in decision-making because most of the positions involving leadership and decision-making responsibilities are assumed by men. Women's positions are largely as support staffs in administrative and finance tasks, as chair of women's unions and in cultural departments, which are again associated with their reproductive/nurturing gender role.

55. Women participate in mass organizations: Findings indicate that women participate more in activities of the Vietnamese Women's Union (VWU), that is concerned with women's issues and related activities. However, very few women participate in other mass organizations likely because the Veteran's Union is mostly a men's organization, while the Farmers' Union usually comprised men and women farmers, but women farmers become registered members only when they are classified as female-headed farming household. Girls do not participate in the Youth Union because their main concern is to help their mother in housework.

D. Social Impact Assessment

1. Subproject impact on ethnic minorities

56. There is no ethnic minority group in the sub-project area.

2. Subproject impacts to women

Positive impacts:

- (i) The sub-project is proposed to combine with National Target program on: New rural development from 2010-2020 approved by Prime Minister in accordance with Decision No. 800/QĐ-TTg dated June 04, 2010 and National Target Program on rural water and sanitation from 2012-2015 approved by Prime Minister in accordance with Decision No. 366/QĐ-TT dated March 31, 2012 in order to complete rural infrastructures and living condition of people.
- (ii) The additional subproject aims to recover the entire irrigation scheme ensuring designed irrigation capacity for 10,125 ha in order to contribute to community livelihood and poverty eradication for 16 communes with the total of 172,300 civilians, in which 88,855 are women (account for 51.57%). Communes in the Project area are: Binh Thanh, Phu Phong town, Binh Hoa, Binh Thuan, Binh Tay, Tay An, Tay Vinh, Tay Binh, Tay Son district, Nhon My commune and Nhon Thanh ward, An Nhon town; Cat Hiep commune, Cat Trinh, Ngo May town, Cat Tan, Cat Tuong, Cat Nhon, Phu Cat district. Moreover, the subproject prompts a direct benefits for about 98,728 laborers (57.3%) in which 70,393 are mainly farmer participating in agricultural productive activities. In fact, about 26.9% of all agricultural laborers are categorized

as lower income than the poverty standard. The subproject direct beneficiaries are mostly farmer who greatly depends on a nurturing condition of environment. However, this area is currently suffering from adverse drought which threatens agricultural productive activities.

- (iii) Women will be less distressed by their task of household's managing, because there will be sustained increase in income from agricultural production, increasing the resources available for food security, healthcare and education of children.
- (iv) Women's time consumed in housework will be reduced thanks to enhanced gender awareness and sensitization seminars arranged by the Project. Thus, they will have more time for leisure and community activities, enhancing their self-esteem and build their self-confidence.

Negative impacts

57. During implementation period, the SP might disturb local people's activities. It will also cause some negative impacts to local people, such as dust, noise and air pollution from gas emissions of dump trucks and other construction equipment. In addition, construction activities may increase traffic accidents because of the intense transit of construction equipment and uncovered stockpiles of materials and equipment and hazards in quarries.

58. Concerning the above impacts, the Provincial Project Management Unit (PPMU) shall request its Construction Contractors apply mitigation measures. They shall strictly comply with the Environment Management Plan. Safety signals shall be installed along the SP worksites and the planning of construction schedule shall take into account the resting and sleeping time of people located adjacent to the work sites.

Mitigation and benefit measures

59. Gender mainstreaming measures will ensure the participation of women in subproject implementation by creating job opportunities to increase their income as well as enhancing women's practical and community gender roles, including:

- (i) The subproject detailed design requires the participation of local authorities and local people, including women and the vulnerable group. Local people would recommend appropriate sites for construction of canals, intake sluice and/or exact locations of junctions for travelling convenience.
- (ii) Contractors are recommended to utilize local work labors giving preference to women laborers in unskilled jobs where they are equally paid with men on time and days rendered for unskilled labors such as in staking and up keeping the construction workers' barracks among others. Also, ensure that occupational safety of women laborers are taken care of by contractors.
- (iii) Local authorities will closely coordinate with stakeholders/social organizations to organize training workshops/seminars on: (i) gender awareness and sensitization; (ii) prevention of HIV/AIDS and social issues; enhancing road safety awareness during construction; and (iii) environmental sanitation within and adjacent to the construction sites.

60. As cited in Section VII of this RP on entitlements and assistance to life rehabilitation, the affected households who belong to the vulnerable groups as per uREMDF definition will be entitled to receive additional allowances.

61. For this SP, as above mentioned, there is only one household classified as vulnerable group as disable headed household. Therefore, this household will be entitled to receive a

minimum assistance of VND 2,000,000 per household to improve their social and economic conditions as regulated in the framework of the project. In addition, this household will be also supported by the local authority and project implementation as below:

- Technical support for agricultural extension at locality;
- Priority, with family members, for employment in the SP's construction activities for additional income generation.

IV. INFORMATION DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

A. Objectives of consultation and information dissemination

62. The objectives of information disclosure, consultation and community participation activities are:

- (i) Provide timely and sufficient information on the subproject, its components and activities;
- (ii) Collect information on the needs and expectations of affected people and the affected community as well as generate their responses to the proposed policies and activities of the subproject;
- (iii) Obtain co-operation and participation of the affected people in the proposed activities related to the preparation and implementation of the RP;
- (iv) Ensure that the affected people will directly participate and contribute to the identification, discussion and resolution of the issues which directly affects their income and living;
- (v) Ensure transparency in land acquisition activity, compensation payment and other related activities.

B. Information dissemination

63. Given the above-mentioned objectives and in compliance with the ADB's requirements, PPMU and LIC have been assisting the DCARB for Information disclosure from beginning and continuing throughout subproject preparation and implementation periods.

64. A series of information disclosure has been conducted from the beginning of the subproject in 2017 and continued through DMS and SES in 2018. The final RP as approved by the PPC and ADB and will be publicly disseminated to AHs and other subproject beneficiaries through commune and village meetings in coordination with their leaders. Furthermore, this RP, once approved, will be posted on ADB's websites.

65. The project information booklet (PIB) that is made available in Vietnamese has been distributed to the affected people and beneficiaries in the subproject area.

66. Affected Persons (APs) are notified in advance about resettlement activities, including: (i) community meetings about the scope of the subproject, site clearance construction plans; (ii) detailed measurement survey results; (iii) list of eligible APs and their entitlements; (iv) compensation rates and volumes; (v) payment of compensation and other assistances; and (vi) other contents such as the grievance redress mechanism. Notices are posted outside the CPC offices or at other easily accessible locations. Letters, notices or small brochures are delivered individually to APs. Information of these activities is also broadcasted on the local loud speakers.

1. Public Consultation and participation during RP preparation

67. Public consultations and community participation are conducted in the entire subproject implementation cycle, including planning, designing, implementation, and monitoring. The objective of the public consultation and participation is to develop and maintain avenues of communication among the subproject management, stakeholders and APs in order to ensure that their views and concerns are incorporated into subproject preparation and implementation whose aim is to reduce or offset the negative impacts while enhancing the subproject benefits.

68. Comments and grievances of APs were reviewed with them during the consultation meetings. The RP consultation results and information disclosure regarding entitlement and compensation and allowances for APs were properly documented and attached to this document as Annex on the Minutes of Public Consultation.

During the project preparation in 2017

69. Time and venue of the first consultation meeting were held from 20th February to 1st March 2017 with participation of representatives of affected HHs and CPCs officials in communes of Cat Hiep, Cat Trinh, Cat Nhon in Phu Cat district, communes of Binh Tan, Binh Thuan, Binh Thanh in Tay Son district and Tay An commune in An Nhon Town.

70. Participant: Representatives of CPCs, village leaders, cadastral officials, representatives of local mass organizations (Representatives Commune Women's Union; Commune Farmers' association; Father Land Front) and affected people in the subproject areas, 30% of whom are were women. Other participants included CPMU, PPMU and LIC consultants. A total of 673 persons (451 men and 212 women) participated in those meetings and consultations held in Eight (08) communes. The table below describes more details of participants by communes.

Table 12: Dates and participants in the first consultation meetings

Province	District/ Commune	Time	Total	No. of Participants	
				Male	Female
Binh Dinh	Phu Cat				
	Cat Hiep	24th Feb 2017	83	56	27
	Cat Trinh	27th Feb 2017	89	58	31
	Cat Nhon	1 st March 2017	82	56	26
	Cat Tuong	28th Feb 2017	81	55	26
	Tay Son				
	Binh Tan	21th Feb 2017	83	59	24
	Binh Thuan	20th Feb 2017	82	56	26
	Binh Thanh	22th Feb 2017	84	58	26
	An Nhon Town				

Province	District/ Commune	Time	Total	No. of Participants	
				Male	Female
	Tay An	23th Feb 2017	89	53	26
	Total		673	451	212

71. The consultation meetings were conducted with the following subject matter:

- (i) Preliminary design (Subproject features, scale, its location, work items,);
- (ii) Dissemination on resettlement policy of the subproject, eligible criteria for compensation and assistance;
- (iii) Proposed Subproject implementation plan;
- (iv) Issues concerning gender, income restoration, livelihood and other support policies;
- (v) Compensation and assistance plan and entitlements of APs;
- (vi) Consult on the scale of impact on APs.
- (vii) Impacts on vulnerable groups and assistance, rehabilitation measures;
- (viii) Grievance Redress Mechanism;
- (ix) Collect comments/opinions regarding other issues.
- (x) Agreements with subproject local authorities, village and mass organization leaders and AHs on issues and opinions rose during the meeting.

72. Through the information dissemination and community consultation, it showed that local people and local authorities hope the upgrading and remedy Van Phong irrigation system to be implemented soon in order for people to cultivate, increase crop, diversify agricultural production, reduction of cost for the agricultural production and enhancing their living condition.

During RP preparation in 2018

73. Many meetings among DCARBs, CPCs and AHs with participation of PPMU staffs were organized during the DMS. AHs was informed and consulted of subproject information, eligibility particularly on the cut-off date for the subproject, schedule, results of DMS as well as compensation plan for each AH including compensation prices and allowances.

74. Public consultation meetings were held in April 2018 in subproject commune and with all stakeholders such as local officials, representatives of local organizations (Women's Union; Farmers' Association; Father Land Front). Other participants are from Binh Dinh PPMU, CPMU and LIC. A total of 56 persons (45 men and 11 women) participated in those meetings and consultations held in Five (05) communes³. The table below describes more details of participants by communes. The Minutes of this consultation meeting including list of participants is attached in Annex 1.

Table 13: Dates of Public Meetings and Consultations during RP preparation

³ As mentioned in the previous section, construction activities of SP will be conducted in 8 communes, however, 5 out of 8 communes have land acquisition. Besides, during project preparation the first round consultation meetings have been held in all eight communes, therefore, second round of consultation meetings just were held in five communes where need to acquire land for SP.

Province	District/ Commune	Time ⁴	Total	No. of Participants	
				Male	Female
Binh Dinh	Phu Cat				
	Cat Hiep	16 th April 2018	13	10	3
	Cat Trinh	16 th April 2018	11	8	3
	Tay Son				
	Binh Tan	17 th April 2018	8	7	1
	Binh Thuan	17 th April 2018	17	15	2
	Binh Thanh	17 th April 2018	7	5	2
	Total		56	45	11

75. This meeting focused on:

- (i) Detailed design of the subproject (general information of subproject consists of location and scope of construction of the subproject);
- (ii) Dissemination of the SP's impacts and updated Resettlement and Ethnic Minority Development Framework;
- (iii) Disclosure of subproject implementation schedule, grievance and redress mechanism and process of monitoring and evaluation;
- (iv) Consulting on the replacement cost, compensation payments and other entitlements of AHs as well as the additional assistance and allowances to the severely affected households, affected vulnerable group, livelihood restoration;
- (v) Distribution of project information booklet.

76. In the consultation meeting, the local authorities, communities and potentially affected households agreed on implementing of the subproject. All attendants were aware of the subproject's benefits and they will actively participate during subproject implementation.

77. Opinions, suggestions and concerns of the communities and potentially affected households that was raised in the consultation meetings is summarized as below:

- APs agreed with compensation policy of the subproject and compensation unit price issued by the PPC for subproject that reflects replacement cost;
- All affected HHs agreed to receive compensation and assistance in cash in accordance with the subproject's policy;

⁴ Based on the decision No. 407/QD-UBND dated on 7th Feb 2018 on approving for the detailed technical design of SP " Additional items for calamity remedies of Van Phong irrigation scheme", since March 2018 the DCARB of Phu Cat and Tay Son district has conducted consultation meeting with affected households . During consultation meetings were held in April 2018 by CPMU, LIC and PPMU, all information relating to result of project policies have been disclosed and consulted with AHs. The final DMS results were sent to all AHs in May, 2018 for their comments. All AHs have expressed their knowledge on DMS results and had no any comments on these DMS.

- SAHs wanted to use cash assistance to continue investment by themselves; VAHs were satisfied with cash-assistance of SP;
- Some AHs asked clarification on the compensation policy applicable for the their land reclamation. The DCARB and CPCs explained that if the land reclamation of households is confirmed by the village leader and CPC, then the AHs are entitled to compensation for land and asset but no assistance for change of job for this areas;
- CPCs confirmed the availability of replacement land but no AH chose land-for-land compensation as poor quality of land; All AHs want to get cash compensation and assistance.
- Affected households agreed to cooperate with community supervisor board during the construction;
- Construction Contractors are required to restore the site to its original status after construction;
- Construction activities must be implemented quickly in consistent with the schedule as SP is planned in long time and the local people want it to be completed soon.

2. *Public consultation and participation in RP implementation*

78. During the RP implementation, the PPMU, in cooperation with the DCARB and the CPCs, are responsible to keep all SP AHs/APs and beneficiaries informed through various media, including workshops and public meetings. During these activities, participants will be encouraged to give feedbacks/comments on the SP's technical specifications, its impacts and the different alternatives to address the impacts as well as the expected resettlement and compensation options.

79. The local people will have the right to monitor and provide their feedbacks on the construction of the sub-project and the implementation of the RP. Representatives of AHs and beneficiaries may join the Commune Supervisory Board (CSB) to perform participatory monitoring of the SP implementation process. They can articulate their grievances if they discover any inappropriate/illegal actions of contractors and sub-contractors in compliance to the subproject's grievance redress mechanism presented in the following section.

V. GRIEVANCE REDRESS MECHANISM

80. To ensure that complaints and grievances of APs regarding any aspect of land acquisition, compensation, and resettlement are timely and effectively addressed, a grievance redress mechanism with detailed procedures was established and agreed with by the APs during the consultation meetings. APs can send questions and grievances to SP implementation agencies on entitlement to compensation, compensation policy, rates, land acquisition, resettlement, allowance and assistance in income restoration. Furthermore, no fee is charged on APs for resolving the grievance and complaints at any level and in trial courts. Grievances will be lodged in three (3) levels of arbitration/resolution beginning at commune to the district and then at province level prior to submission to the Court for litigation as a last resort. The executing agency (EA) will bear all administrative and legal fees that might be incurred in the resolution of grievance and complaints.

81. The following stages/levels for grievance redress are established based on the Law No. 02/2011/QH13 of the National Assembly on Complaint, dated 11/11/2011:

- **First Stage, Commune People's Committee:** The AP can bring his/her complaint in written or verbal forms to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC. It is incumbent upon the said member of CPC or the Village Chief to notify the CPC about the complaint.

The CPC will meet the aggrieved AP and will have from 30 days to a maximum of 60 days – for complicated case or remote area - after the lodging of the complaint to resolve it; The CPC secretariat is responsible for documenting and filing all complaints that it handles.

- **Second Stage, District People’s Committee:** If after 30 days or 45 days (in remote area), the aggrieved AP is not satisfied with CPC’s decision or in the absence of any response, the AP may bring the case, either in written or verbal forms, to any member of the DPC. The DPC in turn will have 30 days or maximum of 70 days – for complicated case or remote area - after the lodging of the complaint to resolve it. The DPC is responsible for documenting and filing of all complaints that it handles and will inform the DCARB of any decision made. The DCARB is responsible for supporting DPC to resolve AH’s complaint. The DPC must ensure that the complainant is notified of the decision made.
- **Third Stage, Provincial People’s Committee:** If after 30 days or 45 days (in remote area), the aggrieved AP is not satisfied with the DPC’s decision or in the absence of any response, the AP may bring the case in writing to any member of the PPC. The PPC has from 30 days to a maximum of 70 days to resolve the complaint to the satisfaction of the AP, depending on whether the case is complicated or it comes from a remote area. The PPC is responsible for documenting and filing all complaints that reaches the same.
- **Final Stage, the Court of Law Arbitrates:** If after 30 days following the lodging of the complaint with the PPC, the aggrieved AP is not satisfied with the PPC’s decision or in the absence of any response, the complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a Court of law for adjudication. If the court rules in favor of the complainant, then PPC will have to increase the compensation at a level decided by the court. If the court rules in favor of the PPC, then the complainant will receive compensation approved by PPC.

82. The above grievance redress mechanism was disclosed and discussed with affected people during the public disclosure and consultation activities to ensure that grievance procedures are understood and agreed by all parties. PPMU/DARD is responsible for monitoring the progress of the grievance redress process. Local regulations and law will prevail to redress the complaints. While the grievance is under processing, compensation money and allowances will be deposited to an escrow account until it is properly resolved to the satisfaction of all parties. It must be impressed that the above procedures will not impede the aggrieved AH from seeking resolution of the court for arbitration/mediation of his/her grievance/complaints at any time.

VI. LEGAL FRAMEWORK AND ENTITLEMENT POLICY

83. The legal and policy framework for dealing with the resettlement impacts of the subproject is given based on relevant policies and laws of Viet Nam and the ADB’s Involuntary Resettlement Policy (SPS 2009). In this section, the relevant policies and laws of Vietnam, including policies of Binh Dinh Province, and policies of ADB are outlined. Should there be any gap between the two policies of Vietnam and ADB, reconciliation will be made to have particular sub-project policies and principles.

A. Legal basis of the Government of Vietnam

84. Legal framework of the Government of Vietnam: Law, decrees, and regulations of the Government of Vietnam on land acquisition, compensation, resettlement and ethnic minority include:

- i) The Constitution of the Socialist Republic of Vietnam (2013) confirms the right of citizens to own and protect the ownership of a house.
- ii) Law on Land 2013 (No. 45/2013/QH13) dated 29/11/2013.
- iii) Decree No. 16/2016/ND-CP issued by the Government on 16th March 2016 on management and utilization of Official Development Assistance (ODA) and concessional loans from donors.
- iv) Decree No. 43/2014/ND-CP dated 15 of May 2014 on detailing a number of articles of the Land Law 2013.
- v) Decree No. 44/2014/ND-CP dated 15 of May 2014 on Regulations on Land prices.
- vi) Decree No. 47/2014/ND-CP dated 15/05/2014 of the Government of Vietnam on Regulations on compensation, assistance, and resettlement upon land recovery by the State.
- vii) Decree No. 01/2017/ND-CP dated on 6th January 2017 adjusting some articles of the Decree No. 43/2014/ND-CP, dated May 15, 2014 on the implementation of certain articles of the Law of land, the Decree No. 44/2014/ND-CP dated May 15, 2014 on land price and the Decree No. 47/2014/ND-CP dated May 15, 2014 on compensation, support and resettlement for the government's expropriation of land
- viii) Circular No. 36/2014/TT-BTNMT on land pricing method;
- ix) Circular No.37/2014/TT-BTNMT on Guidelines in implementation of Decree No.47/2014/ND-CP
- x) Decision No. 775/QD-TFGM dated 20/5/2013 of the Prime Minister on policy on supporting housing land, agricultural land, clean water to poor ethnic households and needy ones in the disadvantaged communes;
- xi) Decree No. 75/2015/ND-CP dated 09/9/2015 of the Government of Vietnam on mechanism and policy of forest development associated with the policy on sustainable and rapid poverty reduction and assistance to ethnic minorities for the period 2015 – 2020.

85. With regard to land acquisition in Binh Dinh province, Binh Dinh PPC has promulgated the Decisions, letters for compensation, assistance and resettlement policy when land is acquired by the State in Binh Dinh province as follow.

- (i) Decision No. 21/2017/QD-UBND dated on 19th May, 2017 by Binh Dinh PPC on promulgating price unit for types of crops and trees when land is acquired by the State in Binh Dinh province;
- (ii) Decision No.13/2015/QD-UBND dated on 7th July 2015 by Binh Dinh PPC on promulgating compensation, assistances and resettlement policy when land is acquired by the State in Binh Dinh province.
- (iii) Decision No. 32/2016/QD-UBND dated on 15th June 2016 by Binh Dinh PPC amending and supplementary for the Decision No. 13/2015/QD-UBND dated on 7th July 2015 by Binh Dinh PPC on promulgating compensation, assistances and resettlement policy when land is acquired by the State in Binh Dinh province.

- (iv) Decision No. 54/2017/QĐ-UBND dated on 21th September, 2017 by Binh Dinh PPC promulgating compensation price unit for affected structures and graves in the territory of Binh Dinh province;
- (v) Decision No. 34/2014/QĐ-UBND dated on 14/12/2014 of Binh Dinh PPC Promulgating the list of land prices in 2015 (periodically 5 years) in the Binh Dinh province.
- (vi) Decision No 66/2016/QĐ-UBND dated on 13/12/2016 of Binh Dinh PPC promulgating on adjusting, supplementary for list of land prices in 2015.
- (vii) Decision No 08/2018/QĐ-UBND dated on 9th February 2018 of Binh Dinh PPC promulgating the coefficient of compensation price for land in Binh Dinh province.

B. Asian Development Bank's Policy

86. ***Involuntary Resettlement Policy (SPS 2009)***: Covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary.

87. Projects financed and/or administered by ADB are expected to observe the following policy principles:

- i. Screen the project early to identify past, present, and future involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of DPs, including a gender analysis, specifically related to resettlement impacts and risks.
- ii. Carry out meaningful consultations with DPs, host communities, and concerned non-government organizations. Inform all DPs of their entitlements and resettlement options and ensure their participation in various stages of the project especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the DPs' concerns. Support the social and cultural institutions of displaced persons and their host population.
- iii. Improve, or at least restore, the livelihoods of all DPs through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation, assistance at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- iv. Provide physically and economically DPs with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- v. Improve the standards of living of the displaced poor and other vulnerable groups, including women head of households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in

urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.

- vi. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status⁵.
- vii. Ensure that DPs without title to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets.
- viii. Prepare a resettlement plan elaborating on DPs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- ix. Disclose both the draft and final resettlement plan in a form and language understandable to DPs and other stakeholders.
- x. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- xi. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- xii. Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

88. Calculation of full replacement cost will be based on the following elements: (i) fair current market value at the time of compensation; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, structures will be compensated at replacement costs without deduction for the value of salvageable materials. It is expected that qualified and experienced experts will undertake the valuation of acquired assets.

89. Persons or households without legally recognized rights to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

C. Reconciliation of Government and ADB Policies on Resettlement

90. The similarity between regulations of The Government of Vietnam and ADB Safeguard Policy is the entitlement for beneficiaries/eligible ownership. The current regulation stipulates guidance on (i) identifying market price/replacement cost and compensation payment, assistance for different types of affected assets; (ii) land compensation plan and cash compensation assistance; (iii) relocation support during transitional period; (iv) allocating land and house with use right certificate; (v) additional support to severely affected households and vulnerable household; (vi) assistance to

⁵ ADB involuntary resettlement safeguards is applicable to negotiated settlements if expropriation would result upon the failure of negotiations. Negotiated settlement should be based on meaningful consultation with affected persons, including those without legal title to assets. In doing so, the borrower is required to offer adequate and fair price for land and/or other assets. The borrower is also required to engage an independent external party to document the negotiation and settlement processes. Refer to paragraph 25, Appendix 2 (involuntary resettlement) of ADB SPS (2009).

livelihood restoration and training ; and (vii) information disclosure, consultation, grievance redress mechanism.

91. Land Law 2013 (No.45/2013/QH13) stipulates regulations on information disclosure (Article 67) and publication of compensation plan to affected people (Article 69). Accordingly, affected people should be informed in advance at least 90 days for agricultural land and 180 days for non-agricultural land prior to land recovery. Compensation plan should be disseminated to affected people and posted at CPC Office before submission for approval

92. However, ADB Safeguard Policy does not consider the absence of legal rights of APs on acquired land as an impediment to receiving compensation for non-land assets and for rehabilitation assistance. No business license is registered by affected people is also not an impediment for them to receiving business restoration assistance. Engagement of an independent external party to document negotiation and settlement process is required under ADB Policy.

93. Policy framework and regulations to address resettlement impacts for sub-project “Upgrading irrigating canal under Dong Tron reservoir’s irrigation system” are prepared on the basis of relevant policies and laws of Vietnam and ADB Safeguard Policy Statement (SPS 2009)

94. Decree No.16/2016/ND-CP on management and utilization of official development assistance (ODA) and concessional loan from donors stipulates that compensation and assistance and resettlement for programs and projects funded by ODA should be in compliance with current regulations and international conventions on ODA and concessional loan, which the Socialist Republic of Vietnam is an official member. In case of discrepancy between the Laws of Vietnam and International Conventions, the International Conventions will prevail. Similarly, the Article 87 of the 2013 Land Law requires the projects using loans from foreign and international organizations for which the State of Viet Nam has committed to a policy framework for compensation, support, resettlement, such framework shall be applied.

95. Due to some discrepancies between the Policy of the Government of Vietnam and ADB Policy, a project policy framework is prepared to ensure these discrepancies are properly reconciled. The table below shows the differences and presents project policy to address these discrepancies.

96. With the promulgation of the Land Law 2013, including Decree No.47/2014/ND-CP and Decree No.43/2014/ND-CP, Decree No.44/2014/ND-CP, the policies and practices of the national Government have become more consistent with ADB’s Policy on Involuntary Resettlement (The SPS 2009). However, there are still some significant gaps between the Government policies and the ADB’s Policy on Involuntary Resettlement.

97. The following table provides a comparison of ADB’s Policy (SPS 2009) and those of the Government on key areas of involuntary resettlement, and regulates the implementation of the resettlement issues under the subproject.

Table 14: Discrepancies between Vietnam Regulations and ADB SPS (2009) and SP Policy

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	SP Policy
Severely impacted APs losing	Decree 47/2014/ND-CP, Article 19, Item 3: APs losing at 30% or more of	APs that are (i) physically displaced from housing, or (ii) losing 10% or more of	APs losing 10% or more of their productive assets shall be considered as

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	SP Policy
productive land	productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures.	their productive assets (income generating) are considered severely impacted.	severely affected.
APs without LURC	<p>Land Law 2013, Article 77, item 2 and article 92: Persons who have used land before 1st July 2004 and directly involved in agriculture production on the acquired land without LURC will be compensated for the acquired land area but not exceed quota of agricultural land allocation.</p> <p>But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, clause 1, article 64 and items b, d, clause 1, article 65 of the Land Law 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.</p>	<p>APs without titles to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost, if created before the cut-off date.</p> <p>Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.</p>	<p>APs without legal or recognizable legal claims to land acquired, will be equally entitled to participate in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before the cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-project living standards and income levels.</p>
Compensation for structures	<p>Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost.</p> <p>Decree 47, article 9: Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure.</p> <p>Land Law 2013, Article 92: Land-attached assets which are illegally created or created after the notice of land recovery by a competent state agency takes effect will not compensated</p>	<p>Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.</p> <p>Structures constructed on land with no LUCR before the cut-off date will still be compensated.</p>	<p>Full compensation at replacement cost will be paid for all affected structures (including structures constructed on land with no LUCR before the cut-off date) without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.</p>
Monitoring	No monitoring	Monitoring is required. In	The EA must undertake

Issues	Land law 2013, Decree 47/2004/ND-CP, Decree 44/2009/ND-CP	ADB SPS (2009) Policy	SP Policy
	requirement	case of significant or sensitive impacts, an external monitoring organization should monitor RP and EMDP implementation	internal monitoring of RP and EMDP. Anticipated negative impacts from the project are minor. No need to recruit an external monitoring organization.
Third-party validation of consultation related to land donations	Not required.	The borrower is required to engage an independent third-party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donation involving marginal portions of land, the LIC will verify and report on the negotiation and settlement processes. A voluntary donation form signed by the landowners, witnesses, and village leaders will be attached to the RP or REMDP

98. To address the discrepancies between ADB SPS (2009) and relevant GOV regulations as described in the table above, the subproject principles on resettlement policy are as follows:

- i) Involuntary resettlement and impacts on land, structures and other fixed assets shall be avoided or minimized where possible by exploring all alternative options.
- ii) Compensation and assistance shall be calculated based on the principle of replacement cost at the time of acquisition.
- iii) Severely affected household (SAH) is considered when they are losing 10% or more of the household's productive land or other assets (generating income) or are physically displaced from their shelters.
- iv) Affected households (AHs) without title or any recognizable legal rights to land are eligible for resettlement assistances and compensation for non-land assets at replacement cost.
- v) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to AHs.
- vi) Meaningful consultation will be carried out with the AHs and concerned groups and ensure participation from planning to implementation stage. The comments and suggestions of the AHs and communities shall be taken into account.
- vii) The RP shall be disclosed to AHs in forms and languages understandable to them prior to submission to ADB. RP shall be disclosed on the ADB's website.
- viii) Resettlement identification, planning and management shall ensure that gender concerns are incorporated.
- ix) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled people, the elderly, landless and people living below the generally accepted poverty line.
- x) Existing cultural and religious practices shall be respected and preserved, to the maximum extent practical.

- xi) Culturally appropriate and gender-sensitive social impact assessment and monitoring shall be carried out in various stages of the project.
- xii) Resettlement transition stage should be minimized. Restoration measures shall be provided to AHs before the expected construction commencement date in the specific location.
- xiii) Budget for payment of compensation, assistance, and resettlement and support shall be prepared sufficiently and made available during project implementation and by the project provinces.
- xiv) Reporting and internal monitoring should be defined clearly as part of the management system of resettlement. Internal monitoring on implementation of resettlement should be carried out by PPMU and CPMU. Monitoring reports shall be disclosed on the ADB website.
- xv) The CPMU shall not issue notice of possession to contractors until the PPMUs have officially confirmed in writing that (i) payment has been fully disbursed to the AHs and rehabilitation measures are in place; (ii) already-compensated, assisted AHs have cleared the area in a timely manner; and (iii) the area is free from any encumbrances.
- xvi) Cut-off date is the date of notification on land recovery for the subproject by the competent State agency. The notification is sent to every land user whose land is recovered, publicized in meetings with APs and posted at offices of the commune-level PC, and common public places.

VII. Entitlements, Assistance and benefits

A. Eligibility

99. Eligibility will be determined about the cut-off date. The AHs will be informed of the cut-off date for each subproject component, and any person who settled or any assets created in the project area after the cut-off date for the specific subproject will not be entitled to compensation and/or assistance under the subproject.

100. The cut-off date of SP “Additional items for calamity remedies of Van Phong irrigation scheme” for section in Phu Cat district is regulated by the decision No.104 and No.105 dated on 29th May 2018 of Phu Cat DPC and for section in Tay Son district is regulated by the decisions No.51, No.52 and No.53 dated on 30th May 2018 of Tay Son DPC.

101. In addition, legal rights to the concerned land determine the extent of eligibility for compensation about that land. There are three types of AHs:

- (i) Persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially;
- (ii) Persons whose occupied land is entirety or partially acquired by the SP but do not currently possess a LURC, however, have claims that are recognized under national laws, or;
- (iii) Persons whose occupied land is entirety or partially acquired by the SP and do not have recognized claim to that land.
- (iv) AHs included under items i) and ii) above shall be compensated for the affected land and assets upon land. AHs included under iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they will have to be relocated.

102. Unforeseen impacts: Should there be additional APs/AHs during SP implementation process, the SP's compensation and/or assistance will also be applied to them.

B. Entitlement Matrix

103. Households or individuals with sufficient basis for compensation will be compensated for affected land and other assets at market price of such land and assets. Those without sufficient legal rights are also assisted as described in the entitlement matrix below.

104. Assistance to affected people aims to reduce subproject impacts on local residents' life and restore their livelihood and rehabilitation to better or at least the same as pre-subproject conditions. This will ensure that affected people will be compensated for the losses caused by the subproject and more opportunities will be available to them to improve their life conditions and economic status while they are able to adapt to the new conditions at a shortest period of time.

105. For affected land of public organizations: No compensation for affected land but support equivalent to 100% of compensation value of the affected annual crop land will be paid to the commune. This compensation amount shall be paid to the account of the affected CPC and used for infrastructure improvement of the commune. Besides, cash compensation at current market prices for standing crops on the affected land will be paid to 12 households who rented land of CPCs. No support or assistant is available to other kinds of public land such as irrigation land, transportation land or unused land as regulated in the Binh Dinh PPC's policy.

106. For vulnerable group: As above mentioned, there is only one household classified as vulnerable group as disable headed household. Therefore, this household will be entitled to receive a assistance of VND 2,000,000 per household to improve their social and economic conditions as regulated in the framework of the project.

107. Please see below table for more details on entitlements of affected household.

Table 15: Entitlement matrix of households affected by the subproject

Entitled Persons	Type & level of impact	Compensation Policy	Implementation Issues
A. AGRICULTURAL LAND			
A.1: Temporarily Affected Agricultural Land- Number of AHs and area of temporary affected land will be determined during the construction phase and Construction Contractors are to pay rent for any land temporarily required for construction work; PPMU is in charge of monitoring on restoration of the affected land.			
A.2 Permanently affected agricultural land:			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Losing less than 10 percent of total productive landholding 8,264.4 m2 (33 households will be affected by the subproject area	NA a/ Cash compensation at replacement cost for affected portion; if the remaining land is not viable cash compensation at replacement cost for the entire affected land parcel; and b/ Compensation for standing crops at market price; and c/ Job training/creation assistance equal to 2 times of acquired land value.	<ul style="list-style-type: none"> - HHs affected on land will be noticed about land acquisition at least 90 days in advance and fully receive the compensation at replacement cost before site clearance at least 01 (one) month in advance. - AHs will receive full compensation at the replacement cost and allowances before site clearance. - They will use the remaining portion of the land if it is viable for use.
User with lease	5,165.2 m2 of 12 AHs with lease	a/ No compensation for land but cash compensation for standing crops at market price; and b/ Cash compensation for the remaining value of investment in the affected land and value of the remaining contract.	AHs will receive full compensation before site clearance
Public organizations	04 CPCs with total area of 10,635.4 m ² Total: 10,635.4 m2, of which 4,480.7 m2 of annual crop land; 3,347.3m2 of perennial tree land, 1,777.3 m2 of forest land and 1,030.1 m2 of graveyard land	a/ No compensation for affected land but support equivalent 100% of compensation value of the affected land will be paid to CPCs. This amount of support for affected land must be paid to account of the affected CPC and used for infrastructure improvement of the commune b/ Cash compensation at current market prices for standing crops on the affected land will be paid to households who are renting land of CPCs.	Full compensation will be paid before site clearance.
B. COMPENSATION FOR AFFECTED HOUSE AND STRUCTURE			
B.1.Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.			

Entitled Persons	Type & level of impact	Compensation Policy	Implementation Issues
Owners of structures	One household is affected by fence with total of 34.7 m and one household is affected by 10 graves.	Cash compensation for all affected assets at replacement cost without depreciation of material that could be utilized.	Full compensation at replacement cost for all affected assets without deduction or depreciation of materials that can be utilized for structures if they are available before the cut-off date.
C. COMPENSATION FOR AFFECTED CROPS AND TREES			
Owners of crops and/or trees	Loss of annual crops 1,894.4 m ² of 17 AHs with affected crop	If standing crops are ripening and cannot be harvested, cash compensation of un-harvested crops at market values based on the average production over past 3 years.	HHs with affected crop will be informed minimum of 3 months' to harvest crops; and are entitled to compensation regardless of whether they possess land use rights. Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years.
	Loss of perennial crops, fruit and timber trees and tree fences 26 AHs with 2,801 affected timber trees	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	Calculation of compensation for trees is based on the age and diameter of the tree. APs have the right to use salvageable trees. APs will receive cash compensation at current market cost for any un-harvested or ready for harvest crops at the time of land acquisition.
D. PACKAGE OF ECONOMIC REHABILITATION AND RELOCATION ASSISTANCE			
<i>D.1 Economic Rehabilitation Assistance</i>			
AH losing agriculture land	Job training/Creation allowance 8,264.4 m ² of 33 AHs	Cash assistance equal to 2 times of compensation value for affected land area In addition, in case, the province hold the vocational trainings, household member in working age are entitled to participate in a free training course;	Allowance will be paid for AHs at the same time of compensation payment and before site clearance
<i>D.2 Special allowance for social and economically vulnerable households</i>			
Vulnerable households: (i)	Assistance to vulnerable households to improve their	Vulnerable group will be provided a assistance of VND	Allowance will be paid for AH at the

Entitled Persons	Type & level of impact	Compensation Policy	Implementation Issues
headed by women with dependents, (ii) headed by persons with disability, (iii) falling under the national poverty standard, (iv) with children and elderly who have no other means of support, (v) landless, and (vi) ethnic minorities.	social and economic conditions. Only one household is disable headed household in the subproject area	2,000,000 per household	same time of compensation payment and before site clearance.

VIII. INCOME RESTORATION AND REHABILITATION

108. In order to assist affected persons to restore livelihoods and income levels, SP will provide income restoration assistance in the form of allowance to AHs affected by the loss of productive lands and the vulnerable AH. The various types of allowances outlined in the entitlement matrix include: (i) cash allowance for job changing and job creation for AHs affected by the permanent loss of agricultural land; (ii) cash allowance for vulnerable affected households.

IX. COST ESTIMATES AND RESETTLEMENT BUDGET

A. Replacement cost

109. According to subproject policy and Land Law of Viet Nam, compensation price for affected assets by the subproject is paid at replacement cost. During the DMS time, the DCARB conducted a community consultation meeting with all relevant division in the affected communes, affected households in order to do an assessment on the price of affected land, and proposed the compensation prices for the subproject. The coefficient of compensation price for land is 1.1 as Decision No 08/2018/QD-UBND dated on 9th February 2018 of Binh Dinh PPC and also Decision No. 891/QD-UBND dated 22/5/2018 of Phu Cat district and Decision 2924/QD-UBND dated on 31th May 2018 of Tay Son DPC. The proposed compensation price is summarized in table 16.

110. This replacement cost for land as well as for other non-land assets have been verified and consulted with local authorities and affected households by LIC in April 2018. AHs agreed with this proposed compensation prices. From the verification of proposed compensation prices for this SP and consultations with AHs, LIC confirms that compensation prices to be applied for this subproject reflect replacement costs.

111. For replacement costs for trees and crops and structures, the compensation rates are based on the provincial decisions which have been updated in 2017 as the Decision No. 21/2017/QD-UBND dated on 19th May, 2017 and Decision No. 54/2017/QD-UBND dated on 21th September, 2017 of Binh Dinh PPC. Because, the rates have not changes much and the rates are assessed equivalent to market rates and the PPC and relevant agencies has agreed to apply the rates in the provincial decisions and consulted to AHs for agreement with these proposed compensation prices.

Table 16: Proposed compensation price for land

Type of land	Proposed Compensation unit price for SP (VND)	Notes
Annual crop land	30,000 - 60,000	The land price is depended on location of affected land
Garden land	20,000 – 40,000	

Source: Results of consultation with affected households in April 2018

B. Resettlement budget

112. Cost for implementation of compensation, assistance and resettlement for the subproject includes:

- Cost for compensation and allowance;
- Cost for implementation;
- Provisional cost.

113. **Compensation costs** consist of: (i) compensation cost for land; (ii) compensation cost for structures, and; (iii) compensation cost for affected crops and trees. **Allowance costs** consist of: (i) Allowance to job creation/training allowance and (ii) Allowance to vulnerable AH.

114. Cost for land acquisition implementation is equal to 2% of total cost for compensation and allowance and provisional cost. Total compensation and assistance cost under this SP is VND 432,193,759, equivalent to USD 18,956. In which: (i) compensation amount is VND 232,302,686 (ii) Assistance amount is VND 160,600,731; (iii) Management and Implementation Cost is VND 160,600,731 and (iv) Contingency is VND 39,290,342. The table below summarizes the above mentioned costs:

Table17: Summary of compensation and assistance cost

No	Items	Amount (VND)	
		Cost	HH
a	Compensation cost	232,302,686	
	- <i>Affected Land</i>	145,715,086	33
	- <i>Annual Crops</i>	7,938,400	17
	- <i>Timber trees</i>	54,984,000	26
	- <i>Fruit trees and Perennial Trees</i>	2,400,000	2
	- <i>Secondary Structures</i>	6,085,200	1
	- <i>Graves</i>	15,180,000	1
b	Allowance Cost	160,600,731	
	- <i>Job training/creation allowance</i>	64,883,800	33
	- <i>Allowance for affected public land</i>	93,716,931	4
	- <i>Additional Assistance for vulnerable group</i>	2,000,000	1
C	Contingency (10%)	39,290,342	
d	Land acquisition implementation and management cost: (a+b) x 2%	7,858,068	
Total in VND		432,193,759	
Total in USD		18,956	

X. INSTITUTIONAL ARRANGEMENT

A. National Level

115. Ministry of Agriculture and Rural Development (MARD) shall entrust to the Central Project Management Unit (CPMU) under the Agricultural Project Management Board (APMB) as its authorized project management unit responsible for:

- (i) Providing overall management plan, coordination and supervision of project implementation;
- (ii) Coordinating with executing agency to implement all components of project.
- (iii) Recruiting resettlement specialists to support for resettlement implementation of the project;

- (iv) Screening and appraising safeguard policy issues of sub-projects with the assistance of LIC;
- (v) Supporting PPMU in the preparation and updating RP of subproject's components to be submitted to PPC and ADB for approval;
- (vi) Preparing reports on project progress regarding land acquisition and resettlement prepared by PPMU to be submitted to relevant agencies and ADB.
- (vii) Supervision of resettlement activities implementation and preparing semi-annual monitoring report to submit to ADB for review.

B. Provincial Level

116. Provincial People's Committee (PPC) is the executing agency of sub-project. PPC is responsible for appraisal and approval of RP. PPC is responsible for issuance of decisions and approvals related to RP implementation which include relevant categories of RP implementation, official selection, compensation unit price submitted by the independent appraiser, notice and approval to undertake information disclosure, land acquisition and compensation payment, decision on allocation of replacement land (if available) and grievance redress. PPC is responsible for establishment of Land Evaluation and Pricing Committee and authorize responsibilities of agencies at commune and district levels.

117. PPC entrusts to the Department of Agriculture and Rural Development (DARD) the monitoring of the progress of land acquisition, resettlement. Department of Agriculture and Rural Development as per its competence established the PPMU to implement project components and internal monitoring of RP implementation progress. PPMU's specific responsibilities are:

- (i) Supervision of all the activities of DCARB during RP implementation. PPMU is responsible for:
- (ii) Preparation, updating, supervision and monitoring of status of RP implementation of subproject;
- (iii) Guide DCARB to implement resettlement activities in accordance with approved RP; and addressing any failure or shortcoming identified through internal resettlement monitoring to ensure that the objectives of resettlement plan are achieved and to financially and technically support DCARB and Commune Measurement Team with adequate facilities.
- (iv) Coordinate with DCARB and CPC to implement information dissemination activities and consultation with stakeholders based on Project Implementation Guideline;
- (v) Coordinate with other relevant agencies to ensure that restoration and rehabilitation measures are timely provided to affected people;
- (vi) Internal monitoring of Resettlement progress, establishment and maintenance of database on affected people for each subproject component in compliance with project procedures and preparation of reports to be submitted to CPMU through LIC;
- (vii) Timely implementation of mitigation measures following results of internal monitoring.

C. District Level

118. The District Compensation, Assistance and Resettlement Board (DCARB) has been established under the DPC as the Decision No. 392/QD-UBND dated on 16th March 2018 of Phu Cat district and Decision No. 1503/QD-UBND dated on 15th March 2018 of Tay Son district. The DCARB are consisted of members from district relevant departments, CPCs, PPMU and head of DCARB is leader of DPC.

119. DCARB in coordination with PPMU/CPC and under the direction of PPMU implements subproject activities, particularly:

- (i) Public information disclosure and other documents to ensure that site clearance and resettlement procedures are understood by all affected people.
- (ii) Planning and implementation of the Detailed Measurement Survey (DMS) and disbursement for compensation.
- (iii) Identification of affected people and severely affected households; prepare and provide them restoration measures.
- (iv) Assistance in locating resettlement area and new agricultural land for APs who have to relocate.
- (v) Support CPC in grievances redress.

D. Commune Level

120. The CPC will assist the DCARB in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- (i) Cooperate with District level and with commune level local mass organizations in the mobilization of people who will be tasked to implement the compensation, assistance and resettlement policy according to the approved RP;
- (ii) Cooperate with DCARB and Working groups in communicating the need for land acquisition to the people whose land is to be acquired for the subproject. Also, notify and publicize all resettlement options on compensation, assistance and resettlement which are approved by DPC;
- (iii) Assign Commune officials to assist the DCARB in the updating of the RP and implementation of resettlement activities;
- (iv) Identify replacement land for affected households;
- (v) Sign the Agreement Compensation Forms along with the affected households;
- (vi) Assist in the resolution of grievances.

XI. IMPLEMENTATION SCHEDULE

121. ADB will not approve bidding and award of any civil works of the funded sub-project unless its final RP is updated based on DMS results.

122. CPMU should ensure that contractors will not be allowed to implement any construction work unless (i) compensation payment and relocation of affected people are completed, and (ii) assistance for rehabilitation and restoration to affected people are provided and site clearance is completed.

123. The implementation schedule for resettlement activities for the subproject is presented in the table below, including (i) activities that have been completed to prepare the RP; (ii) resettlement implementation activities; and, (iii) independent monitoring activities.

Table 18: RP Implementation schedules

Activities	Time
Final RP to be approved by ADB	July, 2018
Public RP on ADB website and at locality	End of July, 2018
Compensation and assistance payment	Beginning August 2018

Activities	Time
Land acquisition and site clearance	End of August 2018
Bidding and award of civil works	Beginning of September 2018
Internal monitoring of PPMU/CPMU	Beginning of August 2018
The next semi-annual report of LIC	Every 06 month from the first monitoring
Commencement of civil works	October 2018

XII. MONITORING AND EVALUATION

A. Objectives of internal monitoring

124. The Project will establish an internal monitoring and evaluation system. The main purpose of the monitoring and evaluation system is to ensure that matters related to involuntary resettlement are implemented in accordance with the policies and procedures of the RPs following ADB SPS 2009 and the uREMDF. Monitoring will be done by the PPMUs and the CPMU (assisted by its Loan Implementation Consultant). Engagement of external experts is not required for this project because only minor involuntary resettlement impacts are anticipated in the subprojects.

125. The objectives of internal monitoring is to: (i) report on the status and assess the compliance with the agreed RP; (ii) confirm the availability/handover of land to the proposed subprojects; (iii) monitor contractors' compliance to policy framework's provisions related to temporary land acquisition during civil works; (iv) ensure that the standards of living of affected households is restored or improved; (v) monitor the implementation process; (vi) assess the sufficient implementation of compensation, resettlement measures and social development assistance programs; (vii) identify problems or potential problems; and (viii) identify and implement quick response measures to mitigate emerging issues;

B. Responsible agencies for monitoring

126. The PPMU will establish an internal resettlement monitoring system and prepare progress monitoring reports on all aspects of land acquisition and resettlement activities for this subproject. Internal reports of RP implementation will be initially prepared by the PPMUs and submitted to the CPMU, which then is transmitted to LIC for the preparation of the semi-annual Internal Resettlement Monitoring Report (IRMR) to be submitted by CPMU to ADB. Likewise, all related information will be collected from the field to assess the progress of the RP implementation and included in the project's quarterly progress reports;

127. ADB will only issue a "No-objection letter" to the commencement of civil works for the subproject if the monitoring report prepared CPMU confirms that all compensation payments and allowances as regulated in the RP were completely provided and that there are no pending complaints on these payments.

C. Indicators of monitoring

128. The table below presents the Monitoring and Evaluation Indicators for this subproject.

Table 19: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
INPUTS INDICATORS	Staffing and Equipment	<ul style="list-style-type: none"> Number of project dedicated PPMU staff Formation of DCARB Number of DCARB members and job function Adequate equipment for performing functions (including grievance

Type	Indicator	Examples of Variables
		<ul style="list-style-type: none"> recording) Training undertaken for all implementing agencies Construction Contractor meeting local employment targets for unskilled labor
	Finance	<ul style="list-style-type: none"> Resettlement budgets disbursed to DCARB and AHs in timely manner
PROCESS INDICATORS	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> Distribution of PIB to all AHs RP available in all districts Translation at ethnic minority villages and for individual minority AHs in villages of other ethnicity Consultations and participation undertaken as scheduled in the RP Grievances by type and resolution Number of local-based organizations participating in subproject
OUTPUT INDICATORS	Acquisition of Land	<ul style="list-style-type: none"> Area of cultivation land acquired Area of residential land acquired Fishponds acquired
	Buildings	<ul style="list-style-type: none"> Number, type and size of private houses/structures acquired Number, type and size of community buildings acquired Number, type and size of government assets affected
	Trees and Crops	<ul style="list-style-type: none"> Number and type of private trees acquired Number and type of government/community trees acquired Number and type of crops acquired Crops destroyed by area, type and number of owners
	Compensation and Rehabilitation	<ul style="list-style-type: none"> 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 payment paid Compensation payments made on time Compensation payments according to agreed rates Number of houses demolished Number of porches/kitchens dismantled Number of replacement houses built by AHs on the same plot Number of replacement houses built by AHs on other plots they own Number of replacement houses built by AHs on allocated plots Number of replacement businesses constructed by AHs Number of owners requesting assistance for additional replacement land Number of replacement land purchases effected Number of land titles issued Number of vulnerable groups provided additional assistance Number of AHs who received support under livelihood restoration program
	Reestablishment of Community Resources	<ul style="list-style-type: none"> Number of community buildings repaired or replaced Number of seedlings supplied by type

D. Preparing monitoring reports

129. The PPMU will conduct the internal monitoring of RP implementation under support of LIC resettlement consultants to identify as early as possible the activities achieved and the cause(s) of problems encountered so that arrangements in RP implementation can be adjusted. Related information will be collected monthly from field to assess the progress of RP implementation and included in the project's quarterly progress reports.

130. CPMU, with supports of LIC, is required to prepare semi-annual monitoring reports for submission to ADB that will include progress in compensation payment as well as other resettlement activities.

131. The CPMU will incorporate the status of RP implementation in the overall Project progress report to submit to ADB.

ANNEXES

ANNEX 1: SAMPLE OF FIRST ROUND MINUTES PUBLIC CONSULTATION MEETINGS

CỘNG HOÀ XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập - Tự do - Hạnh phúc

BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG

**Dự án thành phần: Sửa chữa, khắc phục hậu quả lũ lụt do thiên tai đối với
Hệ thống kênh tưới Văn Phong**

Dự án Phát triển nông thôn tổng hợp các tỉnh miền Trung-Khoản vay bổ sung

Hôm nay, ngày 23 tháng 02 năm 2017 tại Ủy ban nhân dân Xã Tây An.

UBND Xã Tây An tổ chức cuộc họp tham vấn cộng đồng, bàn về việc khắc phục, sửa chữa dự án thành phần: Sửa chữa, khắc phục hậu quả lũ lụt do thiên tai đối với Hệ thống kênh tưới Văn Phong thuộc dự án Phát triển nông thôn tổng hợp các tỉnh miền Trung-Khoản vay bổ sung.

A – Thành phần tham gia cuộc họp:

I. Đại diện Ban Quản lý dự án Nông nghiệp và PTNT tỉnh Bình Định:

- | | |
|----------------------------|-------------------------------------|
| 1. Ông : Nguyễn Hữu Thạnh, | Chức vụ: Phó Giám đốc; |
| 2. Ông : Lê Quang Tuấn, | Chức vụ: Cán bộ kỹ thuật; |
| 3. Ông : Nguyễn Tấn Vinh, | Chức vụ: Cán bộ chính sách an toàn. |

II. Đại diện nhóm hỗ trợ kỹ thuật huyện Tây Sơn:

- | | |
|----------------------------|---|
| 1. Ông : Hồ Thành Phi, | Chức vụ: Trưởng phòng Nông nghiệp; |
| 2. Ông : Nguyễn Xuân Hùng, | Chức vụ: T. phòng Tài nguyên, môi trường; |
| 3. Ông : Nguyễn Kế Lộc, | Chức vụ: Trưởng phòng Kinh tế - Hạ tầng. |

III. Đại diện UBND Xã Tây An:

- | | |
|--------------------------|------------------------------|
| 1. Ông : | Chức vụ: Chủ tịch UBND; |
| 2. Ông : Nguyễn Văn Phú, | Chức vụ : Phó Chủ tịch UBND; |
| 3. Ông : Võ Thanh Khoa, | Chức vụ: Cán bộ địa chính. |

IV. Đại diện các tổ chức chính trị xã hội của xã:

- | | |
|---------------------------|---------------------------------------|
| 1. Ông: | Chức vụ: Chủ tịch Mặt trận Tổ quốc; |
| 2. Ông: Nguyễn Thị Bông, | Chức vụ: Chủ tịch Hội Nông dân; |
| 3. Bà: Nguyễn Lệ Ái, | Chức vụ: Chủ tịch Hội Phụ nữ; |
| 4. Ông: Nguyễn Văn Thành, | Chức vụ: Bí thư Đoàn Thanh niên; |
| 5. Ông: Nguyễn Văn Láng, | Chức vụ: Chủ tịch Hội cựu chiến binh. |

V. Đại diện người dân vùng hưởng lợi/bị ảnh hưởng:

Tổng số người dân tham dự: 69 người

Trong đó : - Nam : 44 người

 - Nữ : 25 người



B - Nội dung cuộc họp:

I - Đại diện Ban Quản lý dự án Nông nghiệp và PTNT tỉnh Bình Định:

Ông Nguyễn Hữu Thanh giới thiệu về nội dung sự cần thiết phải khắc phục, sửa chữa dự án do 05 đợt mưa lũ kéo dài (từ ngày 29/11/2016 đến ngày 17/12/2016) làm hư hỏng, sạt lở nhiều đoạn của Hệ thống kênh tưới Văn Phong.

1. Về dự án Phát triển nông thôn tổng hợp các tỉnh miền Trung-Khoản vay bổ sung, tỉnh Bình Định:

Tỉnh Bình Định đề xuất 6 dự án thành phần (DATP) với tổng vốn 389.894 triệu VND. Trong đó: 05 DATP Thủy lợi bao gồm: Sửa chữa nâng cấp 02 hồ chứa nước, Kiên cố 03 hệ thống kênh tưới, đảm bảo cung cấp nước tưới cho khoảng 6.158 ha đất nông nghiệp và 01 DATP Công trình phục vụ nông thôn mới.

2. Về dự án thành phần: Sửa chữa, khắc phục hậu quả lũ lụt do thiên tai đối với Hệ thống kênh tưới Văn Phong:

- Quy trình lựa chọn và xác định dự án thành phần: Sửa chữa, khắc phục hậu quả lũ lụt do thiên tai đối với Hệ thống kênh tưới Văn Phong, nhằm khắc phục những hư hỏng do mưa lũ gây nên, phù hợp với quy hoạch thủy lợi tỉnh Bình Định đã đầu tư trước đây.

- Hệ thống kênh Văn Phong thông qua đập dâng Văn Phong trên sông Côn để sử dụng nguồn nước của hồ Định Bình tưới cho 10.125 ha hiện đã xây dựng hoàn thành, đưa vào sử dụng và phát huy hiệu quả.

- Dự án sẽ cải thiện chất lượng cuộc sống và giảm nghèo cho 156.300 người dân của các xã: Bình Thành, Bình Hòa, Bình Tân, Tây An, Tây An, Tây Vinh, Tây Bình và thị trấn Phú Phong, huyện Tây Sơn; xã Nhơn Mỹ thị xã An Nhơn; các xã: Cát Hiệp, Cát Trinh, Cát Hanh, Cát Tân, Cát Tường, Cát Nhơn và thị trấn Ngô Mỹ, huyện Phù Cát, tỉnh Bình Định. Thông qua việc đầu tư sửa chữa, khắc phục hậu quả lũ lụt do thiên tai đối với Hệ thống kênh tưới Văn Phong để phục hồi sản xuất nông nghiệp, cải thiện thu nhập từ nông sản và giảm tổn thương do các yếu tố bên ngoài như lũ lụt, hạn hán và xói mòn đất.

3. Quy mô xây dựng công trình:

- Kênh chính Văn Phong với tổng chiều dài 34,0km, mặt cắt kênh hình thang, mái kênh được gia cố bằng tấm lát BTCT M200 và BT M200 đổ tại chỗ, theo thống kê các vị trí đoạn kênh hư hỏng do mưa lũ (từ ngày 29/11/2016 đến ngày 17/12/2016) như sau: Số điểm sạt lở mái kênh khoảng hơn 200 điểm, chiều dài sạt lở mái kênh khoảng 5,50km; nhiều đoạn kênh bê tông tấm lát mái bị sụp đổ, phần đất bị cuốn trôi hoàn toàn.

- Các tuyến kênh nhánh với tổng chiều dài 132,81km, mặt cắt kênh hình chữ nhật là chủ yếu, đổ tại chỗ bằng BT M200. Các nhánh kênh hư hỏng do mưa lũ (từ ngày 29/11/2016 đến ngày 17/12/2016) như sau: Số điểm sạt lở khoảng hơn 15 điểm, chiều dài sạt lở kênh khoảng 0,70km. Một số tuyến kênh nhánh bị sạt lở bờ kênh do tác động của mưa lũ, một số đoạn kênh bị lũ cuốn trôi làm đứt gãy hư hỏng.

4. Những vấn đề về chính sách thu hồi đất, tái định cư, môi trường:

Một trong các tiêu chí lựa chọn dự án thành phần về tái định cư và môi trường là chỉ lựa chọn các DATP có tiêu chí về tái định cư và môi trường thuộc loại C theo định nghĩa của ADB.

Về tái định cư: Lựa chọn những DATP có tác động đến ít hơn 200 người bị ảnh hưởng nặng, bị mất 10% đất sản xuất hoặc di chuyển nhà cửa bắt buộc.

Các tuyến kênh thuộc DATP Sửa chữa, khắc phục hậu quả lũ lụt do thiên tai đối với Hệ thống kênh tưới Văn Phong là tuyến kênh cũ không có khu vực bảo tồn, bảo tàng và di sản văn hóa, nên việc sửa chữa, khắc phục không ảnh hưởng gì đến vấn đề này.

Việc sửa chữa, khắc phục hậu quả lũ lụt do thiên tai đối với Hệ thống kênh tưới Văn Phong để phục vụ tưới cho đất đai canh tác của Xã Tây An là làm tốt thêm cho môi trường. Tác động tiêu cực đến môi trường trong quá trình thi công là có nhưng không lớn. Đề nghị trong khi thi công Ban QLDA tỉnh và Nhà thầu phải có biện pháp khắc phục để việc tác động tiêu cực này là thấp nhất.

II- Ý kiến đóng góp tại cuộc họp tham vấn cộng đồng:

- Ông Nguyễn Văn Phú, Phó Chủ tịch Xã Tây An, nêu mục đích nội dung cuộc họp bàn về xây dựng, dự án thành phần: Sửa chữa, khắc phục hậu quả lũ lụt do thiên tai đối với Hệ thống kênh tưới Văn Phong.

Sau khi bàn bạc thảo luận cuộc họp thống nhất như sau:

1- Những nội dung thống nhất với dự án thành phần đề xuất:

+ Chủ trương xây dựng DATP: Sửa chữa, khắc phục hậu quả lũ lụt do thiên tai đối với Hệ thống kênh tưới Văn Phong là vô cùng thiết thực, Hệ thống đã xây dựng hoàn thành và đang khai thác sử dụng, nhưng cuối năm 2016 do mưa lũ năm 2016 làm hư hỏng, sạt lở và cuốn trôi nhiều điểm; nếu không sửa chữa, khắc phục, thì đất đai canh tác được tưới rất bấp bênh do hệ thống kênh hư hỏng, năng lực tưới chỉ còn hơn 50%. Vì vậy, sửa chữa, khắc phục hậu quả lũ lụt do thiên tai đối với Hệ thống kênh tưới Văn Phong đảm bảo nguồn nước tưới ổn định, là nguyện vọng thiết tha của nhân dân vùng hưởng lợi của dự án.

+ Về thiết kế, phương án Sửa chữa, khắc phục: thống nhất như Ban QLDA tỉnh đã trình bày.

+ Dự án có tác động tích cực đối với môi trường: Chống bạc màu, phủ xanh đất trống nhờ sản xuất nông nghiệp có nước tưới, cây trồng đảm bảo nước tưới, phục vụ sinh hoạt cho khu dân cư xa nguồn nước và cho trâu, bò uống...

Dự án cũng có những tác động tiêu cực đến môi trường, chủ yếu phát sinh trong quá trình thi công như tiếng ồn, bụi và khí thải. Ảnh hưởng tiêu cực này sẽ được Ban QLDA tỉnh, Nhà thầu thi công có biện pháp khắc phục để tác động là thấp nhất.

+ Về công tác giải phóng mặt bằng: tuyến công trình Sửa chữa, khắc phục hậu quả lũ lụt do thiên tai đối với Hệ thống kênh tưới Văn Phong theo tuyến kênh cũ đã xây dựng, chủ yếu bồi thường một số diện tích tạm thời do mượn đường thi công, bãi vật liệu đất đắp và đất sử dụng tạm thời. Do đó, công trình có chi phí giải phóng mặt bằng nhưng không đáng kể, không ảnh hưởng xấu đến sinh kế của người dân. Bồi thường, giải phóng mặt bằng thống nhất thực hiện theo chủ trương



chính sách hiện hành của Nhà nước và các qui định của ADB. Về trình tự thực hiện: Đề nghị tuân thủ đúng theo qui định và có sự tham gia của người dân bị ảnh hưởng trong quá trình thực hiện công tác này.

+ Về công tác thi công, kế hoạch vận hành duy tu bảo dưỡng dự án:

* Thi công dựa theo tuyến kênh cũ, kỹ thuật thi công không quá phức tạp.

* Duy tu bảo dưỡng và quản lý vận hành dự án: thực hiện theo phân cấp của tỉnh, theo đó Công ty TNHH Khai thác công trình thủy lợi Bình Định được giao nhiệm vụ quản lý vận hành.

+ Về tác động môi trường, bảo vệ môi trường và những vấn đề khác:

Ảnh hưởng môi trường không đáng kể, chủ yếu chỉ xảy ra trong thời gian thi công.

2- Những ý kiến đề xuất:

Đề nghị các cấp đưa dự án vào thực hiện sớm, là nguyện vọng tha thiết của nhân dân trong vùng.

Trên đây là nội dung cuộc họp tham vấn cộng đồng được tổ chức với đầy đủ các thành phần: Ban QLDA tỉnh, chính quyền cấp xã, các tổ chức đoàn thể và đại diện nhân dân vùng hưởng lợi/bị ảnh hưởng từ dự án.

Cuộc họp kết thúc lúc 11 h 00' cùng ngày.

Ban QLDA Nông nghiệp và PTNT

tỉnh Bình Định



PHÓ GIÁM ĐỐC

Nguyễn Hữu Thanh

UBND Xã Tây An



**KT/ CHỦ TỊCH
PHÓ CHỦ TỊCH**

Nguyễn Văn Phú

Đại diện các tổ chức đoàn thể

Chủ tịch Mặt trận Tổ quốc

Chủ tịch Hội Nông dân



Nguyễn Thị Bông

Chủ tịch Hội cựu chiến binh

Chủ tịch Hội Phụ nữ



Laub

Nguyễn Văn Láng



Nguyễn Lệ Ái

Bí thư Đoàn Thanh niên

Đại diện người hưởng lợi/ bị ảnh hưởng



Nguyễn Văn Thanh

Thanh

Nguyễn Văn Thanh

Công Th
Khai Công Thức

Ng

Lý Thỉnh



ANNEX 2: SAMPLE OF SECOND ROUND MINUTES PUBLIC CONSULTATION MEETINGS

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập – Tự do – Hạnh phúc

DỰ ÁN PHÁT TRIỂN NÔNG THÔN TỔNG HỢP
CÁC TỈNH MIỀN TRUNG - KHOẢN VAY BỔ SUNG

BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG

Về Chính sách an toàn Tái định cư và Môi trường dự án L3173

Cát Trinh..., ngày 16 tháng 4 năm 2018...

Tên DATP: Sửa chữa, khôi phục hậu quả lũ lụt do thiên tai...
Đến với hệ thống kênh tưới Vực Phang...
Xã Cát Trinh..., huyện Phù Cát..., tỉnh Bình Định...

I. Thành phần tham dự:

- Ông/Bà Nguyễn Ngọc Phước..., Chức vụ CT UBND xã Cát Trinh...
- Ông/Bà Đoàn Thanh Nam..., Chức vụ Cán bộ địa chính...
- Ông/Bà Nguyễn Thị Kim Chung..., Chức vụ Chủ tịch hội phụ nữ...
- Ông/Bà Hoàng Thị Văn..., Chức vụ Cán bộ CAT Ban an ninh...
- Ông/Bà Lê Đình Tân..., Chức vụ Cán bộ Ban ANTA Tỉnh Bình Định...
- Ông/Bà Hoàng Đình Giáp..., Chức vụ Tư vấn thiết kế...
- Ông/Bà Nguyễn Minh Phú..., Chức vụ Tư vấn TĐC LCC...
- Đại diện những hộ bị ảnh hưởng: 16 người.

(Xem danh sách đại biểu tham dự đính kèm)

II. Nội dung

2.1 Các nội dung phổ biến thông tin:

- Phổ biến thiết kế của dự án: các thông tin chung về dự án như mục tiêu, địa điểm, phạm vi xây dựng...
- Phổ biến thông tin về phạm vi ảnh hưởng và Khung Tái định cư và phát triển DTTS, Môi trường.
- Phổ biến tiến độ thực hiện, quy trình khiếu nại, giám sát, đánh giá,
- Phát tờ rơi thông tin dự án.

2.2 Tham vấn cộng đồng:

- Tham vấn về phạm vi ảnh hưởng và các tác động của việc thực hiện dự án, các vấn đề về tái định cư, môi trường, các tác động dự kiến, các biện pháp giảm thiểu tối đa các tác động tiêu cực đến người bị ảnh hưởng.
- Tham vấn về giá thay thế, chính sách đền bù và quyền được đền bù, hỗ trợ của người bị ảnh hưởng;
- Tham vấn về nhu cầu hỗ trợ và các biện pháp phục hồi cuộc sống phù hợp cho người bị ảnh hưởng;
- Thu thập các ý kiến khác liên quan đến công tác đền bù tái định cư và các ảnh hưởng môi trường trong giai đoạn trước thi công, thi công và vận hành dự án.

[illegible]

Tài liệu và hình

[illegible]

Cuộc họp tham vấn kết thúc vào lúc 15^h ngày 16 tháng 4 năm 2018



Lúa
 Vô nhân Tử



Nguyễn Việt Phú

(Tham vấn cộng đồng về Chính sách an toàn Tái định cư dự án L3173)

Kênh N24 - Hệ thống kênh tưới và phòng

Xã Cát Trĩn, huyện phù Cát, tỉnh Bình Định

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ANNEX 3: PICTURES OF PUBLIC CONSULTATION MEETINGS



Consultation meeting in Cat Trinh commune, Phu Cat district



Consultation meeting in Binh Tan commune, Tay Son district



Working with Cat Hiep CPC staff



Consultation meeting in Cat Hiep CPC



Working with Cat Trinh CPC staffs, Phu Cat District



Working with Binh Thanh CPC staffs, Tay Son district