

# Resettlement Plan

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April 2012

## MFF 0054-VIE: Water Sector Investment Program – Tranche 2

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**DAK LAK PROVINCIAL PEOPLE COMMITTEE  
DAK LAK WATER SUPPLY AND CONSTRUCTION INVESTMENTS  
COMPANY LTD (DAKWACO)**

**VIET NAM WATER SECTOR INVESTMENT  
PROGRAM**

**Buon Ma Thuot and Three Adjacent Districts  
Water Supply Project**

**RESETTLEMENT PLAN**

**April 2012**

## CURRENCY EQUIVALENTS

For this report, the rate of **\$1 USD: VND 20,608** has been used.

## ACRONYMS AND ABBREVIATIONS

|         |   |   |
|---------|---|---|
| ADB     | – | Asian Development Bank  |
| APC     | – | District People’s Committee   |
| AP      | – | Affected Person   |
| CMD     | – | Cubic Meter per Day   |
| DAKWACO | – | Dak Lak Water Supply and Construction Investment One Member Ltd Co. |
| DMS     | – | Detailed Measurement Survey   |
| DOC     | - | Department of Construction  |
| DOF     | - | Department of Finance   |
| DONRE   | - | Department of Natural Resources and Environment                     |
| DP      | – | Displaced Person  |
| DPI     | - | Department of Planning and Investment                               |
| DRC     | – | District Resettlement Committee                                     |
| EMA     | – | External Monitoring Agency  |
| GOV     | – | Government of Viet Nam  |
| HH      | – | Household   |
| IOL     | – | Inventory of Losses   |
| LURC    | – | Land Use Right Certificate  |
| MPI     | - | Ministry of Planning and Investment                                 |
| MOC     | – | Ministry of Construction  |
| NGO     | – | Non-Government Organization   |
| NRW     | – | Non Revenue Water   |
| PIB     | – | Project Information Booklet   |
| PMU     | – | Project Management Unit   |
| PPC     | – | Provincial People’s Committee                                       |
| PRC     | – | Provincial Resettlement Committee                                   |
| RP      | – | Resettlement Plan (Asian Development Bank term)                     |
| RAP     | - | Resettlement Action Plan (World Bank term)                          |
| RC      | – | Resettlement Committee  |
| RCS     | – | Replacement Cost Survey   |
| SEID    | – | Southeast Asia Infrastructure Division                              |
| SES     | – | Socio-economic Survey   |
| VND     | – | Vietnamese Dong   |
| WPC     | – | Ward People Committee   |
| WTP     | – | Water Treatment Plant   |
| WU      | - | Women Union   |

## GLOSSARY

|  |   |
|--|---|
| Compensation                           | Payment in cash or in kind to replace losses of land, housing income, and other assets caused by the Project.   |
| Cut-off Date                           | The cut-off date for eligibility for entitlements will be the end of the detailed measurement survey (after completion of the detailed design of the components).   |
| Eligibility                            | Any person who, as of the cut-off date was located within the affected area of the Project or any component or sub-project thereof would be considered to be a Displaced Person.  |
| Involuntary Resettlement               | Addresses social and economic impacts that are permanent or temporary and are: (i) caused by acquisition of land and other fixed assets, (ii) change in the use of land, or (iii) restrictions imposed on land as a result of an ADB operation., or iv) loss of resources, and means of livelihood or v) social support systems, which people suffer as a result of the project and project components with or without physical displacement.   |
| Land Acquisition                       | The process whereby a person is compelled by a public agency to alienate all or part of the land he/she owns or possesses, to the ownership and possession of that agency, for a public purpose, in return for fair compensation  |
| Legal Users of Structures              | Categories of APs envisaged to have the legal right to build a structure: (i) APs with written permission issued by the relevant authority, (ii) APs who are in the process of obtaining a permanent LURC from the relevant authority and have the document to prove it are considered as having the legal right to build structures, (iii) APs who obtained ownership certificates or legalized certificates for their houses or structures between the cut-off date and the implementation date of the Project, issued by the provincial or district people's committee.                |
| Monitoring                             | The Process of regularly measuring the progress in effectively completing the project activities and in achieving the goal and objectives of the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies current or potential successes and problems as early as possible so as to facilitate corrections during the Project implementation   |
| Displaced Persons/<br>Affected Persons | In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (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.  |
| Rehabilitation                         | Rehabilitation measures include re-establishment of incomes, livelihoods and social systems. Measures include a) restoration of access to public facilities, infrastructure and services, b) mitigation of the loss of access to cultural sites, public services, water resources, grazing or forest resources through the establishment of access to equivalent or culturally acceptable resources and income-earning opportunities. These measures are determined in consultation with affected communities, even when their rights are not formally recognized in national legislation |
| Relocation                             | Rebuilding of house assets and public infrastructure in another location  |
| Resettlement Plan                      | A time-bound action plan with a budget setting out the resettlement strategy, objectives, entitlements, actions, responsibilities and arrangements for monitoring and evaluation.   |
| Resettlement Affects                   | All negative situations directly caused by the Project, including loss of land, property income generation opportunities and cultural assets  |
| Vulnerable Groups                      | Distinct groups of people who might suffer disproportionately from resettlement effects, including the poor, landless and semi-landless, female-headed, disabled and elderly households without means of support and those from minority groups.  |

## TABLE OF CONTENT

|  |           |
|--|-----------|
| <b>A. EXECUTIVE SUMMARY .....</b>                                      | <b>1</b>  |
| A.1 General .....  | 1         |
| A.2 Scope of Project.....  | 1         |
| A.3 Key survey findings.....   | 2         |
| A.4 Project Summary .....  | 3         |
| <b>B. PROJECT DESCRIPTION .....</b>                                    | <b>4</b>  |
| B.1 Project Background .....   | 4         |
| B.2 Project Components .....   | 5         |
| B.2.1 Buon Ma Thuot Water Supply .....                                 | 5         |
| B.2.2 Three adjacent districts water supply project: .....             | 6         |
| B.3 Preparation of the Resettlement Plan.....                          | 6         |
| <b>C. SCOPE OF LAND ACQUISITION AND RESETTLEMENT .....</b>             | <b>6</b>  |
| C.1 General impacts and compensations arrangements.....                | 7         |
| C.2 Steps Taken to Minimize Adverse Impacts .....                      | 7         |
| C.3 Land impact and compensation.....                                  | 8         |
| C.3.1 Buon Ma Thuot city.....  | 8         |
| C.3.2 Three adjacent districts .....                                   | 10        |
| C.4 Trees and plants impacts.....                                      | 10        |
| C.5 Impacts on buildings .....   | 11        |
| <b>D. SOCIO-ECONOMIC INFORMATION AND PROFILE.....</b>                  | <b>17</b> |
| D.1 General .....  | 17        |
| D.2 Employment .....   | 17        |
| D.3 Incomes.....   | 17        |
| D.4 Education .....  | 18        |
| D.5 Access to Public Services.....                                     | 18        |
| D.6 Household Assets .....   | 18        |
| D.7 Gender and Vulnerability Issues.....                               | 18        |
| D.7.1 Vulnerability .....  | 18        |
| D.7.2 Gender Strategy .....  | 19        |
| <b>E. INFORMATION DISCLOSURE, CONSULTATION, AND PARTICIPATION.....</b> | <b>20</b> |
| E.1 Project key stakeholders.....                                      | 20        |
| E.2 Staging consultation and participation measures.....               | 20        |
| E.3 Consultation and Disclosure .....                                  | 20        |
| <b>F. GRIEVANCE REDRESS MECHANISMS .....</b>                           | <b>21</b> |
| <b>G. LEGAL FRAMEWORK .....</b>  | <b>23</b> |
| G.1 Relevant Vietnamese Legislation .....                              | 23        |
| G.1.1 National Regulations .....                                       | 23        |
| G.1.2 Dak Lak Provincial Regulations.....                              | 23        |
| G.2 ADB's Safeguard Policy Statement and other Relevant Policies.....  | 24        |

|           |   |           |
|-----------|---|-----------|
| G.3       | Key Differences between GoV and ADB's Safeguards Policy Statement .....                       | 26        |
| G.4       | ADB involuntary resettlement safeguards .....   | 27        |
| G.5       | Reconciliation of Government and ADB Policy on Resettlement.....                              | 27        |
| G.6       | Cut-off Date and Eligibility .....  | 28        |
| G.7       | Principles of Replacement Cost .....  | 28        |
| <b>H.</b> | <b>ENTITLEMENTS, ASSISTANCE AND BENEFITS .....</b>  | <b>28</b> |
| <b>I.</b> | <b>RELOCATION OF HOUSING AND SETTLEMENTS.....</b>   | <b>31</b> |
| <b>J.</b> | <b>INCOME RESTORATION AND REHABILITATION .....</b>  | <b>31</b> |
| <b>K.</b> | <b>RESETTLEMENT BUDGET AND FINANCING PLAN .....</b>   | <b>31</b> |
| K.1       | Financing plan.....   | 31        |
| K.2       | Adjustment for Inflation .....  | 31        |
| K.3       | Compensation rates.....   | 31        |
| K.3.1     | Compensation rates for land .....   | 31        |
| K.3.2     | Compensation rates for trees, crops and structures .....                                      | 31        |
| K.3.3     | Replacement Cost Survey.....  | 32        |
| K.3.4     | Basis for Allowances.....   | 32        |
| K.4       | Cost estimates .....  | 32        |
| <b>L.</b> | <b>INSTITUTIONAL ARRANGEMENTS .....</b>   | <b>34</b> |
| L.1       | Dak Lak Provincial People Committee .....   | 34        |
| L.2       | The Project Management Unit (PMU) .....   | 34        |
| L.3       | People's Committees of Buon Ma Thuot City and Krong Ana, Ea Kar, Buon Don and Krong Nang..... | 35        |
| L.4       | Commune/Ward People's Committee .....   | 35        |
| L.5       | Agency Responsible for External Monitoring .....  | 35        |
| <b>M.</b> | <b>IMPLEMENTATION SCHEDULE.....</b>   | <b>36</b> |
| M.1       | Proposed implementation schedule .....  | 36        |
| M.2       | Conducting of Detailed Measurement Survey.....  | 36        |
| M.3       | Establishment of District Compensation Committees .....                                       | 37        |
| M.4       | Mobilization of Consultants.....  | 37        |
| <b>N.</b> | <b>MONITORING AND REPORTING .....</b>   | <b>37</b> |
| N.1.1     | Internal Monitoring .....   | 37        |

**Appendix 1: Information booklet**

**Appendix 2: List of affected households**

**Appendix 3: Minute of AP consultation in Buon Ma Thuot city and Krong Ana district**

**Appendix 4: Minutes of AP consultation in Three district towns, Ea Kar, Krong Nang and Buon Don**

**Appendix 5 – Project photos**

## **A. Executive Summary**

### **A.1 General**

On 8 February 2011, MPI submitted to the Prime Minister letter No 5044/BKHDT-KTDN regarding “Approval of sub-projects participating the Viet Nam Water Sector Investment Program, ADB Loan” (Program). The Program for 2011 – 2012 financial year is expected to be conducted in 12 provinces including Hai Phong, Da Nang, Thua Thien Hue, Bac Giang, Thai Nguyen, Thanh Hoa, Nghe An, Quang Tri, Quang Nam, Dak Lak, Lam Dong and Binh Duong.

It is expected that Dak Lak includes two sub-projects participating in the first phase of the Project, commencing in 2011, namely: (1) Buon Ma Thuot City and Three adjacent districts Water Supply Project (\$30.8 million) (Project); and (2) Cu Kuin Inter-communes Water Supply and Buon Ma Thuot City Water Source Supplementation Project (\$25.4 million).

### **A.2 Scope of Project**

The Project investment components are summarized as below:

#### ***Buon Ma Thuot city water supply system:***

- Raw water facilities: construct a water intake and 35,000m<sup>3</sup>/day raw water pumping station; install a 6km long HDPE DN700 raw water pipeline from the raw water pumping station to the water treatment plant (WTP) located on Tan Lap hill;
- Water treatment plant: the proposed 35,000m<sup>3</sup>/day WTP will be constructed on Tan Lap hill, Krong Ana District;
- Install a 12.5km long DN700-600 gravity transmission pipelines from the WTP to the booster pumping station (32,000m<sup>3</sup>/day);
- Booster pumping station: construct a booster pumping station (32,000m<sup>3</sup>/day) at Hamlet 11, Ea Tam ward;
- Transmission and distribution network: install total of approximately 130km transmission and distribution pipelines, 90km DN50-90 offtakes and 25,000 service connections.

#### ***Three adjacent district water supply project:***

Water supply investments for Ea Kar district town, Ea Kar district:

- Construct a 2,500m<sup>3</sup>/day water supply station on the base of small Chu Cuc hill. Raw water will be taken from Ea Kar lake. Install transmission, distribution pipelines and service connection with total length of 44km. Supply and install 3,300 service connections.

Water supply investments for Buon Don district town, Buon Don district:

- Construct a 1,000m<sup>3</sup>/day water supply station in Ea Wer. Raw water will be taken from Serepok hydro-electric dam. Install transmission, distribution pipelines and service connection with total length of 22km. Supply and install 1,400 connections.

Water supply investments for Krong Nang district town, Krong Nang district:

- Construct a 1,600m<sup>3</sup>/day water supply station in Ho Sen park area. Raw water will be taken from Dong Ho lake. Install transmission, distribution pipelines and service connections with total length of 34km. Supply and install 2,300 connections.

This Resettlement Plan (RP) has been prepared for Buon Ma Thuot city and 03 adjacent district towns of Ea Kar, Buon Don and Krong Nang based on (a) ADB’s Safeguard Policy Statement (SPS) dated 20 July 2009 and the Resettlement Framework of Viet Nam Water Sector Investment Program – Multitranchise Financing Facility (MFF); (b) legal documents of Vietnam and Dak Lak Province, (c) RAP documents prepared by VHD International Ltd. Co for Buon Ma Thuot city; update and revise RAP for three adjacent districts of Ea Kar, Buon Don and Krong Nang prepared by Pöyry Infra Ltd, and (d) Project site study and public consultation with possible APs and stakeholders during period July 2010 – July 2011.



### A.3 Key survey findings

The preliminary survey of impacts by the project construction activities were carried out during the preparation of feasibility studies reports for Buon Ma Thuot and three adjacent districts of Ea Kar, Buon Don and Krong Nang in 2009 – 2010. The surveys have been conducted further after the ADB Pre-fact finding missions worked in Dak Lak (22/June/2011) and in Ha Noi (22/7/2011).

A total of 10,7 ha of land will be affected (public land 5.1 ha, agriculture land 4.5 ha and other land, 1.1 ha). 8 HH and a mining company will be affected. All the 8 HH will be severely affected losing more than 10% of their productive land and 3 HH are considered as vulnerable (ethnic minority and poor HH).

**Table A-1 : Summary of Impacts**

| Component Requiring Land Acquisition                  | Area to be acquired (m²)       |             |                     |         | Total Nb of Affected HH      | Impacts           |                     |  |
|---|--------------------------------|-------------|---------------------|---------|------------------------------|-------------------|---------------------|--|
|   | Agriculture land               | Public land | Other land          | Total   |                              | Nb of Severely HH | Nb of Vulnerable HH | Degree of Impact   |
| Buon Ma Thuot City                                    |                                |             |                     |         |                              |                   |                     |  |
| Raw water pumping station                             |                                |             | 10,500 (sand depot) | 10,500  | Quyet Thang Sand Cooperative |                   |                     | Relocate the sand depot downstream the proposed intake structure                           |
| Raw water transmission main                           |                                | 9,000       |                     | 9,000   |                              | 0                 | 0                   | Land along road RoW  |
| Water treatment plant                                 | 14,500 (coffee cashew avocado) |             |                     | 14,500  | 3                            | 3                 | 3                   | H'Doc 28% and Y'Nool 13%<br>H'Num Niê 38%<br><br>3 HH from Ethnic minority; 2 of them poor |
| Treated water transmission main                       |                                | 17,000      |                     | 17,000  |                              |                   |                     | Land along road RoW  |
| Booster pumping station                               | 4000 (coffee cashew avocado)   |             |                     | 4,000   | 2                            | 2                 | 0                   | TT Huy 42% and NV Hanh 60%   |
| Sub Total BMT   | 18,500                         | 26,000      | 10,500              | 55,000  | 5                            | 5                 | 3                   |  |
| Three districts of Ea Kar, Krong Nang and Buon Don    |                                |             |                     |         |                              |                   |                     |  |
| Raw water facilities (reservoir and intake structure) |                                | 3,000       |                     | 3,000   |                              |                   |                     |  |
| Water treatment plants                                | 26,500                         |             |                     | 26,500  | 3                            | 3                 | 0                   | LT Tuong 20%, TT Dieu 27%, DV Ha 23%   |
| Raw water and treated water transmission mains        |                                | 22,000      |                     | 22,000  |                              |                   |                     | Land along road RoW  |
| Sub-Total 3 dist.                                     | 26,500                         | 25,000      |                     | 51,500  | 3                            | 3                 | 0                   |  |
| Grand Total   | 45,000                         | 51,000      | 10,500              | 106,500 | 8                            | 8                 | 3                   |  |

There are no houses, buildings nor other religion and historical buildings impacted under the project (Buon Ma Thuot and three adjacent districts). Only temporary facilities such as fence, yard, poultry

cages or houses may be impacted during construction of the raw water and treated water transmission pipelines. These facilities shall be reinstated to original status and conditions (equal or better in quality). Costs for reinstatements will be included in unit construction costs by the contractors.

#### **A.4 Project Summary**

**Entitlements and recommendations** The project entitlements developed and presented in the Table 11 - Entitlement Matrix of this report. The impacts identified during the census and inventory of losses are included in the table Entitlements adopted are based on Government and ADB-funded projects in Viet Nam. It should be noted that these entitlements may be enhanced, as necessary, following the conducting of DMS and consultation with APs to ensure that losses are restored, if not improved.

During the process of restitution for agricultural land lost, special attention will be paid to the three ethnic minority households affected. The preference expressed by one of their representatives for cultivable land of the same extent and similar or better quality, in exchange for land lost, has been noted (see Appendix 3). All 3 ethnic minority households are fully integrated with the Kinh Majority. They have large area of remaining land. Therefore the ADB's policy on indigenous peoples is not triggered. However specific measures have been taken for these 3 HH.

During the DMS, priority will be given to identifying whether either reserve or reclaimable land is available in the commune for this purpose. If it is not, land expropriated will be compensated at market rates by the EA. In either case, a suite of other remedial measures and livelihood enhancing options will be made available to affected EM HHs (see Table 11: Entitlement Matrix). These can include any or all of the following, depending on AHH circumstances and preferences expressed by them: restitution in cash at market rates for crops lost; support for development of new or existing agricultural land in terms of packages including seed, credit and agricultural extension services; rice subsidies; income restoration programs; vocational training for occupation change, as appropriate; and temporary or permanent employment. Preferences of the affected EM HH will be elicited and their qualifications for any of these entitlements assessed by means of consultations during the DMS. All this is necessary to ensure that their new living standards will be the same as or better than what it was before the Project's implementation.

In addition, during public consultation and RP investigation, the affected EMs at Ea Na, Krong Ana, expressed their desire that family members be considered for jobs in the project and/or the company. DAKWACO is aware of the situation and encouraged families to continue their children's education in order to make them eligible for better employment when they graduate. The company will consider any recruitment suited to their qualifications, and provide additional on-the-job training as appropriate. **Consultation:** Public consultation was conducted in July 2010 and further consultation in August and December 2011 (in combination with EM public consultation) with the affected HH, ethnic minorities households and other HH potentially affected during the construction stage.

**Grievance Redress:** A well-defined grievance redress and resolution mechanism will be established to address APs grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. The grievance redress mechanism is based on a four staged process at various levels of local government

**Institutional Arrangements:** DAKWACO is the EA of the Project and will be responsible for the updating of the resettlement plan. At the district level, the District Resettlement Committess will be responsible for the DMS.

**Budget:** Total estimated budget for land acquisition of Buon Ma Thuot and three districts of Ea Kar, Buon Don and Krong Nang is about 10,876 billion dong (equivalent to 527,738 USD).

**Implementation Schedule:** The Project will be implemented over five years starting in 2012. Compensation and land clearance will be conducted by early 2013.

**Monitoring:** Internal Monitoring is the responsibility of the Executing Agency, DAKWACO. No external monitoring will be needed as the impacts are not significant.

## B. Project description

### B.1 Project Background

Vietnam's rapid urbanization has placed enormous pressure on already water supply, drainage and wastewater services in the country's cities and towns. Government of Vietnam (GoV) policies focus on achieving high economic growth as the key to: (i) narrowing the development gap between Vietnam and other countries in the region, and; (ii) generating sufficient resources to raise living standards, reduce poverty and achieve social equity. Development of water supply, drainage and wastewater services in the country's urban areas is seen as an important contributor to economic growth and poverty reduction<sup>1</sup>.

In 2007 Government of Vietnam (GOV) and the World Bank (WB) agreed to proceed with the preparation of the Second Vietnam Urban Water Supply Development Project (VUWSDP II). The original Project Concept for VUWSDP II was based on the ADB-funded Vietnam Urban Water Supply Development Project (VUWSDP I) which will expand water supply systems in urban centers and develop new water supply systems in district towns in the period 2005-2011.

In 2009, the GOV received a Grant (PHRD - TF056904) from the Government of Japan through the World Bank for consultancy services to prepare Phase 1 of the VUWSDP II in 2009-2010. The Consultants under the Grant PHRD was mobilized in July 1, 2009 to: (a) prepare overall Pre-feasibility Study Report for the Project including Uong Bi (Quang Ninh), Tam Ky (Quang Nam), **Buon Ma Thuot (Dak Lak)**, My Phuoc 3 (Binh Duong) and Phu Quoc (Kien Giang). Feasibility Study Report for Buon Ma Thuot Water Supply Development Project was developed by VHD International Consultants Ltd. Co. to prepare in 2010.

Under the Tranche 2 of Phase II of the Competition Route of VUWSDP sub-project proposed investments for new water supply schemes in three (03) district towns of: (1) Ea Kar (Ea Kar District), (2) Buon Don (Buon Don District), and (3) Krong Nang (Krong Nang District) was included. The project preparation and support for these district towns was implemented in 2008 by Pöyry Environment Oy in association with Pöyry Infra Ltd and national consultants Water and Environment Consultant Ltd (WELI) and Water and Social Development Joint Stock Company (SECO).

MPI letter No 240/BKHDT-KTDN dated January 14, 2011 was sent to Director of ADB in Vietnam proposing list of participating provinces in Vietnam Water Sector Development Program under Multitranche Financing Facilities (MFF). The provinces recommended for Phase II of the Program (PRF2) includes Hai Phong, Da Nang, Thua Thien – Hue, Bac Giang, Thai Nguyen, Thanh Hoa, Nghe An, Quang Tri, **Dak Lak**, Quang Nam, Lam Dong and Binh Duong.

On February 15, 2011 ADB sent letter to MPI re “Multitranche Financing Facility “Water Sector Investment Program” Second Tranche (2011) – Periodic Financing Request 2 (PRF2)” to agree the list of participating provinces in PRF2, namely Hai Phong, Da Nang, Thua Thien Hue, Bac Giang, Thai Nguyen, Nghi Son, Nghe An, Quang Tri, **Dak Lak** (public and private), Quang Nam, Lam Dong and Binh Duong, with total estimated investment capital of \$540 million.

On 8 February, 2011 MPI submitted to the Prime Minister letter 5044/BKHDT-KTDN re “Approval of sub-projects participating the Viet Nam Water Sector Investment Program, ADB Loan” (Program). The Program for 2011 – 2012 financial year is expected to be conducted in 12 provinces including Hai Phong, Da Nang, Thua Thien – Hue, Bac Giang, Thai Nguyen, Thanh Hoa, Nghe An, Quang Tri, Quang Nam, Dak Lak, Lam Dong and Binh Duong.

It is expected that Daklak includes two sub-projects participating in the first phase of the Project, commencing in 2011, namely: (1) Buon Ma Thuot City and Three adjacent districts Water Supply Project (\$30.8 million); and (2) Cu Kuin Inter-communes Water Supply and Buon Ma Thuot City Water Source Supplementation Project (\$25.4 million).

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<sup>1</sup> Relationship between poverty reduction and urban WSS in Vietnam is clearly referenced in the Comprehensive Poverty Reduction and Growth Strategy (CPRGS).

During the period of June 22–24, 2011 ADB Mission visited and discussed with Dak Lak Provincial People's Committee and two proposed Project Owners, namely Dak Lak Water Supply and Construction Investment One Member Limited Company (DAKWACO) and Thuan An Investment and Construction Ltd. Co.

The ADB intends to provide an investment project that will contribute to the Government's goal of expanding the safe and continuous water supply in Buon Ma Thuot City and 03 adjacent district towns of Ea Kar, Buon Don and Krong Nang of Dak Lak Province. The Buon Ma Thuot and 03 adjacent district towns water supply aims to expand water supply coverage and service in these areas and to achieve a continuous high quality 24-hour water supply with good pressure.

The impact of the proposed Project will improve access to water supply through sustainable and efficient provision of safe water in Buon Ma Thuot City and 03 adjacent district towns of Dak Lak Province. The Outcome will strengthen the financial performance and the operational efficiency of DAKWACO to deliver a cost effective service. The output of the Project are as below:

- Increased coverage, increase service connections;
- Improved working ratio and operating ratio;
- Improved business planning, financial management and asset management;
- Reduced Non-Revenue Water (NRW).

## **B.2 Project Components**

The project service areas includes Buon Ma Thuot city and three district towns of Ea Kar, Buon Don and Krong Nang. Main water infrastructure components are presented as below:

### ***B.2.1 Buon Ma Thuot Water Supply***

The Buon Ma Thuot water supply component includes construction of new raw water source and Water Treatment Plant with capacity of 35,000m<sup>3</sup>/day and also to expand existing water supply system as below:

- Raw water facilities: construct a water intake and 35,000m<sup>3</sup>/day raw water pumping station. Install a mid-voltage power line from the electricity grid to the raw water pumping station, transformer sub-station and low voltage line, supply standby generator;
- Install a 6km long HDPE DN700 raw water pipeline from the raw water pumping station to the water treatment plant (WTP) located on Tan Lap hill;
- Water treatment plant: the proposed 35,000m<sup>3</sup>/day WTP will be constructed on Tan Lap hill, Krong Ana District. The treatment process is conventional including: mixing, flocculation, sedimentation, filtration and disinfection. Install a mid-voltage power line from the national grid to the WTP area, transformer substation, and low-voltage power line;
- Chemical houses: Construct and equip a chemical house for alum and lime dosing and a chlorine house with chlorination facilities for automatic chlorine dosing system;
- Sludge settling pond: Construct sludge settling ponds in the WTP site to receive backwash water and sludge from water treatment facilities. In dry season, sludge will be dried in the pond and removed to the landfill. The above surface water which is quite clean will be drained to the city sewerage system.
- Laboratory: construct and equip a testing laboratory at the WTP site to control water quality in the WTP. The operator, laboratory technician and water distribution workers will be trained for water quality monitoring.
- SCADA: Install a Supervisory Control and Data Acquisition System (SCADA) at the WTP to monitor and control WTP operation. Data will be transmitted to a central control room in the booster pumping station which will also monitor conditions in the distribution network. Provide training in SCADA, management reporting and information systems to DAKWACO engineers, technicians, WTP operators and distribution staff.
- Install a 12.5km long DN700-600 gravity transmission pipelines from the WTP to the booster pumping station. The pipelines will be designed to supply water with 32,000m<sup>3</sup>/day to the new booster pumping station in the city. Install DN100-150 offtakes from the gravity

transmission main to supply 3,000m<sup>3</sup>/day of treated water to Hoa Phu, Hoa Xuan, Hoa Khanh and Ea Kao communes in the south of the city;

- Booster pumping station: construct a booster pumping station and a 5,000m<sup>3</sup> storage reservoir to pump water to the transmission and distribution pipelines. They will be located in the Hamlet 11, Ea Tam ward. The booster pumping station will be equipped with VSD to supply water demand in different time of the network. The pump is sized to supply the peak hourly design flow by 2020;
- Transmission and distribution network: install combined 130km transmission main and distribution pipeline, 80km DN50-90 offtakes and 22,000 metered service connections.

### **B.2.2**

#### ***Three adjacent districts water supply project:***

Water supply investments for Ea Kar district town, Ea Kar district:

- Construct a 2,500m<sup>3</sup>/day water supply station on the base of small Chu Cuc hill. Raw water will be taken from Ea Kar lake. Install transmission, distribution pipelines and service connection with total length of 44km. Supply and install 3,300 service connections.

Water supply investments for Buon Don district town, Buon Don district:

- Construct a 1,000m<sup>3</sup>/day water supply station in Ea Wer. Raw water will be taken from Serepok hydro-electric dam. Install transmission, distribution pipelines and service connection with total length of 22km. Supply and install 1,400 service connections.

Water supply investments for Krong Nang district town, Krong Nang district:

- Construct a 1,600m<sup>3</sup>/day water supply station in Ho Sen park area. Raw water will be taken from Dong Ho lake. Install transmission, distribution pipelines and service connection with total length of 34km. Supply and install 2,300 service connections.

## **B.3 Preparation of the Resettlement Plan**

As mentioned above, the FSR, including RAP for the Buon Ma Thuot City sub-project was developed in 2010 by VHD International Consultants Ltd. Co. and the RAP for 03 adjacent district towns of Ea Kar, Buon Don and Krong Nang was developed by Pöyry Environment Oy in association with Pöyry Infra Ltd and national consultants Water and Environment Consultant Ltd (WELI) and Water and Social Development Joint Stock Company (SECO) in 2009. All these RAP documents were prepared following Guideline of World Bank on Involuntary Resettlement Safeguard Policy (OP/BP 4.12) and Resettlement Policy Framework for Vietnam Urban Water Supply Development Project (MFF RF September 2010).

Following ADB's Safeguard Policy Statement (SPS) dated 20 July 2009 and the Resettlement Framework of Viet Nam Water Sector Investment Program – Multitranches Financing Facility (MFF), the preparation and update of RP for the Buon Ma Thuot City and 03 adjacent district towns of Ea Kar, Buon Don and Krong Nang is required.

This RP was prepared for both Buon Ma Thuot city and 03 adjacent district towns of Ea Kar, Buon Don and Krong Nang and it was updated based on (a) ADB's Safeguard Policy Statement (SPS) dated 20 July 2009 and the Resettlement Framework of Viet Nam Water Sector Investment Program – Multitranches Financing Facility (MFF); (b) legal documents of Vietnam and Dak Lak Province, (c) RP documents prepared by VHD International Ltd. Co and Pöyry Infra Ltd, and (d) Project site study and public consultation with potential APs and stakeholders during period July 2010 - 2011.

## **C. Scope of Land Acquisition and Resettlement**

Based on the IOL carried out to date, the Project impacts are described and presented as below:

This RP has been based upon an Inventory of Losses (IOL) and census of the population potentially affected by the raw water intake, pumping station; water treatment plant; and booster pumping station and reservoir (Option 1).

The IOL for Buon Ma Thuot City and 03 adjacent district towns of Ea Kar, Buon Don and Krong Nang were conducted from 13-17 July 2010 and 25th August 2009, respectively. The list of affected people is presented in Annex 2.

A new census and a detailed measurement survey (DMS) will need to be undertaken following detailed design to precisely identify households affected by the Project and their respective losses.

### **C.1 General impacts and compensations arrangements**

All impacts relating to permanent land acquisitions, including loss of crops/trees and other fixed assets, loss of business incomes and livelihood, for construction of project components including raw water facilities, water treatment plants, booster pump stations in Buon Ma Thuot as well as district towns of Ea Ka, Krong Nang and Buon Don have been identified and described in this RP.

Other impacts that may occur during construction of raw water transmission mains, treated water transmission mains and distribution pipelines shall be determined, compensated and paid for during construction. Preliminary assessments were carried out during the project preparation stage for temporary impacts (trees, crops) for compensation costs budgeting purposes. Other temporary impacts (yard, fence) were estimated as part of unit construction costs for pipe laying and will be paid by contractors.

### **C.2 Steps Taken to Minimize Adverse Impacts**

To minimize impacts of land acquisition for such sub-project in Dak Lak province, including partly affected households and those attributable indirectly to the project, the following mitigation methods have been carried out as:

- Minimize project impacts to help households getting information on water source work, water treatment plant (WTP) location, disseminate interests of the projects as well as impacts so that a suitable mitigation methods can be accommodated for the project. The project team (consultant and Dakwaco) conducted several public consultations with local relevant agencies and affected HH including BMT City, ward and commune PCs of three district towns of Ea Kar, Buon Don and Krong Nang, the WU, Ethnic minority committee and affected households on 26 July 2010<sup>2</sup> and 7 September 2011<sup>3</sup>.
  - Dakwaco presented the project overall purposes for improving the living conditions of local inhabitants within the Project service areas and the social – economic developments of Buon Ma Thuot, Ea Kar, Buon Don, Krong Nang in particular and Dak Lak in general. Dakwaco's representative emphasized the needs for investment of project components including the raw water facilities at Serepok river as the main water source due to lack of quantity from local raw water sources; the need for construction of a new WTP capacity of 35,000m<sup>3</sup>/d to serve BMT and 5,100m<sup>3</sup>/d for three district towns where no centralized water treatment plants at the time being; approximately 18.5km of transmission mains and associated facilities. Such investment construction will require land acquisition and therefore people's supports.
  - Representatives from various stakeholders including impacted households raised their concerns of potential impacts including: water sources (quality, familiarity with existing ground water); equal and reasonable compensation rates, benefits, policies (land for land).

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<sup>2</sup> See Annex 3

<sup>3</sup> During the EM public consultation, impacts and mitigations measures were discussed including proper compensation policy for affected EM households; (iii) utilization of local EM labor during construction; (iv) creation of favorable conditions for EM people to be the direct beneficiaries; (v) environmental protection of water sources; (vi) targeted assistance in connection fee or water tariff. Minute of meeting is available with EMDP report, VHD, September 2011.

- In order to reduce negative impacts caused by land acquisitions for project facilities constructions, during preparation and implementation stages the followings were addressed by the project team during the public consultations and to be followed up:
  - The design would take into accounts of minimal impacts to private land, production land of local inhabitants and give more priority on public land as much as possible;
  - The resettlement and compensation shall closely follow regulations and policies of Government of Viet Nam and ADB to make sure adequate and reasonable compensations and benefits to impacted people;
  - Detailed measurements, compensations shall be subjected to be finalized after the project detailed design and detailed measurement surveys is made available.

### C.3 Land impact and compensation

The Buon Ma Thuot and Three adjacent districts water supply project shall take place in Buon Ma Thuot city and district centers of Ea Kar, Buon Don and Krong Nang. There will be total of 8 HH to be permanently affected and subject to lost of land for construction of project facilities. A total of about 103,700m<sup>2</sup> of agricultural and public land shall be acquired; Buon Ma Thuot will require approximately 54,900m<sup>2</sup> and 48,800m<sup>2</sup> for the three districts.

#### C.3.1

#### *Buon Ma Thuot city*

Total of 55,000 m<sup>2</sup> will be acquired for construction of raw water facilities, water treatment plant, booster pumping station and transmission mains, of which 14,500 m<sup>2</sup> is agricultural land, 10,500 m<sup>2</sup> sand exploitation and 26,000m<sup>2</sup> is public land.

**Table C-1 - Summary of land acquisition— Buon Ma Thuot city**

| No | Compensation item description   | Unit           | Qty           | Notes   |
|----|---|----------------|---------------|---|
|    | <b>Land</b>   |                |               |   |
| 1  | <b>Raw water pumping station</b>  |                |               |   |
|    | Non-agricultural land (sand exploitation) at Raw water pumping station  | m <sup>2</sup> | 10500         | Quyet Thang Sand Cooperative affected   |
| 2  | <b>Water treatment plant</b>  |                |               |   |
|    | Agricultural land   | m <sup>2</sup> | 14,500        | 4 HH affected   |
| 3  | <b>Booster pumping station</b>  |                |               |   |
|    | Agricultural land at Booster pump station   | m <sup>2</sup> | 4000          | 1 HH affected   |
| 4  | <b>Raw water and treated water transmission mains</b>   |                |               |   |
|    | No land acquisition is required. The pipeline alignment is designed to run along the right - of - way of the road. Only compensation for temporary uses of land for construction of the pipeline is considered. Such compensation deals with plants, trees. | m <sup>2</sup> | 26,000        | Total length of the transmission mains is 18500m. Total 9,547m <sup>2</sup> out of 26,000 m <sup>2</sup> is hard – stand yard required reinstatement) |
|    | <b>Total land acquired</b>  | m <sup>2</sup> | <b>55,000</b> |   |

There is a total of 5 HH and 1 Cooperative sand mining company affected due to the construction of the Buon Ma Thuot water supply facilities. Among these 5 HHs, three EM lose from 13% – 38% of their total production land due to the acquisition of the site for construction of the WTP. The 2 HHs at the BPS lose from 42% - 60% of their total production land. The Quyet Thang sand mining company is subject to lose 10,500m<sup>2</sup> and shall be relocated for construction of the raw water puming station.

The total estimated public land (side walk, right – of way corridor) to be temporarily acquired for construction of the transmission mains is about 26,000 m<sup>2</sup>, of which about 9,547m<sup>2</sup> is hard stand

(blinding concrete, cement mortar). It is expected that the hard stand will be reinstated at the costs of the contractors. Unit costs prepared by the contractor shall consider inclusion of these costs.

Additional consultation in December 2011 confirmed that SAH prefer to receive cash compensation because productive land is easy to purchase in the project area.

A company exploiting sand in the river will be affected by the project : the Quyet Thang sand transportation cooperative . This company will lose 10,500 m<sup>2</sup> but still owns 100,000 m<sup>2</sup> of land located along river sides about 1 km at upstream for sand storage.

The cooperative managed 08 boats for sand transportation with a capacity of 40 m<sup>3</sup>/boat/day. There are also other 4 – 5 boats owned by local people transporting sand to storage in the depot. Sand has been exploited about 15 km far from the depot.

The cooperative is under operation only in the rainy season, from April to December. The boats carrying sand from mines and storage in the depot. Sand will be transported by trucks and sold for construction works in the different districts of the province, even to other province.

The cooperative employs 48 workers, of which only 3 are women who are working as accountants. The average salary of workers is around VND 3.5 million/month.

With the loss of 10,500 m<sup>2</sup> of land for the construction of the water intake, the activity of sand transportation cooperative would only be affected only temporarily during the relocation period. No worker will lose their job; the cooperative still have some other available sand depots and harbours for boats in the project area. Detailed impacts on households and public land are summarized as below:

**Table C-2: Summary of APs due to the construction of Raw water intake and WTP – Buon Ma Thuot**

| No    | Name                                | Location           | Ward/   | Affected land               |                     |  |                        | Poor & Vulnerable HH | Source of Income |
|-------|-------------------------------------|--------------------|---------|-----------------------------|---------------------|--|------------------------|----------------------|------------------|
|       |                                     |                    | Commune | Land Type                   | Area m <sup>2</sup> | Total productive land holding m <sup>2</sup> | % of affected by total |                      |                  |
| 1     | Truong Huu Huy                      | Buon Ma Thuot city | Ea Tam  | Agricultural                | 1,500               | 3,571  | 42%                    |                      | Wage             |
| 2     | Nguyen Van Hanh                     |                    |         |                             | 2,500               | 4,166  | 60%                    |                      |                  |
| 3     | H'Num Niê (EM)                      | Krong Ana District |         | Agricultural                | 5,651               | 16,145                                       | 35%                    | Yes                  | Farming          |
| 4     | YNan H'Dok (EM)                     |                    |         |                             | 4,385               | 15,659                                       | 28%                    |                      |                  |
| 5     | YNool H'Dok (EM)                    |                    |         |                             | 4,464               | 34,343                                       | 13%                    |                      |                  |
| 6     | Quyet Thang Sand Mining Cooperative |                    |         | Non-agricultural            | 10,500              |  |                        |                      |                  |
| 7     | Other public land                   |                    |         | Road right of way, sidewalk | 26,000              |  |                        |                      |                  |
| Total |                                     |                    |         |                             | 55,000              | 73,884                                       |                        |                      |                  |

Among the five (05) households and one Cooperative, all have land use rights certificates for their non-agricultural or agricultural land or meet all the conditions to get a LURC.

Among the three affected EM households, the household of H'Num Nie will lose 5,651 m<sup>2</sup>, that of Y Nan H'Dok 4,385 m<sup>2</sup> and that of Y Nool H'Dok 4,464 m<sup>2</sup>.

During public consultation and RP investigation conducted in August 2010 and following further public consultation during preparation of the EMDP and GAP, it was found that in addition to the land



that will be affected at the proposed water treatment plant site, H'Num Nie owns an additional 16,145 m<sup>2</sup> of agricultural land,. Similarly Y Na H'Dok owns an additional 15,659 m<sup>2</sup> of coffee land, and Y Nool owns an additional 34,343 m<sup>2</sup> of agriculture land for coffee and rice cultivation. All land is in Ea Na commune, Krong Ana district.

### C.3.2

### *Three adjacent districts*

Total of 51,500 m<sup>2</sup> will be acquired for construction of raw water facilities, water treatment plant and transmission mains for three district water supply systems, of which 25,000 m<sup>2</sup> are public and 26,500 m<sup>2</sup> is agricultural land which is currently used and owned by 03 households (15 persons). Each household will lose more than 20% of their agricultural land. There are no affected ethnic minority persons in these 3 district towns.

**Table C-3: Summary of land acquisition— three districts**

| Land acquisition |                     |                                      | Three adjacent districts |          |            | Total  | Notes  |
|------------------|---------------------|--------------------------------------|--------------------------|----------|------------|--------|--|
|                  | <i>Land</i>         | Unit                                 | Ea Kar                   | Buon Don | Krong Nang | Land   |  |
| 1                | Agriculture land    | m <sup>2</sup>                       | 11,000                   | 7,500    | 8,000      | 26,500 |  |
| 2                | Public land         | m <sup>2</sup>                       | 12,800                   | 10,600   | 1,600      | 25,000 | Raw water facilities (3,000 m <sup>2</sup> ), raw water and treated water mains (22,000 m <sup>2</sup> ) |
| 3                | Affected households | HH                                   | 1                        | 1        | 1          | 3      | No ethnic minority   |
| 3.1              | Luong Thi Tuong     | m <sup>2</sup>                       | 11,000                   |          |            |        |  |
|                  |                     | Total land holding (m <sup>2</sup> ) | 54,273                   |          |            |        |  |
|                  |                     | Severity rate                        | 20%                      |          |            |        |  |
| 3.2              | Thai Thi Dieu       | m <sup>2</sup>                       |                          |          | 8,000      |        |  |
|                  |                     | Total land holding (m <sup>2</sup> ) |                          |          | 30,000     |        |  |
|                  |                     | Severity rate                        |                          |          | 27%        |        |  |
| 3.3              | Dang Van Ha         | m <sup>2</sup>                       |                          | 7,500    |            |        |  |
|                  |                     | Total land holding (m <sup>2</sup> ) |                          | 32,000   |            |        |  |
|                  |                     | Severity rate                        |                          | 23%      |            |        |  |

The project will not affect any residential or commercial land or any houses. Therefore there will be no relocation requirements in the project.

## C.4 Trees and plants impacts

Trees and plants as well as crops (bean, corn) impacted during land acquisition for construction of relevant components under Buon Ma Thuot city water supply system are listed below:

**Table C-4: Summary of trees and plants – Buon Ma Thuot city**

|          | <b>Trees and plants</b>                                      | <b>Unit</b> | <b>Qty</b> | <b>Notes</b>   |
|----------|--|-------------|------------|--|
| <b>1</b> | <b><i>Raw water pumping station</i></b>                      |             |            |  |
|          | No trees and plants  |             |            |  |
| <b>2</b> | <b><i>Water treatment plant</i></b>                          |             |            |  |
|          | Coffee   | tree        | 1850       | 5 HH affected  |
|          | Pepper   | tree        | 1975       | 3 HH affected  |
|          | Others (avocado, corn, beans)                                | tree        | 1,550      | 3 HH affected  |
| <b>3</b> | <b><i>Booster pumping station</i></b>                        |             |            |  |
|          | Coffee   |             | 500        | 1 HH affected  |
|          | Pepper   |             | 180        | 1 HH affected  |
|          | Others (avocado, corn, beans)                                | tree        | 300        | Now being wasted and left wide by land owner               |
| <b>4</b> | <b><i>Raw water and treated water transmission mains</i></b> |             |            |  |
|          | Coffee   | tree        | 4208       | Approximately 12 HHs along the transmission mains impacted |
|          | Pepper   | tree        | 1262       | Approximately 10 HH along the transmission mains impacted  |
|          | Others (avocado, corn, beans)                                | tree        | 6700       | Approximately 15 HH along the transmission mains impacted. |

Apart from 5 HHs subject to lost of land (three at the WTP sites and two at the Booster Pump Station) approximately 10 – 15 households will be affected by loss of crops and trees, most of there are „short term’ cultivation crops. These HH live along the raw water and transmission water mains.

Trees and plants as well as crops (beans, corn) impacted during land acquisition for construction of relevant components under district towns of Ea Kar, Buon Don and Krong Nang water supply system are listed below:

**Table C-5: Summary of trees and plants – Three districts**

|   | <b>Trees and plants</b> | <b>Unit</b> | <b>Three adjacent districts</b> |                 |                   | <b>Total</b> |
|---|-------------------------|-------------|---------------------------------|-----------------|-------------------|--------------|
|   |                         |             | <b>Ea Kar</b>                   | <b>Buon Don</b> | <b>Krong nang</b> |              |
| 1 | Timber trees            | pc          | 1,340                           | 338             | 195               | 1,873        |
| 2 | Avocado                 | pc          | 268                             | 159             | 258               | 685          |
| 3 | Coffee                  | pc          | 0                               | 0               | 0                 | 0            |
| 4 | Cashew                  | pc          | 0                               | 3,900           | 0                 | 3,900        |

Apart from 3 HHs subject to lost of land (at the WTP sites) approximately 10 households will be affected by loss of crops and trees, most of there are „short term’ cultivation crops. These HH live along the raw water and transmission water mains.

### **C.5 Impacts on buildings**

There are no houses, buildings nor other religion and historical buildings impacted under the project (Buon Ma Thuot and three adjacent districts). Only temporary facilities such as fence, yard, poultry cages or houses may be impacted during construction of the raw water and treated water transmission

pipelines. These facilities shall be reinstated to original status and conditions (equal or better in quality). Costs for reinstatements are built in unit construction costs by the contractors.

### **C.5 Loss of Businesses, Livelihood and Employment**

The project will acquire agricultural land and public land for construction of water facilities, therefore no any household will lose business and jobs.

Figure 1 – Buon Ma Thuot city – impact locations under project service areas

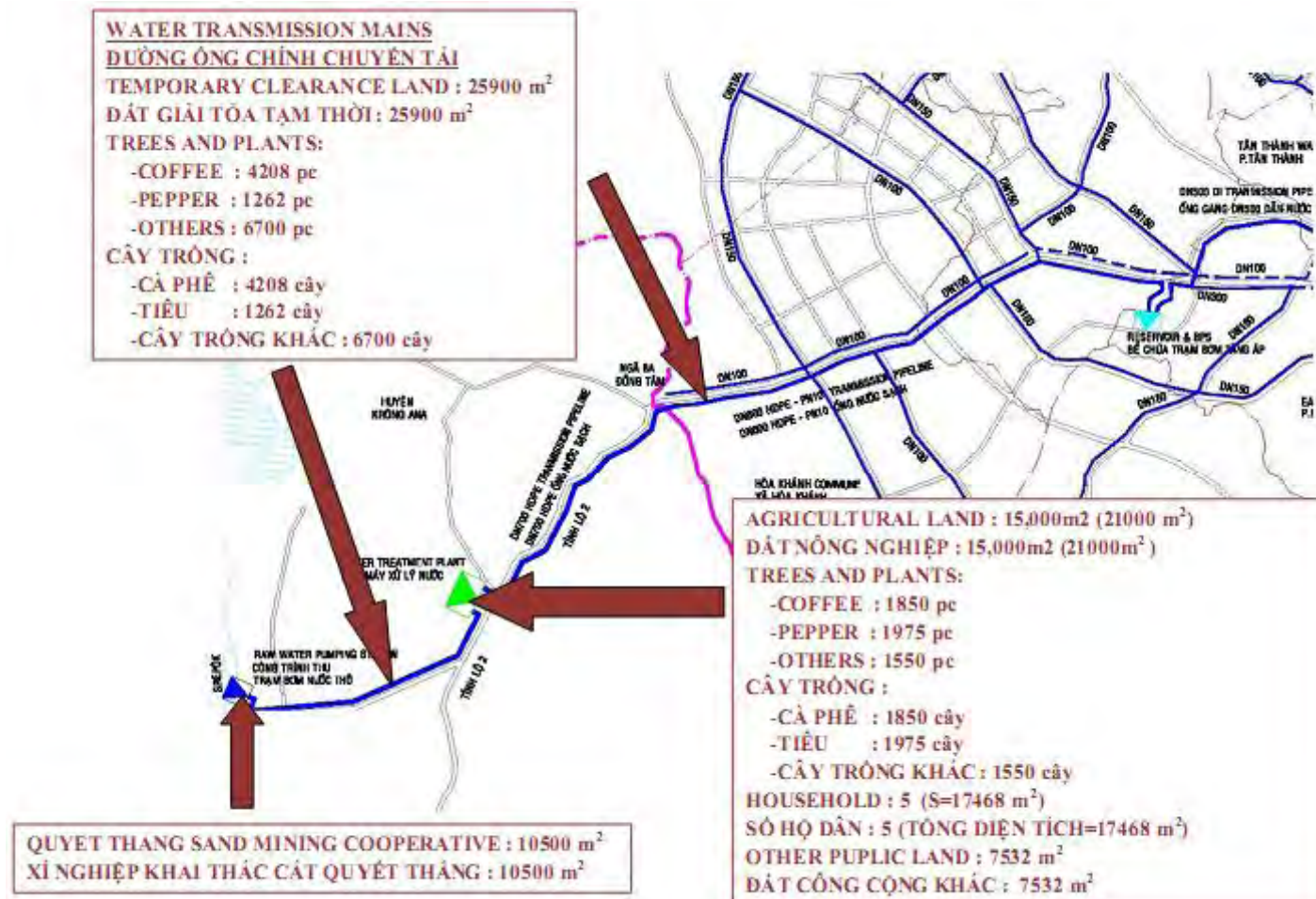


Figure 2 – Ea Kar district – impact locations under project service areas

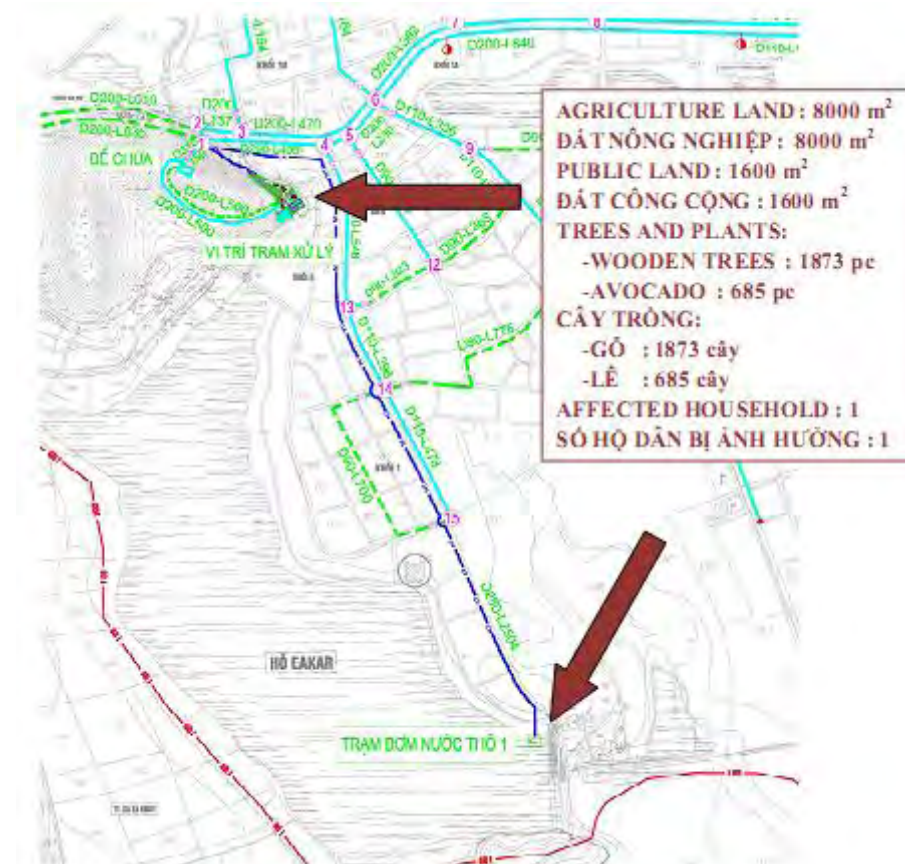




Figure 3 – Buon Don district – impact locations under project service areas

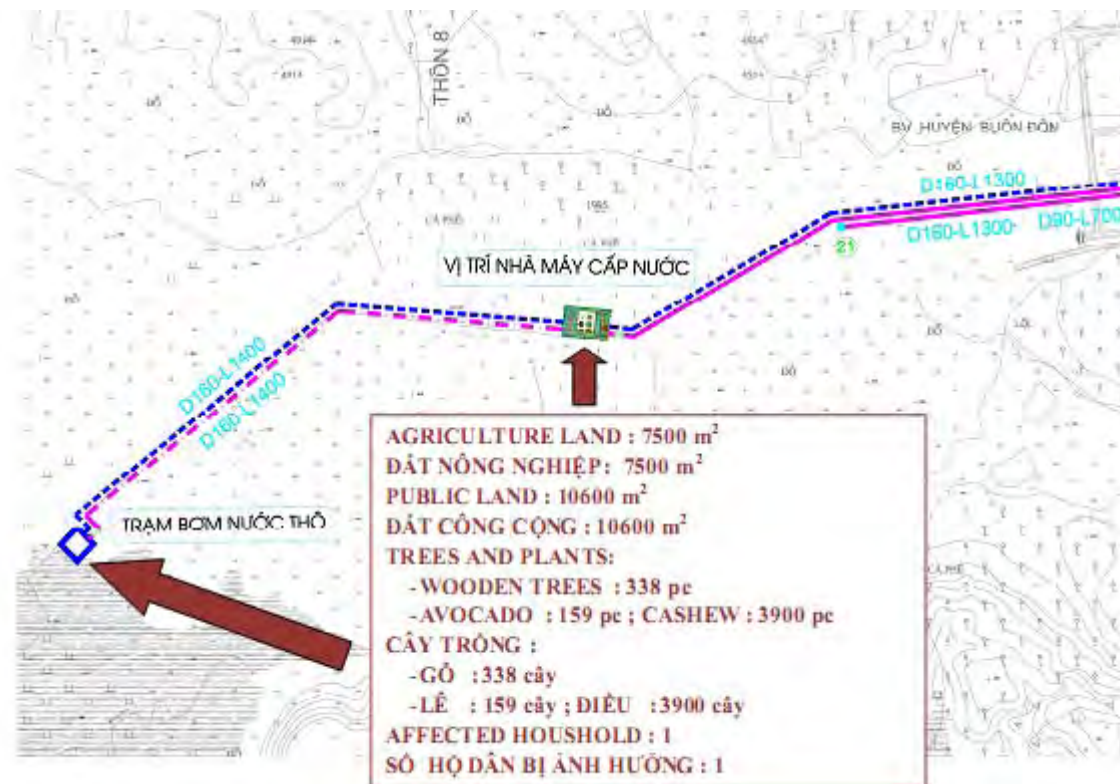


Figure 4 – Krong Nang district – impact locations under project service areas



## D. Socio-economic Information and Profile

During the IOL survey of APs, a socio-economic survey (SES) of affected households was carried out to identify their socioeconomic characteristics. This serves as a base for identification of appropriate measures that could assist APs to at least recover their living standards and restore their sources and levels of income or productive capacity.

### D.1 General

The household survey interviewed 7 out of 8 affected households including 3 EM households at Krong Ana Dist., 1 at Ea Tam, Buon Ma Thuot City and at 3 affected households at 3 district towns of Ea Kar, Buon Don and Krong Nang (1 affected household at each district town). One Kinh HH at Ea Tam, Buon Ma Thuot City, was not available during the interview as the household head was traveling away from home. The Census and IOL was carried out for all 8 affected households. The census was conducted by the PMU with representative from local Ea Tam People's Committee. The inventory results were shown to the affected household during the community consultation for preliminary cost estimation.

Finding from the survey shows that there are 23 working adults and 16 children under 17 years old. All the household heads are married, while 01 household head is widower.

### D.2 Employment

Among the 13 key members of the affected households (husbands and wives), 09 rely on farming and 4 are employed by the government. One also receives pensions or social assistance from the Government.

**Table D-1: Summary of affected people employment**

| No | City / town   | Local agencies staff | Farming | Others |
|----|---------------|----------------------|---------|--------|
| 1  | Buon Ma Thuot | 3                    | 5       | 1      |
| 2  | Ea Kar        | 1                    | 2       |        |
| 3  | Buon Don      | 0                    | 1       |        |
| 4  | Krong Nang    | 0                    | 1       |        |

Source: social economic survey, August 2010

### D.3 Incomes

The main sources of income for the affected households are from coffee cultivation and wages. Two among three affected EM households in Ea Na commune, Krong Ana District are poor. Two affected households in Ea Tam ward, Buon Ma Thuot city are well-to-do families. 03 affected households (one at each district town) are also well to do families.

In Ea Na, the EM household of H'Num Nie (A Duon Bliem) consists of four persons; the mother is 70 years old, 2 sons at early 30's, one of them married to a 19 years old women. The family is classified as poor family whose income is derived from the cultivation of coffee by the younger son and his wife. The definition of poverty used here is based on the GOV MOLISA criteria of poor and close to poor. The former is defined as households with monthly per capita incomes of less than VND 200,000 for rural areas and VND 260,000 for urban areas, while the latter is defined as households with monthly per capitaincomes of VND 300,000 for rural areas and VND 360,000 for urban areas. Data included below is based on respondents' declarations at time of IOL and will need to be verified / reviewed at time of updating the resettlement plan.

The Y Na H'Dok (Ma Hoan) household is also poor and consists of 4 members, including parents at age of 68 and two sons at age of 13 – 14. The main incomes are from crops and coffee farming.

**Table D-2: Summary of incomes**



| <b>Income group<br/>(VND/month)</b> | <b>% house holds</b> | <b>Average monthly expenses<br/>by group (million dong)</b> |
|-------------------------------------|----------------------|---|
| > = 5 mil                           | 29,6                 | 4,8   |
| 4-4,99 mil                          | 19,3                 | 3,8   |
| 3-3,99 mil                          | 31,1                 | 2,7   |
| 2-2,99 mil                          | 8,7                  | 1,8   |
| 1-1,99 mil                          | 6,8                  | 1,3   |
| < 1 mil                             | 4,5                  | 1,1   |
| <b>Total</b>                        | <b>100</b>           |   |

Source: social economic survey, August 2010

## D.4 Education

All of the affected ethnic minority people in Krong Ana district completed at least a lower primary level. The 02 affected households in Buon Ma Thuot city and 03 affected households in 03 district towns gained higher education level (upper high school or university).

The Y Nool H'Dok EM household in Ea Na, Krong Ana has 6 children (1 girl and 5 boys). One of them is at level 10/12, 5 others are at primary and secondary school.

**Table D-3: Summary of affected persons education**

|                  | <b>Buon Ma Thuot /<br/>Krong Ana</b> | <b>Ea Kar</b> | <b>Buon Don</b> | <b>Krong Nang</b> |
|------------------|--------------------------------------|---------------|-----------------|-------------------|
| High school      | 2                                    | 2             |                 | 1                 |
| Secondary school | 1                                    |               |                 |                   |
| Primary school   | 9                                    |               |                 |                   |
| Lower education  |                                      |               |                 |                   |

## D.5 Access to Public Services

All the households in the project area are connected to the national electric network.

In Buon Ma Thuot City, all surveyed HHs have access to safe water derived from the water supply system. In Krong Ana District, and other 03 district towns of Ea Kar, Buon Don and Krong Ana, all HHs derive their water from wells, and one (at Krong Ana) has to get water from their neighbor.

One surveyed household at Ea Tam Ward, Buon Ma Thuot City have their own in-house toilet with septic tank. All other households have dry pit latrines, especially in rural areas (Ea Na Commune).

## D.6 Household Assets

The survey on asset ownership of affected HHs showed that they mainly have the most necessary assets/tools for daily activities. Almost all affected households have motorbikes and televisions. Besides, families in general have few assets for a higher quality of life like refrigerator, computer, electric fan and DVD player. All household use mobile phone

## D.7 Gender and Vulnerability Issues

### D.7.1 Vulnerability

Seventeen members of ethnic minority groups have been identified among the 3 HHs surveyed. Except Mrs. H'Num Nie, no other female heads of households have been identified. From observation, it appears that most of these affected EM HHs are integrated into the local Kinh society. According to the Project as well as Government resettlement policies, these vulnerable households will receive additional assistance (also see Section A4 above). Because they are integrated with the Kinh society and do not suffer disproportionately from resettlement effects, the ADB Indigenous Peoples Policy will not be triggered.

Mrs. H'Num Nie is applying for social assistance at commune level under the scheme of the 'Aged People Association', according to Y Pa Eban (Ma Lem), Chief of Ea Na Buon.

In Y Nan H'Dok household (Ma Hoan), the father is the decision maker while in Y Nool H'Dok household, the grandmother (55 years old) is the key voice for marriage, education, works, etc. Nevertheless, the main income providers in these households are the younger members: a younger son in case of Ma Hoan and a son and his wife in the case of the Y Nool household.

Additional consultation was conducted in December 2011 with 2 ethnic minorities families. Both families prefer to receive cash compensation and buy other land by themselves (productive land is easy to purchase in the project area). In addition to compensation and allowances, Dak Lak Water Company will give priority to recruit them for work for the company not only during the construction and also during project operation. The DakLak Water Company will also give them an additional allowance of VND 2,000,000/HH to these 2 poor families.

Regarding allocation of family work among family members, most of the activities are shared by wives and husbands.

For household activities, the wife is still largely responsible for managing the money and doing housework. However, making financial or family (education, marriage) decisions is, most of the time, a common decision between husband and wife.

Regarding the affected organization, Quyet Thang Sand Cooperative, the project should have to pay compensation at replacement costs for land and other affected assets and provision of income restoration assistance if needed for those affected by loss of productive assets.

#### **D.7.2** *Gender Strategy*

The gender strategy includes specific activities to ensure project benefits for women.

- a. Consultation meeting on resettlement activities will be held separately with women, female headed households and elderly women;
- b. The district compensation committees will include representatives from the district and commune Women's Union and women from affected households;
- c. During the conducting of the DMS, men and women from the households will participate in said activity;
- d. Compensation payments and cash assistance will be given to both men and women from the households; specific attention will be provided for the poor women-headed households and elderly women in paying the compensation on time and developing suitable livelihood activities for elderly and poor female-headed households;
- e. Joint registration of land rights in the names of husband and wife and female-headed households will be issued in instances where land is acquired;
- f. Separate discussions with women members, female-headed households, elderly women, and ethnic minority households for selection of relocation sites, housing structures, and other social infrastructures, including timing of relocation;
- g. Special measures will be taken in the relocation of elderly, disabled and female-headed households in terms of location of new site together with their extended families/relatives.
- h. Disaggregated monitoring indicators by gender will be developed for monitoring of social benefits, economic opportunities, livelihood programs, and resettlement activities

Specific attention will be paid to the poor women-headed household, Mrs. H'Num Nie during the DMS and the compensation period; a member of the Ea Na Women's Union should assist her and ensure that she receives the allowance for poor HH. The specific needs of this woman will be also recorded.

## **E. Information Disclosure, Consultation, and Participation**

### **E.1 Project key stakeholders**

The Project key stakeholders are Dak Lak PPC, relevant agencies such as DPI, DOC, DOF, DONRE, DOLISA, WU, DPCs of Krong Ana, Ea Kar, Buon Don Krong Nang, and Dakwaco. Please see section L – Institutional Arrangements for further key stakeholders roles within the project.

Apart from the local government agencies and the DAKWACO itself, the main Project stakeholders will be (i) the local small industries, commercial enterprises which will receive enhanced access to piped water, and (ii) the residents of areas which will be serviced by the expanded DAKWACO system. Government facilities such as schools and health clinics will also be able to improve their service to the public if connected to a public piped water system. The impact of these different stakeholders on the success of the Project will be determined largely by their willingness to connect and their ability to pay for piped water.

### **E.2 Staging consultation and participation measures**

Consultation-to-date with representatives of APs and key implementation staff is outlined in Annex 3 and 4. Public consultation and participation activities will continue throughout the resettlement planning and implementation phase.

### **E.3 Consultation and Disclosure**

An information booklet outlining key aspects of this Resettlement Plan, including impacts, entitlements, likely time frames, safeguards and benefits, has been prepared (see Annex 1). The draft RP would be disclosed in Second Quarter of 2012. The process of disclosure will be repeated as this RP is updated with final impacts/updated as a result of the completion of detailed design and DMS of land acquisition requirements. Final RP will be uploaded on the ADB website.

## F. Grievance Redress Mechanisms

A well-defined grievance redress and resolution mechanism has been proposed to address AP grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. All APs will be made fully aware of their rights, and the detailed procedures for filing grievances and an Appeal process will be publicized through an effective public information campaign. The grievance redress mechanism and appeal procedures will also be explained in the PIB that will be distributed to all APs.

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

For the purposes of grievance redress and resolution, the RCs at ward/commune, district and provincial levels will also serve as the Grievance Redress Committees (GRC). To avoid any conflict of interest and to ensure transparency and objectivity in grievance redress, the GRC at both the commune and district levels will also include representatives of the APs and civil society among its members. The Ward/Commune Grievance Redress Committee will make all reasonable attempts to settle AP's issues at the commune level through community consultation. Moreover, to avoid a redress process, grievances will be prevented to the extent possible through careful sub-project design and implementation. Effective strategies include full and frank participation and consultation with APs; establishing a rapport between the affected communities and the implementing agencies; and frequent interactions, transparency and monitoring.

A four-stage procedure for redress of grievances is proposed:

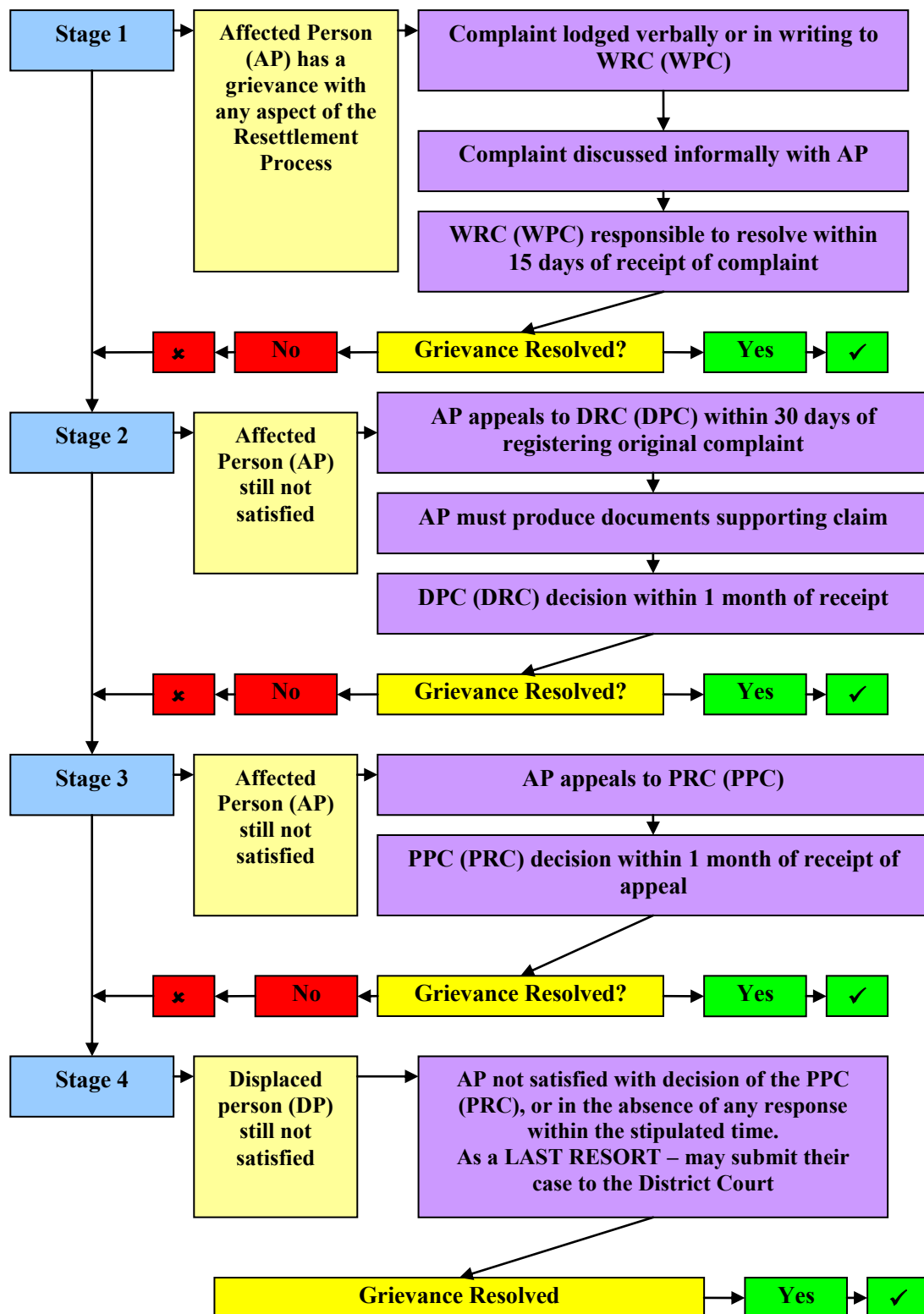
- **Stage 1:** Complaints from APs on any aspect of compensation, relocation or unaddressed losses are first of all lodged verbally or in written form with the Ward/Commune People's Committee (WPC). The complaint will be discussed in an informal meeting with the AP and the CPC. It will be the responsibility of the CPC to resolve the issue within 15 days from the date the complaint is received.
- **Stage 2:** If no understanding or amicable solution can be reached or if no response is received from the WPC within 15 days of registering the complaint, the AP can appeal to the District People's Committee (DPC) in the presence of the District Resettlement Committee (DRC). The AP must lodge the complaint within 30 days of registering the original complaint and must produce documents that support his/her claim. The DPC will provide a decision within 1 month of receiving the Appeal.
- **Stage 3:** If the AP is not satisfied with the decision of the DPC or in the absence of any response, the AP can appeal to the Provincial People's Committee (PPC). The PPC will provide a decision on the Appeal within 30 days from the day it is received by the PPC.
- **Stage 4:** If the AP is still not satisfied with the decision of the PPC on Appeal, or in the absence of any response within the stipulated time, the AP as a last resort may submit his/her case to the District Court. Beyond this the AP may lodge their complaint to the Operations Department or the Office of the Special Project Facilitator (OSPF) as detailed above as per ADB Policy.

The procedure described in these four steps is consistent with the legal process for resolution of disputes in Viet Nam. However, the system is oriented primarily towards disputes between people, as opposed to between people and government. Therefore, as part of the Project's internal monitoring and evaluation, the WPC and DAKWACO will keep a written record of all grievances and complaints registered by APs, as well as their final resolutions.

Grievance redress mechanism should not impede access to the country's judicial or administrative remedies. It is not the last resort but any time the AP can access the judicial system.

DAKWACO and the Buon Ma Thuot CPC and DPC of Ea Kar, Buon Don and Krong Nang will be responsible for ensuring that the grievance redress procedures and timeframes are explained clearly to each level of People's Committees.

**Figure 5: Grievance Resolution Process**



## G. Legal Framework

### G.1 Relevant Vietnamese Legislation

#### G.1.1

#### *National Regulations*

The Constitution of the Socialist Republic of Viet Nam (1992) confirms the right of citizens to own and protect land and houses. In addition, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation and resettlement. The principal documents are listed in the Table below.

**Table G-1: Main Legal Documents Regarding Land Acquisition and Resettlement**

| Law  | Decree  | Circular   |
|--|---|--|
| The Land Law No. 13/2003/QH11, providing Viet Nam with a comprehensive land administration law. The 2003 Land Law supersedes earlier versions from 1987 and 1993 | - Decree No. 181/2004/ND-CP, guiding the implementation of the Land Law.<br>- Decree No. 17/2006/ND-CP, amending Decree No. 181/2004/ND-CP  |  |
|  | - Decree No. 197/2004/ND-CP, on compensation, rehabilitation and resettlement in the event of land recovery by the State.<br>- Decree No. 17/2006/ND-CP, amending Decree No. 197/2004/ND-CP   | - Circular 116/2204/TT-BTC, guiding the implementation of Decree 197.<br>- Circular 69/2006/TT-BTC amending and supplementing Circular 116/2004/TT-BTC   |
|  | - Decree No. 84/2007/ND-CP 25 May, 2007, on supplementary regulations for issuance of Certificate of land use rights, land recovery, implementation of land use rights, procedures for compensation, support, resettlement upon land recovery by the State, and settlement of land claims;  | - Circular No 06/2007/TT-BTNMT guiding the implementation of Decree No. 84/2007/ND-CP 25 May, 2007, on supplementary regulations for issuance of Certificate of land use rights, land recovery, implementation of land use rights, procedures for compensation, support, resettlement upon land recovery by the State, and settlement of land claims;<br>- Circular No: 14/2008/TTLT/ BTCBTNMT guiding the implementation of the Decree No 84/2007/ND-CP |
|  | - Decree No. 188/2004/ND-CP, specifying methods for land pricing and land price frameworks in the event of land recovery by the State.<br>- Decree No. 123/2007/ND-CP 27 July, 2007 on supplementary regulations for Decree No. 188/2004/ND-CP, specifying methods for land pricing and land price frameworks in the event of land recovery by the State; | - Circular 145/2007-TT-BTC, guiding the implementation of Decree 1882.   |
|  | - Decree 182/2004/ND-CP on penalties for administrative violations on land issues.  |  |
|  | - Decree 198/2004/ND-CP on land use fees  | - Circular No. 117/2004/TT-BTC, guiding the implementation of Decree 198   |
|  | - Decree 69/2009/ND-CP on Additional Regulations on Land Use Plans, Land Prices, Land Acquisition, Compensation, Assistance and Resettlement  |  |

#### G.1.2

#### *Dak Lak Provincial Regulations*

In addition to the national legal documents, Provincial People's Committees have also issued regulations on compensation in accordance with competences delegated to them by the State and based on the national regulations as presented above.

In January 2010, the Dak Lak Province People's Committee issued Decision No. 02/2010 /QD-UBND. Decision 02 adopts the provisions of Decree 69, Decree 197 as amended by Decree 17 and Decree 84 and states that affected people who are considered illegal and excluded from eligibility for compensation if they do not possess Land Use Rights Certificates (LURC) or entitlements to LURC, or leases or other tenancies from an agency of the State, or if they have not been in possession of the land for a prescribed length of time without dispute over their use and occupation of the land as prescribed in Decree 197, Decree 17 and Decree 84. Decree 84 significantly widened the scope of people who are legal or legalizable holders of land.

Dak Lak PPC also issued Decision 37/2010/QD-UBND dated 31 December 2010 re "Promulgation of land rates in Dak Lak province" and Decision No 01/2011/QD-UBND re "Promulgation of compensation rates for plants, crops on land acquisition in Dak Lak Province".

Affected people illegally using land are entitled to compensation for the value of the remaining improvements to or on the affected land, and to limited assistance of various kinds.

Training and restoration of livelihoods are identified only for farmers losing more than 30% of their productive landholdings (Article 10). Holding a legal title to a business, i.e. a Business License, is a condition for receiving compensation for business losses. Article 10: allowance equals 30% of their annual net-income (calculating as the average of 3 years income by the tax agency).

## **G.2 ADB's Safeguard Policy Statement and other Relevant Policies**

The new Safeguard Policy Statement (SPS) was approved by the ADB Board of Directors on 20 July 2009 and became effective on 20 January 2010. The objectives of the new ADB Safeguards concerning Involuntary Resettlement are to avoid or minimize the impacts on people, households, businesses and others affected by the acquisition of land and other assets, including livelihood and income, in the implementation of development projects.

Where resettlement is not avoidable, the overall objective of the ADB safeguards is to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups by compensating for lost assets at replacement costs and by providing, as necessary, various forms of support.

The main policy principles are to:

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

- (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- d. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, social and economic integration of resettled persons 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.
- e. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas, provide them with legal and affordable access to land and resources, and in urban areas, provide them with appropriate income sources and legal and affordable access to adequate housing.
- f. 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 an equal or better income and livelihood status.
- g. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- h. Prepare a resettlement plan elaborating displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- i. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project Appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.
- j. 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.
- k. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- l. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

The ADB also issued new safeguard requirements for Indigenous Peoples. In this safeguard (SPS Requirement 3), the term Indigenous refers to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.

The objective of this new safeguard requirement is to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.



The ADB's Policy on Gender and Development adopts gender mainstreaming as a key strategy for promoting gender equity and for ensuring that women participate and that their needs are explicitly addressed in the decision-making process. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.

Other policies of the ADB that have a bearing on resettlement planning and implementation are the (i) Public Communications Policy (March 2005) and OM Section L3/BP (September 2005), and (ii) Accountability Mechanism (OM Section L1/BP, dated 29 October 2003).

### **G.3 Key Differences between GoV and ADB's Safeguards Policy Statement**

Key differences between the GoV and ADB's new safeguard policy statement include the following:

- a. *Non-titled land users:* With the exception of displaced households with customary rights over their affected land, affected households that are not eligible to obtain land-use rights to the land they occupy are not entitled under the Government framework to compensation for the land and may not be entitled to compensation or full compensation for assets on the affected land. Under the Project, however, affected households without legal or legalizable land use rights will not be compensated for the land but are entitled to compensation at replacement cost for lost crops, houses and other assets found thereupon, including cash assistance for improvements introduced to the land to make it habitable and/or productive, as the case may be, but not less than 30% of the replacement cost of the land. If these affected households have to relocate but have no land on which to shift, they will be allocated replacement plots in a group resettlement site, if available, or at individual sites either for free or for a fee at an affordable repayment schedule and with secure tenure. Affected households losing 10% or more of productive land are entitled to participate in an income restoration program.
- b. *Lessees of land:* The Government recognizes lessees of land assigned by local governments. The decree provides compensation for investment on the land without specifying the amount. Under this Project, affected lessees will receive cash assistance for improvements introduced to the land to make it productive – an amount not be less than 30% of the replacement cost of the land, cash assistance for permanent loss of 3 years future production regardless of the severity of impact, a transition subsistence allowance and the right to participate in the income restoration program for severely affected lessees.
- c. *Small, non-registered businesses:* Affected households that operate small, non-registered businesses are not entitled to any assistance under the Government's framework. Under the Project, however, all affected households will be compensated for income lost as a result of disruption or cessation of business due to the Project, in addition to other forms of assistance, provided as needed and in a manner consistent with their requirements, to help restore living standards to pre-Project levels.
- d. *Compensation pricing for affected assets:* The Government's framework recognizes the principle of compensation at rates equal to the value of land use rights under normal market conditions. The annual Provincial People's Committee's (PPC) prices for different types of land are used to establish compensation. Decree No. 17/2006/ND-CP stipulates that if PPC prices are not close to market values, the PPC must determine an Appropriate market value for compensation rates. In this Project, after Approval of detailed design, a replacement cost study (RCS) will be conducted to ensure that compensation rates are sufficient to replace the affected assets without deductions for taxes and transaction fees in the case of acquired land, and without depreciation or deductions for salvaged materials for affected structures.
- e. *Income restoration:* Severely affected households, as defined by the Government, are those losing more than 30% of their productive assets. Under the Project, affected households losing 10% or more of their total productive assets and source of livelihood are considered severely affected and will be entitled to participate in an income restoration program that will be planned out with them and which will be consistent with their needs and capabilities.
- f. *Vulnerable groups and ethnic minorities:* The Government acknowledges the need to provide additional assistance for poor households but does not explicitly recognize other vulnerable

groups due to ethnicity or other criteria. Under the Project, specific measures will be defined to ensure that all affected vulnerable groups, including the poor, ethnic minorities, the elderly, the disabled, etc., are assisted to improve or at least restore living standards to pre-project level in a manner that is consistent with their socio-economic culture and practices.

- g. *Consultation, public disclosure and grievance redress:* The Project will strengthen existing provisions of relevant Government policies on these concerns to ensure that all affected households are fully consulted and informed in a timely manner, have Appropriate opportunities to participate in decisions regarding compensation and resettlement, and are provided with an avenue to have their complaints heard and resolved.
- h. *Monitoring:* The Project will establish indicators and procedures to ensure effective and transparent monitoring of resettlement implementation and, using independent monitors, to evaluate whether the Project is able to achieve resettlement objectives.

#### **G.4 ADB involuntary resettlement safeguards**

The overall objectives of the new ADB Involuntary Resettlement Safeguards (2009) are to:

- Avoid involuntary resettlement wherever possible;
- Minimize involuntary resettlement by exploring project and design alternatives;
- Enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

#### **G.5 Reconciliation of Government and ADB Policy on Resettlement**

With the promulgation of Decree 197/2004/ND/CP and the other relevant decrees stated above, the policies and practices of the Government have become more consistent with ADB's safeguard policies. Nonetheless, provisions and principles adopted in this Resettlement Plan will supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Decree 131/2006/ND-CP which regulates the management and use of official development assistance.

It should also be noted that as per Decree 197/2004, Article 32, it states "Apart from the supports prescribed in Articles 27, 28, 29, 30 and 31 of this Decree, basing themselves on the local realities, the provincial-level People's Committee presidents shall decide on other supporting measures to stabilize life and production of persons who have land recovered; special cases shall be submitted to the Prime Minister for decision", therefore, if additional APs not mentioned below are found during RP updating, the required assistance or support will be included in the Updated RP.

SPS requirements and Project Policy on Involuntary Resettlement shall be as bellows:

**Table G-2: SPS requirements and Project Policy on Involuntary Resettlement**

| <b>Issues</b>   | <b>ADB's SPS</b>  | <b>Project Policy</b>  |
|---|---|--|
| Eligibility for compensation  | Displaced persons with/without out titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. | <ul style="list-style-type: none"> <li>- All non-titled APs will be entitled to payment for non-land assets at full replacement cost.</li> <li>- Landless households will be assisted to get a plot of land in a resettlement site.</li> </ul>     |
| Threshold for severely affected farmers gives entitlement to training assistance. | APs losing more than 10 % of HH's productive land (it is a common regulation in ADB-funded projects)  | <ul style="list-style-type: none"> <li>- Threshold of losing more than 10% of HH's agricultural land holding is applied for APs' entitlements to income rehabilitation measures.</li> </ul>  |
| Compensation for structures   | Compensation for structures at replacement cost, with no depreciation or deduction for salvaged materials.  | <ul style="list-style-type: none"> <li>- Payment for structures, regardless of tenure status, will be compensated at full replacement cost.</li> <li>- Additional cash or in-kind assistance will be provided on a case by- case basis.</li> </ul> |
| Assistance for business   | <ul style="list-style-type: none"> <li>- Business owners are entitled to (i) the</li> </ul>   | <ul style="list-style-type: none"> <li>- All formally registered businesses who</li> </ul>   |

|         |  |  |
|---------|--|--|
| APs     | <p>costs of reestablishing commercial activities elsewhere; (ii) the net income lost during the transition period; and (iii) the costs of transferring and reinstalling plants, machinery, or other equipment.</p> <ul style="list-style-type: none"> <li>- Business owners with legal rights or recognized or recognizable claims to land where they carry out commercial activities are entitled to replacement property of equal or greater value or cash compensation at full replacement cost.</li> </ul> | <p>have income impacted will be provided with business assistance in cash equal to 30% of their annual net income to restore their income.</p> <ul style="list-style-type: none"> <li>- The non-registered businesses with income impacted due to the project's land acquisition, which are recognized by local authorities, will be given business income assistance at levels regulated by <b>Dak Lak PC</b>.</li> </ul> |
| Tenants | <p>Non-titled APs, including displaced tenants and sharecroppers are not entitled to compensation for land but are entitled to payment for non-land assets and assistance to restore their pre-project living standards.</p>   | <p>All non-titled APs (including tenants and sharecroppers) will be entitled to payment for non-land assets at full replacement cost.</p>  |

## G.6 Cut-off Date and Eligibility

For the Project, the cut-off-date for eligibility for entitlement will be right after the completion of the **DMS** on affected land.

The IOL for Buon Ma Thuot City and 03 adjacent district towns was from 13 to 17 July 2010 and 25th August 2009, respectively based on the preliminary scheme design. Should the design be developed further to require more, or different, land the IOL will be updated and the cut-off date shall be revised accordingly. Those whose livelihood activities may be affected by temporary land acquisition as the result of civil works will also receive compensation and assistance.

Persons who occupy the project area after the cut-off date will not be eligible for any compensation or assistance.

## G.7 Principles of Replacement Cost

All compensation will be based on the principle of replacement cost. Replacement cost is the amount calculated before displacement which is needed to replace an affected asset without deduction for taxes and/or transaction costs as follows:

- Residential land based on actual current market prices that reflect recent land sales, and in the absence of such recent land sales, based on prices of recent sales in comparable locations with comparable attributes; fees and taxes for LURC
- Houses and other related structures based on actual current market prices for materials and labor without depreciation nor deduction for salvaged building materials;
- For timber trees, cash compensation at replacement cost equivalent to current market value for each type, age and relevant productive value at the time of compensation based on the diameter at breast height of each tree.

## H. Entitlements, Assistance and Benefits

The project entitlements developed and presented in the Entitlement Matrix below correspond to the impacts identified during the census and inventory of losses. Entitlements adopted are based on Government and ADB-funded projects in Viet Nam. It should be noted that these entitlements may be enhanced, as necessary, following the conducting of DMS and consultation with APs to ensure that APs are able to improve, or at least restore their income and living standards to the pre-project levels.

**Table H-1: Entitlement Matrix**

| No. | Type of Loss/Impacts  | Application  | Eligible Persons  | Entitlements   |
|-----|---|--|---|--|
| 1   | Productive Land (Agricultural, Aquaculture, Forest, Garden) | <b>Severe loss</b><br>AH losing more than 10% of their total productive land | Owners with LURC; in the process of acquiring LURC; is eligible to acquired LURC; and those covered by customary rights, such as members of ethnic minority groups.<br>(8 HH) | <ul style="list-style-type: none"> <li>- Land-for-land compensation of equivalent value and productivity or cash compensation at replacement cost</li> <li>- Cash compensation for loss of crops, trees and aquaculture at full market value.</li> <li>- Allowance equivalent to 2 times the compensation rate for the area acquired.</li> <li>- For allowances due to severe loss, see Item 8 below</li> <li>- Entitled to take part in the income restoration program</li> <li>- Affected households to be notified at least 4 months prior to the date that the Project will actually be acquired by the Project</li> </ul> |
| 2   | Productive land (sand exploitation)                         | <b>Partial loss</b><br>(No employee will lose his job)                       | Owner with LURC<br>1 company : Quyet Thang Sand Mining Cooperative  | <ul style="list-style-type: none"> <li>- For the portion to be acquired permanently: Cash compensation at replacement cost (free from taxes and transaction costs).</li> </ul>   |
| 3.  | Crops   | Loss of, or damage to, assets  | Owners regardless of tenure status<br>(8HH)   | <ul style="list-style-type: none"> <li>- Cash compensation based on market rate of harvested crop;</li> <li>- APs will be given notice several months in advance regarding site clearance requirement. Crops grown after issuance of the deadline to cease planting crops will not be compensated.</li> <li>- In the event that a deadline is given to cease planting crops then APs will be compensated at market rate for loss of potential income on a pro-rata basis for crops normally grown during that season.</li> </ul>   |
| 4   | Trees   | Loss of, or damage to, assets  | Owners regardless of land tenure status<br>(8 HH)   | <ul style="list-style-type: none"> <li>- Cash compensation at replacement cost equivalent to current market value given the type, age and productive value at the time of compensation.</li> </ul>   |

| No. | Type of Loss/Impacts  | Application   | Eligible Persons   | Entitlements   |
|-----|---|---|--|--|
|     | Loss of Income/<br>Livelihood due to<br>acquisition of<br>agricultural land | Households losing 10% or more of<br>productive land         | Severely affected APs;<br>(8HH)  | <ul style="list-style-type: none"> <li>- Transitional assistance in the form a cash grant equivalent to 30 kg of rice per household member for periods as specified in National Decree 69/2009 for households losing 30-100% of productive land. In addition to the above households losing 10-30% of productive land shall be entitled to transitional assistance equivalent to 30 kg of rice per household member for 3 months if not required to relocate or 6 months if required to relocate;</li> <li>- Entitlement for each household member of working age to participate in vocational training</li> <li>- Other assistance as per Dak Lak PPC's decision as applicable</li> </ul> |
| 11. | Vulnerable APs  | Loss of land and non-land assets or<br>impact on livelihood | Affected vulnerable groups<br>regardless of severity of impacts<br>(3HH)   | <ul style="list-style-type: none"> <li>- Entitlement to participate in livelihood restoration/development programs such as vocational training and micro-credit assistance;</li> <li>- Other assistance as per Dak Lak PPC's decision as applicable.</li> </ul>  |
| 12. | Temporary impacts<br>during construction                                    | Temporary impacts on land                                   | Owners with LURC; in the<br>process of acquiring LURC; are<br>eligible to acquire LURC   | <ul style="list-style-type: none"> <li>- The rent will be negotiated with affected households. The land will be restored to its pre-project condition.</li> </ul>  |
|     |   | Temporary impacts on business                               | Owner of business  | <ul style="list-style-type: none"> <li>- Compensation for loss of income during period of disruption to business based on either tax receipts or minimum wage where tax receipts are not available.</li> <li>- Assistance to relocate productive assets where required</li> <li>- Compensation for affected assets at replacement cost</li> <li>- Restoration of land to former conditions</li> </ul>  |
|     |   | Temporary loss of employment                                | Employees of affected<br>businesses  | <ul style="list-style-type: none"> <li>- Compensation for lost income for duration of disruption to employment based on either labour contract or minimum wage where a labour contract is not available.</li> </ul>  |
| 13  | Restricted use of land  | Permanent restrictions on uses of<br>land                   | Owners with LURC; in the<br>process of acquiring LURC; are<br>eligible to acquire LURC; and<br>those covered by customary<br>rights, such as members of<br>ethnic minority groups. | <ul style="list-style-type: none"> <li>- Appropriate mitigation measures sufficient to offset the actual impacts experienced.</li> </ul>   |

## I. Relocation of Housing and Settlements

There are no house, building, structure nor resettlement required for construction of the project works in Buon Ma Thuot and district towns of Ea Kar, Buon Don and Krong Nang.

## J. Income Restoration and Rehabilitation

APs who lose their main source of income will as 03 EM households at Krong Ana will be provided with land of the same value which is located near their original land and other measures outlined in the Entitlement Matrix, will enable pre-project livelihoods to be re-established by all APs.

During resettlement implementation extensive consultation with the households entitled to income restoration assistance will be carried out to determine their needs and priorities. Appropriate mode of income restoration assistance will be designed in consultation with the households.

## K. Resettlement Budget and Financing Plan

### K.1 Financing plan

Funds for compensation and implementation of the plan will be from DAKWACO and Dak Lak Province as counterpart fund.

DAKWACO will be responsible for channelling funds for the compensation for land acquisition and resettlement to the RCs who will be responsible for making payments directly to APs with respect to land, crops, trees, and any allowances. DAKWACO will also be responsible for contracting an independent institution to undertake the independent monitoring.

### K.2 Adjustment for Inflation

The rates for compensation and cash entitlements for rehabilitation as well as allowances payable to APs will be adjusted annually, based on the current annual inflation rate. The PMU, with the Dak Lak PPC, will determine the annual inflation rates and all cash entitlements.

However it is expected that all compensation shall be conducted within 2012 and clear sites will be handed over to the contractors for works commencement without delays.

### K.3 Compensation rates

#### K.3.1

#### *Compensation rates for land*

**Price for land:** The Dak Lak PPC issued Decision 37/2010/QD-UBND dated 31 December 2010 promulgating land rates in Dak Lak province. Dak Lak PPC also issued Decision No 02/2010/QD-UBND dated 22 January 2010 regulating compensation, support and resettlement for land acquisition within Dak Lak province. The different compensation rates for various types of land where the main project items will be located, in each affected commune/ward, are presented in the Table below. A Replacement Cost Survey will be conducted at the time of the DMS and actual market rates used for compensation. The PPC rates are used here for cost estimates since 2011 PPC rates for agriculture land have been found to be close to market rates. The rates are as below:

**Table K-1: Compensation Rates for Land in the Project Area**

| Location                        | Resid. Land Urban            | Agricultural land plus support for agricultural land in residential area | Non-agricultural land (sand mining) |
|---------------------------------|------------------------------|--|-------------------------------------|
| Ea Tam Ward, Buon Ma Thuot City | 1,000,000 VND/m <sup>2</sup> | 340,000 VND/m <sup>2</sup>   |                                     |
| Ea Na Commune, Krong Ana Dist.  | 600,000 VND/m <sup>2</sup>   | 204,000 VND/m <sup>2</sup>   | 105, 000 VND/m <sup>2</sup>         |

#### K.3.2

#### *Compensation rates for trees, crops and structures*

Dak Lak PPC also issued Decision No 01/2011/QD-UBND dated 7 January 2011 regulating compensation rates for crops and plants upon land acquisition. These prices apply throughout Dak Lak

Province. These prices correspond to market rates and so are used as proxies here. Compensation rate for tree of Category III is 104,900 VND/tree. For actual compensation, market rates will be used.

**Table K-2: Compensation Rates for Crops and plants in the Project Area**

| Crops and plants         | Description  | Rates (dong/tree) |
|--------------------------|--|-------------------|
| Coffee                   | Growing and development from year 6 <sup>th</sup> to year 25 <sup>th</sup> | 135,000           |
| Pepper                   | 3 years and above  | 164,000           |
| Cashew                   | 3 years and above  | 270,000           |
| Others (corn, beans etc) | In harvesting  | 50,000            |

Reinstatement costs for cementized floor, fence, temporary poultry cages and houses are built in the construction costs for pipeline unit construction costs.

### **K.3.3 Replacement Cost Survey**

When the DMS is conducted, a detailed replacement cost survey for structures will be consulted.

### **K.3.4 Basis for Allowances**

The types of assistance below are based on the existing national decrees and on Decision No. 02/2010/QĐ-UBND dated 22 Jan 2010 issued by the Dak Lak PPC.

**Table K-3: Amount and Basic of Allowances**

| Type of allowance  | Level of allowance according to Decision No. 02 /2010   |
|--|---|
| Subsistence allowance  | <b>Article 10:</b><br>- Support 300,000 VND/month/member for affected HHs who loses 70% or more their productive land for a period of 12 months.<br>- Support 300,000 VND/month/member for affected HHs who loses from 30 - 70% their productive land for a period of 6 months    |
| Support for agricultural land in residential land (urban)    | <b>Article 11:</b> for acquired land from 1,000 – 1,500 m <sup>2</sup> : 30% of the residential land cost in the same area as regulated by PPC  |
| Support for agricultural land in residential land (rural)    | <b>Article 11:</b> for acquired land from 1,000 – 2,000 m <sup>2</sup> : 30% of the residential land cost in the same area as regulated by PPC  |
| Support for vocational training and job creating             | <b>Article 12:</b> equal 2 times of the acquired agricultural land cost   |
| Timely moving bonus  | <b>Article 14:</b> 2,000,000 VND/ HH  |
| Support for loss of business income                          | <b>Article 8:</b> support all the cost for moving shops, enterprises,... as confirmed by the authority agency.<br><b>Article 10:</b> support equal 30% of annual net income as confirmed by Tax Agency.   |
| Allowances for vulnerable HHs (poor and ethnic minority HHs) | <b>Article 13:</b> support for HHs who lose agricultural for a period of 5 years:<br>- Losing 50% or more agricultural land and having 5 – 8 members: 800,000 VND/ month/ HH;<br>- Losing less than 20% agricultural land and having more than 9 members: 600,000 VND/ month/ HH. |
| Allowances for policy HH                                     | <b>Article 14:</b> 2,000,000 VND/ HH  |

## **K.4 Cost estimates**

Total estimated budget for land acquisition of Buon Ma Thuot and three districts of Ea Kar, Buon Don and Krong Nang is 10,876 billion dong (equivalent to 527,738 USD). This amount covers administration and implementation activities. A contingency of 10% has been added.

**Table K-4: RP Cost Estimates**

| No         | Compensation item description   | Unit           | Qty    | Rate (VND) | Amount<br>VND         |
|------------|---|----------------|--------|------------|-----------------------|
| <b>A</b>   | <b>Buon Ma Thuot city</b>   |                |        |            |                       |
| <b>I</b>   | <b>Land</b>   |                |        |            | <b>2,809,500,000</b>  |
| <b>1</b>   | <b>Raw water pumping station</b>  |                |        |            | <b>1,417,500,000</b>  |
|            | Non-agricultural land (sand exploitation) at Raw water pumping station  | m <sup>2</sup> | 10500  | 135,000    | 1,417,500,000         |
| <b>2</b>   | <b>Water treatment plant</b>  |                |        |            | <b>1,120,000,000</b>  |
|            | Agricultural land   | m <sup>2</sup> | 21000  | 32,000     | 672,000,000           |
|            | Support to agricultural land within rural area  | m <sup>2</sup> | 20000  | 22,400     | 448,000,000           |
| <b>3</b>   | <b>Booster pumping station</b>  |                |        |            | <b>272,000,000</b>    |
|            | Agricultural land at Booster pump station   | m <sup>2</sup> | 4000   | 40,000     | 160,000,000           |
|            | Support to agricultural land within urban residential area (BPS)  | m <sup>2</sup> | 4000   | 28,000     | 112,000,000           |
| <b>4</b>   | <b>Raw water and treated water transmission mains</b>   |                |        |            |                       |
|            | No land acquisition is required. The pipeline alignment is designed to run along the right - of - way of the road. Only compensation for temporary uses of land for construction of the pipeline is considered. Such compensation deals with plants, trees. |                |        |            |                       |
| <b>II</b>  | <b>Trees and plants</b>   |                |        |            | <b>1,781,928,000</b>  |
| <b>1</b>   | <b>Raw water pumping station</b>  |                |        |            | <b>0</b>              |
|            | No trees and plants   |                |        |            |                       |
| <b>2</b>   | <b>Water treatment plant</b>  |                |        |            | <b>651,150,000</b>    |
| <b>3</b>   | <b>Booster pumping station</b>  |                |        |            | <b>112,020,000</b>    |
| <b>4</b>   | <b>Raw water and treated water transmission mains</b>   |                |        |            | <b>1,018,758,000</b>  |
| <b>III</b> | <b>Temporary architectural works</b>  |                |        |            | <b>0</b>              |
| <b>1</b>   | <b>Raw water pumping station - no impact</b>  |                |        |            |                       |
| <b>2</b>   | <b>Water treatment plant - no impact</b>  |                |        |            |                       |
| <b>3</b>   | <b>Booster pumping station - no impact</b>  |                |        |            |                       |
| <b>4</b>   | <b>Raw water and treated water transmission mains</b>   |                |        |            |                       |
|            | Reinstatement of cementized floor and fence are built - in the construction unit costs. Any temporary impacted structures such as floor, fence, animal cages shall be reinstated to original status   |                |        |            |                       |
| <b>IV</b>  | <b>Allowance</b>  |                |        |            | <b>2,328,000,000</b>  |
| <b>1</b>   | Support for living stabilization (lose from 30-70% of land - Raw water facilities)  | khẩu           | 10     | 2,000,000  | 20,000,000            |
| <b>2</b>   | Support for living stabilization (lose above 70% of land - Water  | khẩu           | 12     | 4,000,000  | 48,000,000            |
| <b>3</b>   | Supports for job change and vocational training (Water treatment plant site, Krong Ana district)  | m <sup>2</sup> | 21,000 | 64,000     | 1,344,000,000         |
| <b>4</b>   | Supports for job change and vocational training (Booster pumping station, Buon Ma Thuot city)   |                | 4,000  | 80,000     | 320,000,000           |
| <b>5</b>   | Bonus for on time relocation  | Hộ             | 5      | 2,000,000  | 10,000,000            |
| <b>6</b>   | Supports for cease of production, business  | Tổ chức        | 1      |            | 432,000,000           |
| <b>7</b>   | Allowances to policies classification   | Hộ             | 1      | 4,000,000  | 4,000,000             |
| <b>8</b>   | Allowance to poor and vulnerable households   | Hộ             | 3      | 50,000,000 | 150,000,000           |
|            | <b>Sub-total</b>  |                |        |            | <b>6,919,428,000</b>  |
| <b>B</b>   | <b>Three adjacent districts</b>   |                |        |            |                       |
| <b>I</b>   | <b>Ea Kar district</b>  |                |        |            | <b>496,403,682</b>    |
| <b>1</b>   | <b>Land</b>   |                |        |            |                       |
|            | Agriculture land  |                | 11,000 | 39,777     | 437,542,642           |
|            | Public land   |                | 10,100 | -          |                       |
| <b>2</b>   | <b>Trees and plants</b>   |                |        |            |                       |
| <b>3</b>   | <b>Temporary architectural works</b>  |                |        |            | <b>0</b>              |
| <b>4</b>   | <b>Allowance</b>  |                |        |            | <b>0</b>              |
|            | Livelihood restoration program  |                |        |            | 4,000,000             |
|            | Vocational allocation   |                |        |            | 4,000,000             |
| <b>II</b>  | <b>Buon Don district</b>  |                |        |            | <b>1,346,213,592</b>  |
| <b>1</b>   | <b>Land</b>   |                |        |            | <b>0</b>              |
|            | Agriculture land  |                | 7,500  | 32,804     | 246,030,000           |
|            | Public land   |                | 10,600 | -          | 0                     |
| <b>2</b>   | <b>Trees and plants</b>   |                |        |            | <b>0</b>              |
| <b>3</b>   | <b>Temporary architectural works</b>  |                |        |            | <b>25,000,000</b>     |
| <b>4</b>   | <b>Allowance</b>  |                |        |            |                       |
|            | Livelihood restoration program  |                |        |            | 4,000,000             |
|            | Vocational allocation   |                |        |            | 3,000,000             |
| <b>III</b> | <b>Krong Nang district</b>  |                |        |            | <b>320,737,954</b>    |
| <b>1</b>   | <b>Land</b>   |                |        |            |                       |
|            | Agriculture land  |                | 8,000  | 36,462     | 291,695,094           |
|            | Public land   |                | 1,600  | -          | 0                     |
| <b>2</b>   | <b>Trees and plants</b>   |                |        |            |                       |
| <b>3</b>   | <b>Temporary architectural works</b>  |                |        |            |                       |
| <b>4</b>   | <b>Allowance</b>  |                |        |            |                       |
|            | Livelihood restoration program  |                |        |            | 8,000,000             |
|            | Vocational allocation   |                |        |            | 8,000,000             |
|            | <b>Sub-total</b>  |                |        |            | <b>2,163,355,228</b>  |
|            | <b>Sub-total BMT and 3 districts</b>  |                |        |            | <b>9,082,783,228</b>  |
|            | Management fees   |                | 5%     |            | 454,139,161           |
|            | Castrial map and survey   |                |        |            | 350,000,000           |
|            | <b>Total RP</b>   |                |        |            | <b>9,886,922,389</b>  |
|            | Contingencies (10%)   |                |        |            | 988,692,239           |
|            | <b>GRANDTOTAL</b>   |                |        |            | <b>10,875,614,628</b> |



## **L. Institutional Arrangements**

### **L.1 Dak Lak Provincial People Committee**

The Dak Lak People's Committee (DLPC) is responsible for overall implementation of the Project, including the implementation of the RP. The DLPC is responsible for approving the RP for the Buon Ma Thuot and 03 adjacent district towns of Ea Kar, Buon Don and Krong Nang Water Supply Project, and for making decisions related to project resettlement issues, in keeping with ADB safeguard guidelines and within the framework provided by this RP and the Resettlement Framework of Viet Nam Water Sector Investment Program MFF (September 2010). The latter includes decisions relating to compensation rates and rehabilitation assistance measures for APs. The DLPC is also responsible for providing the budget for resettlement compensation.

After detailed engineering designs have been completed, the DMS will be carried out and the number of APs will be revised, and compensation unit rates and allowances will be updated for all categories of lost assets, based on replacement cost surveys carried out during project implementation. Following approval by the ADB of the updated RP, the DLPC will be responsible for directing and supervising RP implementation. This will include ensuring speedy resolution of any grievances voiced by APs or town/district authorities. Based on local requirements for implementing resettlement, in each project implementation stages, the DLPC will delegate responsibilities for resettlement implementation to agencies at the appropriate level, in accordance with Decree No. 197/2004/ND-CP and Decree 69/2009/ND-CP.

Due to the limited impacts, no resettlement committee at the provincial level will be established for this project.

### **L.2 The Project Management Unit (PMU)**

Once the FSR is approved by the PPC, a PMU will be officially set up. The PMU will set up within it a RP team. This team will coordinate and conduct detailed survey of impacts and carry out the compensation process together with DRC in each project service areas of Buon Ma Thuot, Ea Kar, Buon Don and Krong Nang.

The PMU also includes technical, institutional, social and resettlement, administrative management, and representatives of accounting divisions. Key responsibilities of the PMU will include, but not be limited to, the following:

- i. preparing Draft RPs and then submitting the draft RP to PPC for approval;
- ii. updating the RP at the time of project implementation, when the detailed design is available, and then submitting the updated RP to PPC for approval.
- iii. coordinating civil works with land acquisition and resettlement activities;
- iv. instigating information campaigns, in accordance with established Project guidelines. This include preparation and distribution of the Public Information Booklet (PIB), and stakeholder consultation with the APs. it includes having primary responsibility for letters, forms and other relevant documents, although the preparation of these may be delegated as required;
- v. developing the mechanisms through which resettlement disbursements and compensation payments for APs will be made, and preparing any associated documents that may be required;
- vi. coordinating with other departments for the effective implementation of the RP, as approved for the project, and in compliance with the ADB resettlement principles and objectives. This will include ensuring that rehabilitation measures and supporting activities are properly implemented;
- vii. ensuring a timely resettlement budget flow for the delivery of compensation payments and the rehabilitation of APs, and providing the compensation payments to the APs, and
- viii. implementing project accounting and auditing with respect to resettlement implementation, and preparing and submitting regular progress reports to the PSC and ADB on the civil works and status of RP activities.
- ix. consolidating project progress reports on land acquisition and resettlement for the Dak Lak Province and ADB;

### **L.3 People's Committees of Buon Ma Thuot City and Krong Ana, Ea Kar, Buon Don and Krong Nang**

The People's Committees of Buon Ma Thuot City and Krong Ana, Ea Kar, Buon Don and Krong Nang will be responsible for identification of land and structures and appointing members of the District Resettlement Committee (DRC) and assigning functional tasks for the DRC.

A City/District Resettlement Committee (C/DRC) will be established in line with arrangements outlined in the RP. The DRC will work closely with the PMU on all resettlement-related issues. The C/DPC chairperson or vice-chairperson will act as the CDPC chairperson, and representatives from District Departments, including finance, natural resources and environment, planning and investment; and representatives from the project owner/investor, Commune People's Committee, mass organizations, APs and other members as required by the Chairperson. A member of the PMU staff should also be a member of District Resettlement Committee, unless otherwise requested. The DRC will assist the DPC/PPC in decision-making on resettlement issues. Key responsibilities of the DRC will include, but not be limited to, the following:

- i. planning and implementation of all resettlement activities in their district
- ii. finding adequate land for the relocations of individuals;
- iii. being responsible for DMS, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval and cooperating with PMU for delivery of compensation to APs or carrying out the payment to APs if delegated;
- iv. establishing inspectors to redress APs grievances on resettlement policies and entitlements;
- v. establishing, if necessary, ward/commune resettlement committees (W/CRC) and directing their operations during the implementation of the resettlement activities;
- vi. paying special attention to the needs and demands of specific groups (ethnic minority groups) and vulnerable people (children, the elderly, female-single headed households);
- vii. .

### **L.4 Commune/Ward People's Committee**

All concerned communes/wards People's Committees will be responsible for the following:

- i. assigning concerned ward/commune officials/professionals to carry out all resettlement activities in its ward/commune;
- ii. assisting other bodies/agencies, including the PMU, in the dissemination of project information and facilitating public meetings and consultation with APs;
- iii. assisting other agencies, including the PMU, in census surveys, a replacement cost survey, DMS and other resettlement related activities;
- iv. checking and confirming the legal status of affected land, houses, structures and other assets/losses of organizations; and
- v. ensuring the DP's grievances redress mechanisms are appropriate and properly put in place,.
- vi. documenting DP grievances and maintaining records of all grievances, and assisting and advising APs with respect to the speedy redress of grievances.

### **L.5 Agency Responsible for External Monitoring**

No External Monitoring Agency (EMA) will be hired as the impacts are not significant

## M. Implementation Schedule

### M.1 Proposed implementation schedule

The project is going to be implemented for 5 years commencing in 2012 and complete in 2016. It is supposed that all detailed design works will be completed by June 2012, follow with construction activities by early 2013. All sites clearance will therefore be conducted within 2012 for handing over to the contractors by end 2012. The systems will be commissioned and put into operations by end of 2014 and early 2015.

The following activities shall be carried out:

- i. *Detailed Measurement and Census Survey.* Once the detailed design has been completed, a new DMS will be conducted. These surveys will serve as a basis for compensation and updating RP. Data will be computerized by PMUs.
- ii. *Updating Compensation Rates.* During the preliminary detailed design process, the DLPC will update unit rates at replacement cost for all categories of loss. This will be done based on the Replacement Cost Survey) and in consultation with DPs and local government agencies.
- iii. *Pricing Application and Compensation to DP.* DPC will be responsible for price application (calculating payments on the basis of the market survey) and preparing compensation charts for each affected commune/district. Unit prices, quantity of affected assets, DPs' entitlements, etc. will be subject to verification by the PMU and PPCs, before being posted in each commune for people to review and comment on. All compensation forms must be checked and signed by the DPs to indicate their agreement.
- iv. *Compensation* will be handled under the supervision of representatives of CPC, DPCs and representatives of DPs.

PMU shall ensure that civil works contractors are not issued a notice of possession of site for construction works until PMU has (i) satisfactorily completed, in accordance with the approved updated RP, compensation payments and relocation to new sites; and (ii) ensured that required rehabilitation assistance is in place and the area required for civil works is free of all encumbrances.

Table below summarizes the steps remaining for the implementation of land acquisition, compensation and resettlement activities for the Project.

**Table M-1: Implementation Schedule**

| Activities  | Schedule to complete |
|---|----------------------|
| Finalization of the RP and approval by ADB            |                      |
| Detailed Design                                       | December, 2012       |
| Detailed Measurement Survey                           | January, 2013        |
| Update compensation rates                             | January 2013         |
| Approval of updated RP by ADB                         | March 2013           |
| Bidding documents                                     | April 2013           |
| Awarding of civil works contracts                     | June 2013            |
| Compensation of DPs                                   | April 2013           |
| Handover of site to contractors, start of civil works | July 2013            |

### M.2 Conducting of Detailed Measurement Survey

RP updating will be done during the detailed design of the Project. Resettlement implementation (i.e., disbursement of payment to APs, land clearance and relocation of APs) can only commence once the updated RP has been reviewed and Approved by the ADB. Consultations will be conducted with APs, particularly with the vulnerable and relocated households.

As soon as the detailed design has been finalized, the DMS will be undertaken by the PMU and DRCs to collect data from all APs to establish their exact impacts, eligibility and entitlements. The data will be entered into a database to document the: a) socio-economic status of affected households, b) nature and extent of losses and c) entitlements for compensation and other assistance. At the time of DMS activities, all APs are required to submit copies of LURCs or any legal papers to assist the PMU and DRCs in the preparation of the Compensation Plan. All DMS forms are reviewed and signed by APs. The official list of APs, their losses, and corresponding payments due will be disclosed to the displaced persons.

- During DMS, APs participate and give copy of LURC/legal papers to PMU and DRCs
- PMU and DRCs prepare Compensation Plan (as per DMS rate Approved by PPC)
- PMU and DRCs disclose Compensation Plan to APs
- APs review Compensation Plan and sign for concurrence
- PMU and DRCs submit to Department of Finance (DOF) for review and Approval
- DOF submits to PPC for Approval
- PMU and DRCs include DMS and Compensation Plan in updated RP.

Any disagreement on the DMS and Compensation Plan will not be signed by APs until it is resolved following the grievance redress process.

A new socio-economic survey will be carried out if RP updating does not commence within two years as demographic and socio-economic factors may change significantly. It will cover all affected households.

### **M.3 Establishment of District Compensation Committees**

The District Compensation Committees will be established in all districts once the project is approved by Dak Lak PPC.

### **M.4 Mobilization of Consultants**

It is expected that the consultants for detailed design will be mobilized in early 2013.

## **N. Monitoring and Reporting**

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. No external monitoring organization (EMO) will be hired as the impacts are not significant. This section will also describe reporting procedures.

### **N.1.1**

#### ***Internal Monitoring***

The PMU under DAKWCO will serve as the Project's internal monitoring body. As such, the PMU will maintain a file of all data gathered in the field, including a data base on the affected households. The PMU will submit quarterly monitoring reports to DAKWACO starting from the commencement of RP updating, which coincides with the conducting of the detailed measurement survey and other RP updating activities. DAKWACO, in turn, will include updates on resettlement in its regular Project reports to Dak Lak Province and the ADB. Social monitoring reports will be made available to affected households and will be submitted to the ADB for web posting.

Internal monitoring and supervision will have the following objectives:

- Compensation and other entitlements to be computed using rates and procedures provided in the Approved RP with no discrimination according to gender or any other factor;
- Public information, public consultation and grievance redress procedures are to be followed as described in the Approved RP;
- Affected public facilities and infrastructure are to be restored promptly; and
- The transition between resettlement and commencement of civil works is to be smooth and that sites are not to be handed over for civil works until affected households have been satisfactorily compensated and resettled.

## Annex 1 : Project Information Booklet

|  |   |
|--|---|
| <p style="text-align: center;"><b>Project Information Booklet</b></p> <p>The Buon Ma Thuot City and 03 adjacent district towns of Ea Kar, Buon Don and Krong Nang Water Supply System Project will be loan funded by the ADB.</p> <p>The objective of the proposed Project is to improve the living conditions and economic potential of residents, and create favorable conditions for the socio-economic development of the town. This objective will be achieved by improving and expanding the existing piped water supply system to meet the water demands forecast up to 2020 in Buon Ma Thuot City and 03 district towns. The main project items are comprising of raw water pumping station, water treatment plant, booster pumping station and the transmission and distribution pipelines systems.</p> <p><b>Why is this project necessary to implement?</b></p> <p>Due to the increase in water demand in Buon Ma Thuot and 03 district towns of Ea Kar, Buon Don and Krong Nang, needs to supply more treated water to the city/districts; therefore, need to have new investment in order to increase the capacity of DAKWACO.</p> <p><b>Scope of construction and impact minimization</b></p> <p>The Project will constructs a number of works as intake and raw water pumping station; raw water transmission pipeline; water treatment plants; water transmission main; buster pumping; treated water transmission main. Accordingly, the project items will affect communes in Buon Ma Thuot City and 03 district towns.</p> <p>Almost transmission main and distribution pipelines will be installed on public land in footpaths or road corridors.</p> <p><b>In terms of resettlement, what are the policies and principles of the project?</b></p> <p>The basic principles of the project are:</p> <ol style="list-style-type: none"> <li>All APs are entitled to be compensated for their lost assets, incomes and businesses at replacement cost, and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, incomes and productive capacity.</li> <li>Lack of legal rights to the assets lost will not prevent APs from entitlement to compensation. All owners of houses even without LURC will be entitled to a secured tenure site.</li> <li>Compensation for affected assets shall be provided at replacement cost.</li> <li>Payment of compensation for affected assets must be completed prior to commencement of any construction activities.</li> </ol> <p><b>When will the Detailed Measurement Survey be conducted?</b></p> <p>This activity will be carried out after the Detailed Design has been completed (2011-2012). A Project management Unit (PMU) will be established for the project. The detailed measurement survey team will be composed of project representatives (PMU staff) and the Resettlement Committees (commune/ward staff). The survey will only be carried out in the presence of the APs. APs and local authorities will be informed prior to the survey.</p> | <p>Each AP will assist in completing the Detailed Measurement Survey Form for their household. This form will identify all the losses that the household will experience from the project, and will be the basis for the compensation package for them. The AP will then be given the AP Compensation Form, which summarizes the losses and the total amount of compensation. The household can review this form for 7 days, and if they agree with the details, the head of the household will sign the form.</p> <p><b>How are the construction impacts supervised and monitored?</b></p> <p>The PMU will monitor the contractor during construction work. Any disturbances to the lives of people along the pipeline will be recorded and issues reported to the PMU for solutions within 7 days.</p> <p>The abbreviated resettlement plan that states clearly all entitlements and mechanism for ensuring there is no people or properties affected during construction has been disclosed at the People Committee of Buon Ma Thuot City, and Krong Ana District in Vietnamese and English. Anybody can access to this document to understand further about the project and construction work as well as entitlement if any properties or land affected by construction.</p> <p><b>If there are disagreements or problems arising during the Project such as compensation or general project-related disputes, do I have the right to complain?</b></p> <p>Any DP may file a complaint or grievance. The project includes a Grievance Redressal. The APs may present their complaints to the concerned local administrative officials and RCs, either verbally or in written form.</p> <p>The complaint can be filed first at the commune level and can be elevated to the highest or provincial level if the APs are not satisfied with the decisions made by the commune or district. APs will be exempted from all taxes and administrative and legal fees associated with resolving the dispute. Anybody living in the construction site who is affected by the construction or annoyed by the contractors can contact PMU or the ADB at the following address:</p> <p><b>PMU</b></p> <p>70 Nguyen Tat Thanh, Buon Ma Thuot City.<br/>Telephone: 0500 – 3853330; 0500 – 3852268 ;<br/>Fax: 0500 - 3859833</p> <p><b>ASIAN DEVELOPMENT BANK - Viet Nam Resident Mission:</b></p> <p>Unit 701-706 Sun Red River Building, 23 Phan Chu Trinh Street, Hoan Kiem District, Hanoi, Viet Nam<br/>(Tel: +84 4 933 1374)</p> |
|--|---|

**Annex 2: List of affected households**

**I. Buon Ma Thuot City**

| No | Name                                | City/<br>Dist. | Ward/<br>Commune | Affected land                            |                |    | Poor<br>and<br>Vulnerabl<br>e<br>HH | Source of<br>Income | Note  |
|----|-------------------------------------|----------------|------------------|--|----------------|----|-------------------------------------|---------------------|---|
|    |                                     |                |                  | Type of Land                             | m <sup>2</sup> | %  |                                     |                     |   |
| 1  | Truong Huu Huy                      | Buon Ma Thuot  | Ea Tam           | Agricultural land for coffee cultivation | 730            | 42 |                                     | Wage                | Piece no. 158, Map no. 5                                  |
| 2  | Nguyen Van Hanh                     | Buon Ma Thuot  | Ea Tam           | Agricultural land for coffee cultivation | 2,270          | 60 |                                     | Wage                | Piece no. 159, Map no. 5                                  |
| 3  | H'Num Niê (ADuôn Bliêm)             | Krong Ana      | Ea Na            | Agricultural land for coffee cultivation | 4,253          | 38 | Yes                                 | Farming             | Piece no. 20, Map no. 13, Ea Na village                   |
| 4  | YNan H'Dok (Ma Hoan)                | Krong Ana      | Ea Na            | Agricultural land for coffee cultivation | 3,450          | 28 | Yes                                 | Farming             | Piece no. 19a, Map no 13, Ea Na village                   |
| 5  | YNôol H'Dok                         | Krong Ana      | Ea Na            | Agricultural land for coffee cultivation | 3,750          | 13 | Yes                                 | Farming             | Piece no. 19, Map no. 13, Ea Na village                   |
| 6  | Quyet Thang Sand Mining Cooperative | Krong Ana      | Ea Na            | Non-agricultural (sand mining)           | 10,500         |    |                                     | Sand Business       | Quynh Ngoc sand bank, Quynh Ngoc 1 village, Ea Na commune |

## II. 03 adjacent district towns of Ea Kar, Buon Don and Krong Nang

| No.        | Name                  | Address               | Type of Impact |     | # of HH  | # of person | Affected Land |       |                   |                |    |
|------------|-----------------------|-----------------------|----------------|-----|----------|-------------|---------------|-------|-------------------|----------------|----|
|            |                       |                       | Partly         | All |          |             | Residential   | Total | Agricultural land | Total          | %  |
| <b>A</b>   | <b>Buon Don</b>       |                       |                | -   | <b>1</b> | <b>5</b>    | -             | -     | <b>18,100</b>     |                |    |
| <b>I</b>   | <b>WTP</b>            |                       |                |     |          |             |               |       |                   |                |    |
| 1          | Dang Van Ha           | Buon Don Dist. Town   | x              | -   | 1        | 5           |               |       | 7,500             | 32,000         | 23 |
| <b>II</b>  | <b>Water Intake</b>   |                       |                |     |          |             |               |       |                   |                |    |
|            | Buon Don DPC          |                       |                |     |          |             |               |       | 100               |                |    |
| <b>III</b> | <b>Right of Way</b>   |                       |                |     |          |             |               |       |                   |                |    |
|            | Buon Don DPC          |                       |                |     |          |             |               |       | 10,500            |                |    |
|            |                       |                       |                |     |          |             |               |       |                   |                |    |
| <b>B</b>   | <b>Krong Nang</b>     |                       |                | -   | <b>1</b> | <b>4</b>    | -             | -     | <b>9,600</b>      |                |    |
| <b>I</b>   | <b>WTP</b>            |                       |                |     |          |             |               |       |                   |                |    |
| 1          | Thai Thi Dieu         | Krong Nang Dist. Town | x              | -   | 1        | 4           | -             | -     | 8,000             | 30,000         | 27 |
| <b>II</b>  | <b>Water Intake</b>   |                       |                |     |          |             |               |       |                   |                |    |
|            | Krong Nang DPC        |                       | x              | -   | -        | -           | -             | -     | 100               |                |    |
| <b>III</b> | <b>Right of Way</b>   |                       |                |     |          |             |               |       |                   |                |    |
|            | Krong Nang DPC        |                       | x              | -   | -        | -           |               |       | 1,500             | -              | -  |
|            |                       |                       |                |     |          |             |               |       |                   |                |    |
| <b>C</b>   | <b>Ea Kar</b>         |                       |                | -   | <b>1</b> | <b>6</b>    | -             | -     | <b>21,100</b>     |                |    |
| <b>I</b>   | <b>WTP</b>            |                       |                |     |          |             |               |       |                   |                |    |
|            | Luong Thi Tuong       | Ea Kar District Town  | x              | -   | 1        | 6           |               |       | 11,000            | 54,273         | 20 |
| <b>II</b>  | <b>Water Intake</b>   |                       |                |     |          |             |               |       |                   |                |    |
|            | Ea Kar DPC            |                       | x              |     |          |             |               |       | 100               |                |    |
| <b>III</b> | <b>Right of Way</b>   |                       |                |     |          |             |               |       |                   |                |    |
|            | Ea Kar DPC            |                       |                |     |          |             |               |       | 8,500             |                |    |
| <b>IV</b>  | <b>Semimetal tank</b> |                       |                |     |          |             |               |       |                   |                |    |
|            | Ea Kar DPC            |                       |                |     |          |             |               |       | 1,500             |                |    |
|            | <b>Total</b>          |                       |                |     | <b>3</b> | <b>15</b>   | -             | -     | <b>48,800</b>     | <b>116,273</b> | -  |

## **APPENDIX 3: MINUTES OF THE CONSULTATION MEETING ON ENVIRONMENT AND RESETTLEMENT – BUON MA THUOT CITY AND KRONG ANA DISTRICT**

### **SOCIALIST REPUBLIC OF VIETNAM**

Independence – Freedom - Happiness

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*Buon Ma Thuot, 26/07/2010*

### **MINUTES OF PUBLIC CONSULTATION MEETING ON ENVIRONMENT AND RESETTLEMENT**

#### **VIETNAM URBAN WATER SUPPLY AND WASTEWATER PROJECT BUON MA THUOT PROJECT**

**Venue:** Meeting room of Dak Lak Water Supply, Construction and Investment Company

**Time:** 8h – 11h, 26/07/2010

**Participants** (see attached list)

- Rep. of Dak Lak Water Supply, Construction and Investment Company;
- Rep. of relevant Commune/ Ward PCs;
- Rep. of relevant District/ City Departments and Mass Organizations;
- Rep. of Affected Households.

#### **Contents of Consultation:**

##### **1. Introduction**

**Name of Project:** VIETNAM URBAN WATER SUPPLY AND WASTEWATER PROJECT,  
BUON MA THUOT PROJECT

#### **Location:**

Province: Dak Lak  
District/ City: Krong Ana, Buon Ma Thuot  
Communes/ Wards: Ea Na, Ea Tam

#### **Project Factors:**

Total investment: 26 mil. USD.

Plant capacity: 35,000 m<sup>3</sup>/ day

Number of beneficiaries: 13 wards and 8 communes of Buon Ma Thuot City.

Raw water source: Srepok river.

Technology and Finance Approaches:

- Using raw water from Srepok river. The Buon Ma Thuot project will include the following works: (i) the construction of a new Intake and raw water pumping station on Srepok riverbank at Quynh Ngoc sand bank in Quynh Ngoc 1 village, Ea Na commune, Krong Ana district; (ii) the construction of a new 35,000m<sup>3</sup>/day water treatment plant in Ea Na commune, Krong Ana district; (iii) the construction of a new booster pumping station and reservoir (5,000 m<sup>3</sup>) in Ea Tam ward, Buon Ma Thuot city; (iv) the construction of a new DN600, DN500-DI and HDPE – DN700, DN600 gravity pipeline, 19.5 km long and (v) a network of around 183 km of HDPE distribution pipelines.
- Using the Loan from ADB and from the Budget of Vietnam Government.



## 2. Environment Impacts and Mitigation Measures

| No.   | Environment Impacts  | Mitigation Measures |
|---|--|---------------------|
| I. Project Preparation Phase                |  |                     |
|   | - Agreed with the mentioned impacts and measures in EPC which was prepared by the Consultant.  |                     |
| II. Project Construction Phase              |  |                     |
|   | - Agreed with the mentioned impacts and measures in EPC, which was prepared by the Consultant. |                     |
| III. Project Management and Operation Phase |  |                     |
|   | - Agreed with the mentioned impacts and measures in EPC, which was prepared by the Consultant. |                     |

## 3. Resettlement Plan

- Agreed with mentioned issues and recommendations in RP report, which was prepared by the Consultant.

-Besides:

**Mr. Liem - Rep. of Krong Ana Division of Natural Resources and Environment:** The investor should follow the regulations and procedures of the State. The investor also needs to propagate all information about compensation and resettlement of project to the affected households and relevant authorities.

**Rep. of Consultant:** Project is fund by ADB so that we have to follow all of the compensation resettlement regulations and procedures of the ADB and Vietnam Government. In order to get the sponsored fund from ADB, the investor has to prepare EPC and RP reports and forward them to ADB for approval. After ADB's approval, the compensation process will be applied as regulated by Vietnam State and ADB.

**Mr. Hanh – Rep. of Affected HHs (AHHs):** We hope that the project will provide the reasonable compensation and benefits for affected people, if project achieve this, the affected people will fully agree and support the implementation of project.

**Mr. YDuc KBuor – Rep. of AHHs:** Affected people are still worry about the compensation rates that whether it equal with market rates or not. The employer should consider about “land for land” policy and assure the productive land (about 5,000 m<sup>2</sup>) for each ethnic minority affected household. The quality of new productive land must be equal or higher than the old one; the location of new land also need to be near water sources and easy to connect with the irrigation systems.

**Mr. Thien – Rep. of Dak Lak WSC:** The project will apply current policies of ADB and Vietnam State on resettlement; and the compensation rates, allowances will be sufficient for AHHs.

## 4. Some other issues:

**Ms. Thao - Rep. of Buon Ma Thuot Division of Urban Management:** The project should comply with the provisions of the Environmental Law of Vietnam Government. The employer is kindly requested to provide more detail documents about environment to the relevant departments so that they can review and comment. The project should also study on waste treatment, storage of waste dumps and sludge. We hope that project will be implemented successfully.

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**YBrop ENuol – Rep. of AHHs:** We expect that the State will have more programs to support affected people. The AHHs are looking forward the reasonable compensations and supports, and hope that the project after completion will be back in service providing clean water for local people.

**Mr. Le – Rep. of Quynh Ngoc 1 village:** The workers of Quyet Thang Cooperative are very worry for their job when project implemented. Therefore, the project is kindly requested to provide compensation and adequate support for the Cooperative, especially employees who are working at Quynh Ngoc sand bank. Project need to provide reasonable compensation for people who affected by project, especially those located in residential areas.

**Mr. Hai – Rep. of Ea Na Commune PC:** Need to reconsider about the proposed project sites at Quynh Ngoc sand bank, because it will affect the economy of local society. Therefore, if possible, project should avoid or reduce to the minimum impact if deploy in the area. The compensation policies and support for affected people of the project must be consistent and satisfactory. The project should have the agreements of affected people in the implementing process. Besides, the proposed project items have no effect to the public works like schools and religious structures such as temple or church.

**YNem BKrong – Rep. of Krong Ana District Vietnam Fatherland Front:** The project should consider that the water quantity of Srepok river during the dry season meet requirements of project or not, and whether project affects to water quality and use of irrigation activities of people or not?

**HDat ENuol – Rep. of AHHs:** People are worry that the project will affect their water source or not? The local inhabitants do not want to live away from the water sources.

**Rep. of Consultant:** Compensation policies and support for affected households, affected business enterprises, especially vulnerable households will be based on clear basic and legal framework. The compensation and support will be shown more detail in the process DMS.

**Mr. Thien – Rep. of Dak Lak WSC:** Regarding the proposed project item at Quynh Ngoc sand bank, investor will work closely with local authorities to conduct negotiations with business enterprise to find solutions to make the most rational to ensure life society of local people, especially the livelihood activities in the region and the Srepok river.

#### **5. Next steps:**

- The Consultant will update EPC and RP reports and then forward them to Dak Lak Water Supply, Construction and Investment Company and relevant authorities.

**Representative of  
Dak Lak Water Supply, Construction and  
Investment Company**

*(Signed and Sealed)*

**Tran Van Thien  
Director**

**Representative of  
Affected HHs**

*(Signed)*

**YDuc KBuor**

**Representative of  
Buon Ma Thuot Division of Urban  
Management**

*(Signed)*

**Representative of  
Krong Ana District Vietnam Fatherland Front**

*(Signed)*

**YNem BKrong**

**Representative of  
Ea Na Commune PC**

*(Signed)*

**Nguyen Dang Hai**

**Phan Thi Minh Thao**

**Representa  
tive of  
Krong Ana District Farmer  
Association**

*(Signed)*

**Tran Ngoc Thuan**

**Representative of  
Krong Ana Division of Natural Resources and Environment**

*(Signed)*

**Nguyen Thanh Liem**

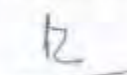
**DỰ ÁN PHÁT TRIỂN CẤP NƯỚC ĐÔ THỊ VIỆT NAM GIAI ĐOẠN 2**  
**Tiểu dự án Buôn Ma Thuột**

**DANH SÁCH ĐẠI BIỂU THAM DỰ HỘI THẢO THAM VẤN CỘNG ĐỒNG**

Địa điểm: Văn phòng Công ty Cấp nước và ĐTXD Đắk Lắk  
Thời gian: Ngày 26 tháng 7 năm 2010

| STT | HỌ và TÊN        | ĐỊA CHỈ/ CƠ QUAN       | KÍ TÊN |
|-----|------------------|------------------------|--------|
| 1   | Nguyễn Thái Liêm | Phòng Tài nguyên và MT |        |
| 2   |                  | Khu vực An             |        |
| 3   | Trần Ngọc Thuận  | Hội Nông dân Huyện     |        |
| 4   |                  | K. K. K. K.            |        |
| 5   | Nguyễn Hữu Lập   | T. K. K. K. K.         |        |
| 6   |                  | X. K. K. K. K.         |        |
| 7   | Nguyễn Đăng Thái | X. K. K. K. K.         |        |
| 8   | Nguyễn B. K. K.  | UBND Huyện Đắk Lắk     |        |
| 9   | Nguyễn Văn C. K. |                        |        |
| 10  | H. Đ. K. K.      |                        |        |
| 11  | Nguyễn B. K. K.  |                        |        |
| 12  | Nguyễn K. K.     |                        |        |
| 13  | Nguyễn K. K.     |                        |        |
| 14  | Nguyễn K. K.     |                        |        |
| 15  | Nguyễn K. K.     |                        |        |
| 16  | Nguyễn K. K.     |                        |        |
| 17  | Nguyễn K. K.     |                        |        |
| 18  | Nguyễn K. K.     |                        |        |
| 19  | Nguyễn K. K.     |                        |        |
| 20  | Nguyễn K. K.     |                        |        |
| 21  | Nguyễn K. K.     |                        |        |
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| 30  |                  |                        |        |

Người lập danh sách

  
Nguyễn Khắc Thanh

Xác nhận  
  
GIÁM ĐỐC  
TRẦN VĂN THIỆN

## ANNEX 4 – PUBLIC CONSULTATIONS IN THREE DISTRICT TOWNS

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
Độc lập - Tự Do - Hạnh phúc  
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**HIỆN BẢN HỌP THAM VẤN CỘNG ĐỒNG VỀ ĐÁNH GIÁ MÔI TRƯỜNG VÀ TÁI ĐỊNH CƯ TẠI THỊ TRẤN EA KAR THUỘC TIỂU DỰ ÁN ĐẮK LẮC**

Ngày.....tháng.....năm 2009

**I. Thành phần tham dự**

- Đại diện Ủy ban nhân dân huyện
- Chủ tịch Ủy ban nhân dân thị trấn
- Chủ tịch Ủy ban mặt trận Tổ quốc thị trấn
- Đại diện chủ đầu tư - Công ty TNHH Môi trường và DT XD ĐẮK LẮC
- Đại diện tư vấn: Chuyên gia môi trường và chuyên gia tái định cư
- Đại diện những người bị ảnh hưởng

**II. Nội dung tham vấn**

Chuyên gia môi trường trình bày những tác động môi trường bao gồm tác động lên môi trường tự nhiên và xã hội của khu vực dự án và những biện pháp giảm thiểu các tác động tiêu cực.

Chuyên gia tái định cư trình bày về những tác động khi thu hồi đất và các tài sản trên đất, những chính sách của Chính phủ nước Cộng hòa xã hội chủ nghĩa Việt Nam và địa phương, chính sách của dự án trong vấn đề bồi thường thiệt hại khi Nhà nước thu hồi đất đai và các tài sản trên đất.

**III. Ý kiến tham luận tại cuộc họp của các đại biểu**

**III.1 Về các tác động môi trường tiêu cực và biện pháp giảm thiểu**

Các tác động tiêu cực đến môi trường gồm:

- Ô nhiễm môi trường như bụi, tiếng ồn và khí độc hại các chất thải rắn trong quá trình giải phóng, chuẩn bị mặt bằng trong quá trình thi công
- Ô nhiễm bụi, tiếng ồn do chủ nguồn vật liệu và thi công máy móc gây ra
- Một số loài tại rừng tương và quýt hương
- Các thực vật có thể bị ảnh hưởng do đất đai bị thu
- Trong quá trình thi công, tác động đến nguồn nước do mất chất dinh dưỡng đất



Cải tiến Pháp quản lý

- Thực hiện công tác quản lý theo quy trình thi công và xây dựng công trình
- Thời gian thi công đúng các công trình dự định

### III.2 Về các vấn đề thu hồi đất và các tài sản trên đất và các chính sách

Cải tiến công tác quản lý đất đai, tiến hành xây dựng công trình, thực hiện các công tác thu hồi đất, bồi thường và tái định cư, công tác quản lý đất đai, thực hiện các công tác thu hồi đất, bồi thường và tái định cư.

Mong muốn của các hộ dân với việc thu hồi đất đai, bồi thường và tái định cư, thực hiện các công tác thu hồi đất, bồi thường và tái định cư, công tác quản lý đất đai, thực hiện các công tác thu hồi đất, bồi thường và tái định cư.

Cải tiến công tác quản lý đất đai, tiến hành xây dựng công trình, thực hiện các công tác thu hồi đất, bồi thường và tái định cư, công tác quản lý đất đai, thực hiện các công tác thu hồi đất, bồi thường và tái định cư.

Cải tiến công tác quản lý đất đai, tiến hành xây dựng công trình, thực hiện các công tác thu hồi đất, bồi thường và tái định cư, công tác quản lý đất đai, thực hiện các công tác thu hồi đất, bồi thường và tái định cư.

Mong muốn của các hộ dân với việc thu hồi đất đai, bồi thường và tái định cư, thực hiện các công tác thu hồi đất, bồi thường và tái định cư, công tác quản lý đất đai, thực hiện các công tác thu hồi đất, bồi thường và tái định cư.

DANH SÁCH NHỮNG NGƯỜI THAM DỰ CUỘC HỌP  
 THAM VẤN CỘNG ĐỒNG VỀ ĐÁNH GIÁ MÔI TRƯỜNG VÀ TÁI ĐỊNH CƯ  
 TẠI THỊ TRẤN EA KAR - THUỘC TIỂU DỰ ÁN ĐẮK LẮK  
 NGÀY.....THÁNG.....NĂM 2009

LIST OF PARTICIPANTS IN THE PUBLIC CONSULTATION MEETING ON  
 ENVIRONMENTAL ASSESSMENT AND RESETTLEMENT HELD IN EA KAR TOWN -  
 DAK LAK SUB-PROJECT  
 DATE.....MONTH.....YEAR 2009



| STT<br>(No.) | Họ và tên (Full name of participant) | Chức vụ (Position) | Chữ ký<br>(signature)  | Ghi chú<br>(Remark) |
|--------------|--------------------------------------|--------------------|--|---------------------|
| 1.           | Hoàng Quốc Trung                     | Tổ trưởng DP 1     |    |                     |
| 2.           | Đỗ Ngọc Thảo                         | Thôn trưởng thôn 3 |    |                     |
| 3.           | Nguyễn Ngọc Đoàn                     | pp xã Nguyễn An    |    |                     |
| 4.           | Lê Thị Hoàn                          | Chủ tịch UBND xã   |    |                     |
| 5.           | Lê Ngọc Hùng                         | Thôn trưởng thôn 1 |    |                     |
| 6.           | Nguyễn Quang Chung                   | PCT UBND           |    |                     |
| 7.           | Nguyễn Văn Kim Loan                  | PCT xã chính trị   |   |                     |
| 8.           | Nguyễn Hồng Thuận                    | PCT UBND huyện     |  |                     |
| 9.           | Hoàng Kim Liên                       | TP Công trường     |  |                     |
| 10.          |                                      |                    |  |                     |
| 11.          |                                      |                    |  |                     |
| 12.          |                                      |                    |  |                     |
| 13.          |                                      |                    |  |                     |
| 14.          |                                      |                    |  |                     |
| 15.          |                                      |                    |  |                     |
| 16.          |                                      |                    |  |                     |
| 17.          |                                      |                    |  |                     |
| 18.          |                                      |                    |  |                     |
| 19.          |                                      |                    |  |                     |

## **APPENDIX 5: PROJECT IMPACTS AND SITES**



**Photo 1: Proposed site for raw water intake**



**Photo 2: impact survey along the raw water transmission pipeline**





**Photo 3: Proposed site for water treatment plant (right side of the Photo)**



**Photo 4: Proposed site for booster pumping station and reservoir (right side of the Photo)**



**Photo 5: Interviewing affected HH**



**Photo 6: Interviewing affected HH**



**Photo 7: Interviewing affected HH**



**Photo 8: Rep. of the Employer gave out general information about project at the community consultation meeting**



**Photo 9: Rep. of Ea Na Commune PC gave their comments**





**Photo 10: Rep. Of affected ethnic minority HHs expressed their comments**

