

Resettlement Plan

April 2012

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

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**THUA THIEN HUE PROVINCIAL PEOPLE COMMITTEE
THUA THIEN HUE CONSTRUCTION
AND WATER SUPPLY STATE
ONE MEMBER CO., LTD (HUEWACO)**

**TA 7089- VIE Thua Thien Hue Water Supply Project
Stage I: Construction of Phong Dien Water Treatment Plant**

Resettlement Plan

April 2012

Currency Equivalents
In this draft, the rate of 1 USD: 20.690 VND has been used.

ACRONYMS AND ABBREVIATIONS

ADB	:	Asian Development Bank
AP	:	Affected Person
BPS	:	Booster Pumping Station
CMD	:	Cubic Meters per Day
DPC	:	District People's Committee
DMS	:	Detailed Measurement Survey
DRC	:	District Resettlement Committee
GOV	:	Government of Viet Nam
HH	:	Household
HUEWACO	:	Hue Water Company
IMA	:	Independent Monitoring Agency
IOL	:	Inventory of Losses
LURC	:	Land Use Right Certificate
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
RC	:	Resettlement Committee
RCS	:	Replacement Cost Survey
SEID	:	Southeast Asia Infrastructure Division
SES	:	Socio-economic Survey
SRP	:	Short Resettlement Plan
TTH	:	Thua Thien Hue
VND	:	Vietnamese Dong
WPC	:	Ward People's Committee
WS	:	Water Supply
WTP	:	Water Treatment Plant

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, at the cut-off date was located within the affected area of the Project or any component or sub-project thereof and would be considered to be an Affected 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
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.
Project Affected Person	Includes any people, households, firms or private institutions who, on account of changes that result from the Project will have their (i) standard of living adversely affected, (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement.
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 Effects	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 HH without means of support and those from minority groups.

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A. EXECUTIVE SUMMARY

A.1 GENERAL

The Asian Development Bank (ADB) intends to provide an investment project that will contribute to the Government's goal of expanding the safe and continuous water supply in Thua Thien Hue Province. The Thua Thien Hue Water Supply (TTHWS) Project aims to expand water supply coverage and service and increase provincial water supply coverage up to 90% from an estimated 50% at present. The Executing Agency (EA) for the TTHWS is the Hue Water Company (HUEWACO).

The project has several components: i) the construction or expansion of 10 water treatment plants including water intake, pumping stations and raw water pipelines; ii) the construction of 4 booster pumping stations in order to increase pressure in the coastal and plains areas; iii) a network of 39 km of main treated-water pipelines; and iv) a network of around 500 km of distribution pipelines.

A.2 SCOPE OF THE PROJECT

In phase 1 (2011-2014), Phong Dien WTP will be constructed in Phong Dien town. Land for construction of Phong Dien WTP will be on public land, compensation will be paid to households who plant trees on public land. The residential land of one household (HH) will be permanently acquired for construction of booster pumping station.

In accordance with the ADB's resettlement procedures, the project is classified as Category B, and a resettlement plan is prepared based on a preliminary design conducted in 2009 by HUEWACO.

Socio-Economic Conditions: The HH affected belongs to the Kinh group. It has five family members. The HH main source of income comes from wages in the private sector. The level of income of the affected HH is much higher than the poverty line. The HH has the Land Use Right Certificate (LURC) for its affected land.

Legal Framework: The policies and principles adopted for the Project have been established based on the surveys completed during the project preparation, Vietnamese legislation (including Thua Thien Hue Province's regulations on resettlement), and the Asian Development Bank's (ADB) Safeguard Policy Statement (2009). A Resettlement Framework (RF) has been proposed to address gaps that exist between ADB requirements and Vietnamese regulations. The RF will govern resettlement issues in the project and is consistent with the ADB's SPS requirements.

The provisions and policies of the RF, and as explained in this RP will form the legal basis for the implementation of resettlement activities for the Project.

Detailed Measurement Survey: The Thua Thien Hue People's Committees (TTHPC) will be responsible for the approval for RP and resettlement-related issues. After the detailed engineering design is finished, the Detailed Measurement Survey (DMS) will be undertaken. This survey will provide a number of revisions of APs and inventory of lost assets and will update the impacts.

Replacement Cost Survey: Compensation unit rates will be updated for all categories of lost assets and allowances based on replacement cost surveys undertaken after the approval for the detailed design. The updated RP will be revised and submitted to the ADB. Following the approval of the ADB, the TTH PRC will be responsible for implementing the revised RP. The ADB shall not approve any civil works contract for any subproject to be financed from the loan proceeds unless the Government has satisfactorily completed all land acquisition and resettlement activities, including the establishment of rehabilitation measures.

Consultation: Public consultation was conducted in Phong Dien town on September 12, 2011 with the affected HH 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

Minimize adverse social impacts: This RP contains the measures to be carried out by HUEWACO, including mitigating measures aimed at assisting project-affected persons (APs) to improve or at least restore their standards of living to pre-project levels. It helps avoiding and/or minimizing the adverse social impacts of the proposed Project and meeting with the new Safeguard Policy Statement including safeguard requirements for involuntary resettlement.

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

Implementation Schedule: Resettlement activities will start by beginning of 2013 and compensation and land clearance will be completed by June 2013. Start of civil works are expected by the end of 2013.

Budget: The total estimated budget for the resettlement the affected HH and the HH affected by loss of trees and crops is estimated at VND 0.482 billion (\$23,300)

B. DESCRIPTION OF THE PROJECT

B.1 Project Background

The Province of Thua Thien Hue (TTH) in 2007 had an existing total population of 1,145,000 of which about 748,000 (65%) were rural and the remaining 397,000 (35%) urban. There has been and continues to be considerable migration from rural to urban areas as corresponding percentages for the year 1995 were 74% rural and 26% urban. The overall population growth rate has slowed steadily in the last few years from about 1.5% per annum for the 5-year period up to the year 2000 to about 1% for the 5-year period up to the year 2007. The urban population growth is roughly twice that of the overall population, while the rural population growth has fallen to about 2/3 of the overall.

Improved access to water supply and sanitation are amongst the most pressing needs of the residents of and visitors to Thua Thien Hue Province, particularly the poor people who live in the province. Domestic water supplies and environmental sanitation contribute to improving livelihoods in a wide range of ways. They are crucial to health and well-being, and can make an important contribution to food production and income-generating activities. However, as the demand for water rises due to increasing populations and industrial development, many parts of the province will face increasing water scarcity and pollution risks.

In response to this situation, the TTH People's Committee prepared the Socio-Economic Development Plan (SEDP) in Thua Thien Hue Province until 2020. Its Appendix contains a Checklist of Projects, in particular water supply projects, prioritized for Study and Investment for 2010, with a prospective till 2020.

The TTH Water Supply Project added to this SEDP by proposing infrastructures in order to meet the SEDP requirement and the water demand in the province until 2020. Therefore, the main objective of the project is to increase provincial water supply coverage up to 90%, from an estimated 50% at present.

The project also aims to contribute to the establishment of Hue City as a liveable, competitive and sustainable city, strengthening its role as the provincial capital serving the social and economic development of the province. It is a coherent and multi-sectoral project that targets strategic infrastructure and socio-economic development to support industry and tourism development and lay the foundation for achieving the Hue Province SEDP goal of Class 1 city status for Hue City by 2015. This will contribute to building a back-bone of intermediate towns which play an important role in the region as well as at the national level. The expected long term impacts of the comprehensive development of Hue City will be urban growth, a reduction of rural migration to Hanoi and Ho Chi Minh City and employment creation leading to poverty alleviation. The project also intends to establish a model of well-managed and functional urban development that can be replicated in other medium sized cities.

B.2 Project Components

The project covers both urban and rural areas (see Figure 1). As presented in Figure 1-1, TTH province has been divided into six zones for water service. The project includes several types of water supply infrastructures: i) water treatment plants and pumping stations; ii) booster pumping stations; iii) main transmission pipelines; and iv) distribution pipelines.

B.2.1 Water Treatment Plants

Currently, there are a total of 10 existing Water Treatment Plants in the urban areas; in the year 2007, the total capacity of these plants was estimated at 158,700 m³/d. These should supply piped water to a service area with a population of about 415,000 out of a total provincial population of 1.145 million. The percentage served with piped water in these areas is estimated at 88% of the population in the service area. In Hue City's urban area in particular, the percentage reaches 95%.

The majority of HUEWACO WTP's receive pumped water from surface water intakes on rivers. The WTP's are mainly conventional types with addition of chemicals at the inlet followed by mixing, coagulation and flocculation, then settlement followed by rapid gravity filtration and disinfection by chlorination. One WTP at Phu Bai receives water from deep wells.

The TTH Water Supply project aims to build 6 new WTPs and to expand 4 existing WTPs. Three existing WTPs will also be closed while 3 existing WTPs will not be expanded (see Table 1-1). Each new WTP will require an area from 5,600 m² to 30,000 m².

The six new WTPs are the following:

- Quang Te 3 in Hue City (Zone 2);
- Phong Thu in Phong Dien District (Zone 1)
- Loc An in Phu Loc District (Zone 4);
- Loc Bon in Phu Loc District (Zone 4);
- Loc Tri in Phu Loc District (Zone 5);
- Thuy Cam in Phu Loc District (Zone 6);

The four existing WTPs which will be expanded are the following:

- Hoa Binh Chuong WTP (Phong Dien District, Zone 1);
- Binh Thanh WTP (Huong Tra District, Zone 3)
- Nam Dong WTP (Nam Dong District, Zone 7)
- A Luoi WTP (A Luoi District, Zone 8);

B.2.2 Booster Pumping Stations

Four new booster pumping stations (BPS) are planned. The purpose of these pumping stations, located on main transmission pipelines, is to increase pressure in the plains and coastal areas. Here also, the exact locations of these BPS have not been confirmed. Therefore, not enough information is available to identify land acquisition and resettlement impacts. The area required for the building of BPS varies from 1600 to 2000 m². The four planned pumping stations are the following:

- Thuan An BPS (Phu Vang District, Zone 2);
- Bao Vinh BPS (Huong Tra District, Zone 3)
- Huong Long BPS (Hue City, Zone 2)
- Quang Vinh BPS (Quang Dien District, Zone 1)

B.2.3 Main Pipelines

A network of 43.1 km of raw and treated pipelines are planned. The diameter of these pipelines is up to 1,200 mm. This network is mainly concentrated in Zone 2.

The construction standards TCXDVN 33-2006 for water supply, distribution systems, and facilities indicate the different widths of the RoW (articles 11.26 to 11.28). The protection area for the water pipes depends on the presence of underground water and on the diameter of the pipe:

- When there is no groundwater:
 - 7 m on each side of the water pipe for water pipes with diameters up to 1 m;
 - 15 m on each side of the water pipe for water pipes with diameters superior to 1 m;
- When there is groundwater present;
 - 20-25 m on each side of the water pipe.

However, the construction standards indicate that in built-up areas, the width could be reduced.

B.2.4 Distribution pipelines

A network of distribution pipelines to serve customers will also be developed in all 6 zones. It is estimated that 500 km of distribution pipelines will be built. All works are under the existing pavement and no land acquisition is expected. The MFF Resettlement Framework will guide the compensation measures to be taken for any temporary impacts on businesses.

Physically, the project consists of small pipelines (100 to 600 mm) from the main water pipeline, buried underground, along roads and to houses requiring a water supply.

B.3. Project components (2011 -2014)

Project components in the first phase include:

- a) Selection of Construction Design Consultants, Supervisors, making the bidding documents for the construction and equipment.
- b) Construction of Phong Dien WTP with the capacity of 8000m³/day
- c) Equipment supply, Installation of 40km cast iron pipes (D400 - D1200) and distribution HDPE pipes (D63 - D355) in the city of Hue, Phong Dien area, Fresh water supply areas of Tu Ha and Phu Loc

Thus, the scope of Phase 1 of the project proposed in the resettlement plan includes the following construction works:

- (i) D1200 raw water supply pipeline from Van Nien WTP to Quang Te 3 WTP.
- (ii) The construction of Phong Dien WTP, including following construction items:
 - Water pumping station level 1.
 - D400 raw water supply pipeline.
 - Water treatment area and sludge tanks.
 - Fresh water supply pipeline D400
- (iii) Cast iron transmission pipelines (D100-400) and distribution HDPE pipelines (D63 -335) in the city of Hue, Phong Dien area, areas of Tu Ha and Phu Loc.

B.4. Preparation of the Resettlement Plan

The project has been classified as Category B for resettlement due to minor resettlement impacts and only 01 household will be permanently affected and no resettlement is necessary.

The RP, based on the preliminary design available, has been prepared as part of the Project Preparatory Technical Assistance provided by the ADB to the Executing Agency (EA), Hue Water Company (HUEWACO). The RP has been prepared with the participation of and consultation with key stakeholders, such as district authorities, project affected persons (APs) and other social organizations. Fieldwork took place in November and December 2009.

The overall objective of the RP is to identify the resettlement impacts that cannot be avoided and develop the mitigation and rehabilitation measures necessary as a result of implementing the Project, according to the ADB's Safeguards Policy Statement (SPS 2009), Laws of Vietnam and the Resettlement Framework of September 2010..

All APs are to be compensated for their losses at replacement cost and provided with rehabilitation measures, when necessary, to assist them to improve or sustain their pre-project living standards and income-generating capacity. Appropriate assistance will be provided to severely affected and poor and vulnerable households to help them improve their socio-economic status.

Table B-1: Main Components of the Project

Zone	Water Treatment Plants					Booster Stations (new construction)	Pipes (new)
	Name/location	Water resource	Present capacity	2015 capacity surface extension	2020 cumulated capacity surface extension	2015	2015 - 2020
1	Hoa Binh Chuong 1	O Lau River	2000 m³/d	2000 m³/d	2000 m³/d	Quang Vinh: 6000 m³/d (Reservoir: 1600 m³)	Main: 100 m Distribution: 147 120 m
	Hoa Binh Chuong 2	O Lau River	0 (not existing)	2 000 m³/d WTP: 7500 m²	4 000 m³/d		
	Phong Thu	O Lau River	0 (not existing)	8 000 m³/d WTP: 30000 m² PS: 3500 m²	16 000 m³/d		
2	Quang Te 1	Huong River	40000 m³/d	Closed	Closed	Thuan An: 8000 m³/d (Reservoir: 1600 m³)	Main: 42 832 m, (including 5 600 m of DN 1200 + DN 1500) Distribution: 105 835 m
	Quang Te 2	Huong River	82 500 m³/d	82 500 m³/d	82 500 m³/d	Bao Vinh: 4000 m³/d (Reservoir: 800 m³)	
	Quang Te 3	Huong River	0 (not existing)	90 000 m³/d WTP: 31736 m²	90 000 m³/d		
	Da Vien	Huong River	12000 m³/d	0 (closed)	0 (closed)	Huong Long: 4000 m³/d (Reservoir: 800 m³)	
	Tu Ha	Bo River	12000 m³/d	12 000 m³/d	12 000 m³/d		
	Phu Bai	Groundwater	0 (closed)	1 800	1 800		
3	Binh Thanh	Huu Trach River	200 m³/d	1200 m³/d WTP: 4900 m²	1 200 m³/d	-	Distribution: 13 560 m
4	Loc Bon	Nong River	0 (not existing)	12 000 m³/d (Phase I: 6000; Phase II: 12 000) WTP: 7500 m² PS: 5000 m²	24 000 m³/d	-	Distribution: 185 905 m
	Loc An	Truoi River	0 (not existing)	8 000 m³/d WTP: 7500 m² PS: 5000 m²	16 000 m³/d		
5	Loc Tri	Khe Su River	0 (not existing)	4 000 m³/d	6 000 m³/d	-	
6	Thuy Cam	small stream	0 (not existing)		12 000 m³/d	-	
	Chan May	small stream	6000 m³/d	6 000 m³/d	6 000 m³/d		
7	Nam Dong 1	Khe Tre River	2000 m³/d	2 000 m³/d	2 000 m³/d	-	Main: 150 m Distribution: 32 550 m
	Nam Dong 2	Khe Tre River	0 (not existing)	2000 m³/d WTP: 5600 m²	2000 m³/d WTP: 5600 m²		
8	A Luoi	small torrent	2000 m³/d	2000 m³/d	4000 m³/d	-	Distribution: 37 005 m

Acronym/legend: WTP: water treatment plant PS: pumping station (for water intake)

New construction

Upgrading with surface extension

Upgrading without surface extension

(*) despite the decommissioning of QT1, the surface area will be extended to accommodate drying beds for sludge produced in QT2 and QT

C. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

C.1 Scope of the Resettlement Plan

The Resettlement Plan will be applied to the construction of a new water plant in the Phong Dien town, Phong Dien district, Thua Thien Hue province with the capacity of 8000m³/day in Phase 1. The construction items include: booster pumping station (level 1), water treatment areas and sludge tanks. Full technical information about these two components is available to conduct necessary surveys.

Following construction items:

- (i) D1200 raw water supply pipeline from Van Nien WTP to Quang Te 3 WTP, L = 2,500 m.
- (ii) The fresh water transmission and distribution pipelines in the city of Hue, from D100 - D800.
- (iii) D400 raw water supply pipeline from the level I pumping station to the water treatment area of Phong Dien WTP, L = 2,500 m
- (iv) Water transmission pipeline, Phong Dien WTP to Phong Dien Industrial Zone, L = 4.500m;
- (v) D200 fresh water supply pipeline to Dong Lam cement factory

Permanent land acquisition is required for the construction of the booster pumping station. There will be no permanent land acquisition during the construction. The MFF Resettlement Framework will guide the compensation measures to be taken for any temporary impacts on businesses.

C.2 Building water treatment plants in Phong Dien Town

C.2.1 Characteristics and location.

Currently, the demand for water in Phong Dien town, its surrounding and Phong Dien Industrial Zone is very high, but Tu Ha WTP with the capacity of 12.000m³/day can support only part of the demand, and can not guarantee to supply water in some next years.

Thus, it is necessary to invest in building Phong Dien WTP with the capacity of 8000m³/day in phase 1(2011-2014). To ensure the water supply for 80% of People and Phong Dien industrial Zone, raw water is taken from OLAU River.

Figure C-: Layout of the location of the WTP discharge



Figure 3



C.3 Census and Inventory of Losses

This RP has been prepared based upon an Inventory of Losses (IOL) and census of the population potentially affected by the different project components. The IOL was conducted in August 2011. The list of affected people is presented in Appendix 2. Census will be updated based on the detailed measurement survey (DMS) following detailed design to precisely identify households affected by the Project and their respective losses.

C.4 Measures undertaken to minimize resettlement impacts

Land to be acquired for the construction of booster pumping station is 1200 m² and is owned by one household named Dong Huu Thi.

For the water treatment area and sludge tank, land area to be acquired is 27,210 m², and it is managed by the state and belongs to Phong Dien SFE Co. - a state-owned enterprises.

The proposed construction of Phong Dien WTP is designed to avoid most of the resettlement impacts. There is only 01 household who will lose 1,200 m² of garden land. His house is not affected.

This greatly reduces the land acquisition for this project and the affected households will not require any physical relocation.

C.5 Overall impact and compensation agreement:

During the construction of raw water pipeline D1200 from the Van Nien WTP to Quang Te 3WTP, D400 raw water pipeline, water supply pipe (D200-D400) of Phong Dien WTP, water transmission and distribution pipelines, land will be acquired temporarily. Therefore, the affected assets will be determined during the construction period and compensation will be paid to people based on the resettlement framework.

C.5.1 Summary of Impacts

In the phase 2011-2014, the project will acquire land permanently from 01 household (Mr. Dong Huu Thi) affected by the construction of booster pumping station of Phong Dien WTP.

Resettlement impacts, including:

- 1200 m² of garden land is permanently acquired
- Some fruit trees, and other crops.

Total land owned by Mr. Dong Huu Thi is 17,003 m², of which: 3,653 m² of residential land + garden land; 10,000 m² of forestry land; and 3,350 m² of agricultural land. Therefore, impacts on his land are not significant

The Phong Dien SFE Co. will be also affected by the construction of water treatment area of Phong Dien WTP. The resettlement impacts will be 27,210m² of public forest land with pine, acacia and melaleuca trees. The total land holding of the Phong Dien Company is 2,745 ha. Therefore the company will lose 0.1% of its total land holding which is not significant. The number of staff and workers in the company: 26, of which 9 office staffs and 17 forestry workers who are working full time. Annually, the Company has to hire about 200 local laborers for collecting pine gum. No impact on workers is anticipated.

Table C-1: Summary of Impacts

	Impact	Pumping station (level 1)	Water treatment area	Total
1.	Total number of APs	01	0	01
2.	Number of persons AP	05		05
3.	Partially affected APs	0	0	0
3.1	APs losing all their residential land without structures (APs planning to build houses)	0	0	0
3.2	APs losing part of residential, agricultural or garden land without reorganization or relocation	01	00	01
3.3	APs losing part of house without relocation or reorganization	0	0	0
3.4	Partially affected company (Forestry Company)	0	1	1
3.5	Ministry of Defence	0	0	0
4.	Severely Affected APs	0	0	0
4.1	Reorganized APs	0	0	0
4.2	Relocated APs	0	0	0

Table C-2: Impacts on Various Types of Land

Affected Land	Booster Pumping station level 1		Water treatment area		Total	
	HH	Area (m ²)	HH	Area (m ²)	HH	Area (m ²)
Residential	0	0	0	0	0	0
Agriculture	0	0	0	0	0	0
Garden	1	1,200	0	0	1	1200
Forestry Company	0	-	1	27,210	1	27,210
Ministry of Defence	0	-	0	0	0	0
TOTAL	02	1,200	01	27,210	2	29,410

C.5.2 Impacts on Main and secondary Structures

No houses and secondary structures affected by the project

C.5.3 Impacts on Crops and Trees

Vegetables and cassava of the one household will be affected due to permanent land acquisition.

Table C-3: Impacts on Crops

Affected Trees	Booster pumping station level 1	Water treatment area	Total
Vegetables	200 m2	0	200
Flowers	-	0	0
Cassava	600m2	0	600
Other	0	0	0
TOTAL	800m2	0	800m2

Table C-4: Impacts on Trees

Affected Trees	Unit	Booster pumping station level 1	Water treatment area (m ²)	Total
Grapefruit D=20-35cm	Tree	200	0	200
Areca h=8-10m	Tree	150	0	150
Banana	Tree	1500	0	1500
Bamboo d=3-7cm	Tree	9000	0	9000
Jackfruit D=20-35cm	Tree	55	0	55
Pineapple	Tree	50	0	50
Green Tea D=5-10cm	Tree	70	0	70
Papaya (Đu đủ)	Tree	30	0	30
Ornamental trees D=10-20cm	Tree	50	0	50
Acacia D=7-10 cm planted in the garden	Tree	50	0	50
Acacia D=7-10cm	m ²		10,000	10,000
Pine D=10-13cm	m ²		17,000	17,000
Total		11,155	27,000	11,155 trees 27,000 m2

C.5.4 Affected Public Utilities

No public assets will be affected by the project.

C.5.5 Land Tenure Status:

The affected HH ((Mr. Dong Huu Thi) has a LURC.

D. SOCIOECONOMIC CONDITIONS

During the IOL survey of APs, a socioeconomic survey (SES) of affected HHs was also carried out to identify their socioeconomic characteristics. This serves as a basis 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 capacities.

D.1 General Information

Phong Dien District has a population of 110,000 inhabitants in 2009. The urban is 6.36% of the total area including Phong Dien town, which is the center of Phong Dien district with a population of 8000 people in 2010.

The booster water pumping station of Phong Dien WTP located in Vinh Nguyen village, Phong Dien town, near the O Lau River, which supports raw water for the plant.

D.2 Socioeconomic profile of APs

A survey of the socio-economic conditions of the affected household by the construction of water booster pumping station of Phong Dien WTP gave the following information.

The household of Dong Huu Thi with five family members: Dong Huu Thi (79 years old), his wife (79 years), his son (38 years) – a bricklayer, his daughter (28 years) – working in SCAVI textiles company and one son (3 years)

Table D-1: Characteristics of Affected Households

Category	Booster pumping station level 1		Water treatment area		Total	
	Male	Female	Male	Female	Male	Female
Number of persons	3	2	0	0	5	3
0-6 years	1	0	0	0	1	0
7-17 years	0	0	0	0	1	0
>18 years	2	2	0	0	3	3
Children in school	0	0	0	0	1	0

Table D-2: Marital Status of Household Heads

Marital Status	Pump station level 1	Water treatment area	Total
Married	02	0	2
Widowed	0	0	0
Divorced	0	0	0
Single	0	0	0

D.3 Employment

Among 5 people of 01 surveyed household:

- 01 worker of the Scavi textile company (woman).
- 01 bricklayer (man).
- 02 old people doing gardening on their own garden land.
- 01 child: .

D.3.1 Income

The income of Dong HuuThi household:

- His son – a bricklayer: 3.5 million / month
- His daughter – worker in Textile Company: 5.0 million / month
- Two old people: 1 million / month from the sale of fruits, vegetables, fruit trees in their garden.

Total Income of the whole household is 10,500.000 VND / month (average income per capita per month 2,100,000 VND). According to the Ministry of Labour, Invalids and Social Affairs of Vietnam) MOLISA, those living in urban areas who earn VND 450,000 or less are considered poor. Therefore, the level of income of the affected HH is much higher than the poverty line.

D.3.2 Education

All HH members can read and write. The son finished secondary school, and the daughter finished upper/high school. The two parents finished primary school and they can read and write. The child (three years old) doesn't go to school. There is a primary school, a secondary school in each village of Phong Dien town and a high school located in Phong Dien town.

All households in the project area are connected with the national electricity grid and use electricity for lighting.

The surveyed household has access to clean water from the water supply system, and is satisfied with the quality of the water.

The surveyed household has his own in-house toilets with septic tank.

D.3.3 Household Assets

The survey of the property of the affected households indicated that they mainly have assets / tools needed for daily activities as follow.

Table D-3Household Assets

Type	Nb	Type	Nb	Type	Nb
1- Bicycle	1	7- Electric fan	2	13- Refrigerator	0
2- Motorbike	2	8- Radio	1	14- Air conditioner	0
3- Car	0	9- Television	1	15- Washing machine	0
4- Truck	0	10- CD / DVD player	1	16- Computer	0
5- Generator	0	11- Telephone	1	17-Internet Connection	0
6- Water pump	1	12 – Mobile phone	2	18- Other	0

D.4 Gender and Vulnerability Issues

D.4.1 Vulnerability

The affected household doesn't belong to an ethnic minority group.

D.4.2 Women Heads of Households

In the surveyed HH, it is found that women keep the money, and manage all household spending.

D.4.3 Education

Education level of 2 affected women is being able to read and write: 1 persons in secondary school, 01 person can read and write. The level of education is similar to the men's ones..

D.4.4 Income

Regarding income, there is little difference between men and women. Income per capita of men is 3,500,000 VND / month while it is 5.0 millions VND / month for women because the woman has a job in Scavi Company, which is more stable and supports with higher salary than the men's job. However, this is a standard average salary in rural areas of Vietnam.

D.4.5 Division of work

Regarding work division 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, most financial or family (education, marriage) decisions are made by both husband and wife.

E. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

E.1 Consultations during the Preparation of the RP

In the preparation of the RP, the activities have been implemented to inform all stakeholders about the project. A public meeting was conducted in the town of Phong Dien on September 12, 2011.

E.2 Objectives of the public meeting.

The objectives of the public meeting were as follows:

- To inform the Affected Persons about the nature of the Project and its components, the objectives of the technical assistance, and the role of consultants;
- To present the impacts of the Project on APs;
- To present the Project's policy and the institutional arrangements for the Project;
- To present the proposed relocation sites;
- To list Affected Persons' concerns and suggestions on any aspect of the Project;

E.3 Participants

Consultation about resettlement and environment was held at Dong Huu Thi's home with the participation of:

- People's Committee of Phong Dien town;
- Land developing Center of Phong Dien district;
- HUEWA CO;
- 01 household: Dong Huu Thi (whose land is permanently acquired).

The consultation meeting focused on contents related to the land acquisition in the reef to build the project components in Phase 1.

E.4 Main Concerns of Affected Persons

The rate of compensation was the main concern of the affected households. , The households desires high compensation to make their life better.

E.5 Individual Meetings

Individual meetings were also held during the SES and IOL activities with HHs, renting forestry land, and potentially affected during the construction work.. Issues raised by HHs were: to determine the project boundaries so they know if they will really be affected or not, requests that the payment for lost assets should be at replacement cost so they will be able to purchase a similar quality of land in the area. In terms of replacement land, the APs interviewed stated that they wanted to see the site and the final relocation plan first before they decided if they would opt for cash or land-for-land. The APs also mentioned that they would only start planning once they received official notification from the local officials.

E.6 Objectives of Public Information and Consultation

Information dissemination and consultation with affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of Project delays. Furthermore, this approach will enable the Project's resettlement and rehabilitation program to be designed so that it meets the needs and priorities of the affected people, and in this way, potentially maximize the economic and social benefits of the investment. The objectives of the public information campaign and the consultation program will be as follows:

- To ensure that local authorities, as well as representatives of the APs, are involved in the planning and decision-making processes, HUEWACO will continue its regular dialogue with TTH PC and the DPCs during the implementation of the Project. AP's will continue to participate as each District will invite representatives of the APs to take part in resettlement-related activities such as property evaluation, compensation and monitoring;
- To fully share information with APs about the proposed Project's components and activities;
- To obtain information about the needs and priorities of APs, as well as information about their reactions to proposed policies and activities;
- To ensure that APs are fully informed decisions that will directly affect their income and quality of life, and that they will have the opportunity to participate in activities and decision-making about issues that will have a direct effect upon them;
- To obtain a maximum level of co-operation and participation by APs and communities in activities necessary for resettlement planning and implementation;
- To ensure transparency in all activities related to land acquisition, compensation, resettlement and rehabilitation.

E.7 Consultations during the Updating of the RP

During updating of this RP, consultation activities such as the distribution of project information, community information dissemination and feedback, key informant interviews, individual and public meetings, focus group discussions, and separate consultations with severely affected and vulnerable APs will be carried out. Consultation and participation activities will continue throughout project implementation to ensure that information about the overall project and resettlement-related information is properly understood and accepted by the affected communities. The scope of information to be provided to APs includes:

- Description of the Project, including where APs can obtain further information;
- Project impacts (e.g., during construction) and impacts related to land acquisition;
- APs' rights and entitlements, including the process to determine AP eligibility and rights to compensation; information on legalization of APs without official documentation; rights and entitlements for different categories of APs, including the entitlements of those losing businesses, jobs and income; options for land-for-land (apartment) and cash compensation; options regarding reorganizing and individual resettlement, and provisions and entitlements for each; and entitlement to rehabilitation assistance;
- The grievance mechanism and appeal process, including assurance that Project policies and procedures are designed to ensure that APs restore their pre-project living standards; information about the responsibilities of RCs to help resolve confusion, misunderstandings or problems about land acquisition, compensation rates, rehabilitation and relocation; and, information about procedures for filing complaints and the appeal process;
- The right to participate and be consulted, including AP's rights to participate in all aspects of resettlement planning and implementation, particularly with reference to their preferences for resettlement according to their entitlement and rehabilitation measures for relocating and vulnerable APs; and, requirements for APs or their representatives to attend public meetings organized by HUEWACO and RCs regarding land acquisition and resettlement;
- Resettlement activities, including explanations of compensation calculations and payments; monitoring procedures, including interviews with a sample of APs; reorganization; relocation

to individual sites and self-relocation; and preliminary information about civil work procedures;

- Organizational responsibilities, including information about the organizations and levels of government involved in resettlement and their responsibilities; and the names and positions of government officials with phone numbers, office locations and office hours if available;
- An implementation schedule, including information about the proposed schedules of major resettlement activities; notification on time, location, and procedures for compensation payments to APs, assurance that APs will not be required to relocate until they have received full compensation; assurance that construction activities will only commence after satisfactory completion of compensation payments and once rehabilitation measures are in place.

The following table summarizes the consultation process during updating of the RP.

Table E-E-1: Consultation Process during Updating of the RP

Activity	When	Frequency
Distribution of project information: letters and project information booklets,	After list of entitled persons is finalized	Once
Key informant interviews with selected local leaders, RC members;	Throughout the implementation process	According to needs
Community public meetings for APs located in Quang Te 3	After list of entitled persons is finalized After compensation rates are approved After income restoration programs are designed After location of apartment for relocation is known	At least 4 meetings for APs. More if needed

Separate consultations will be held with women and vulnerable APs (if any) to encourage their participation in resettlement planning and implementation.

Consultations with women and vulnerable APs will take into consideration the following issues:

- a) timing of consultations to match people's daily and seasonal responsibilities and availability;
- and b) communication methods appropriate to people's literacy levels.

E.8 Public Disclosure

Apart from the regular meeting with APs, HUEWACO, and other relevant agencies, the resettlement plan, or at least information about resettlement, compensation, and options, will be disclosed to APs in a form and language that they can understand.

The general content of the meeting includes the following:

- Brief description of the Project;
- Types of impacts expected;
- Basic compensation policy and entitlements;
- Consultation and participation of APs and community;
- Grievance redress;
- Implementation schedule; and
- Who to contact for additional information.

The purpose of this meeting is to ensure that the APs and various stakeholders fully understand the details of the resettlement plan program, compensation, and resettlement and rehabilitation options and measures applicable to the Project.

F. GRIEVANCE REDRESSAL MECHANISMS

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

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

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

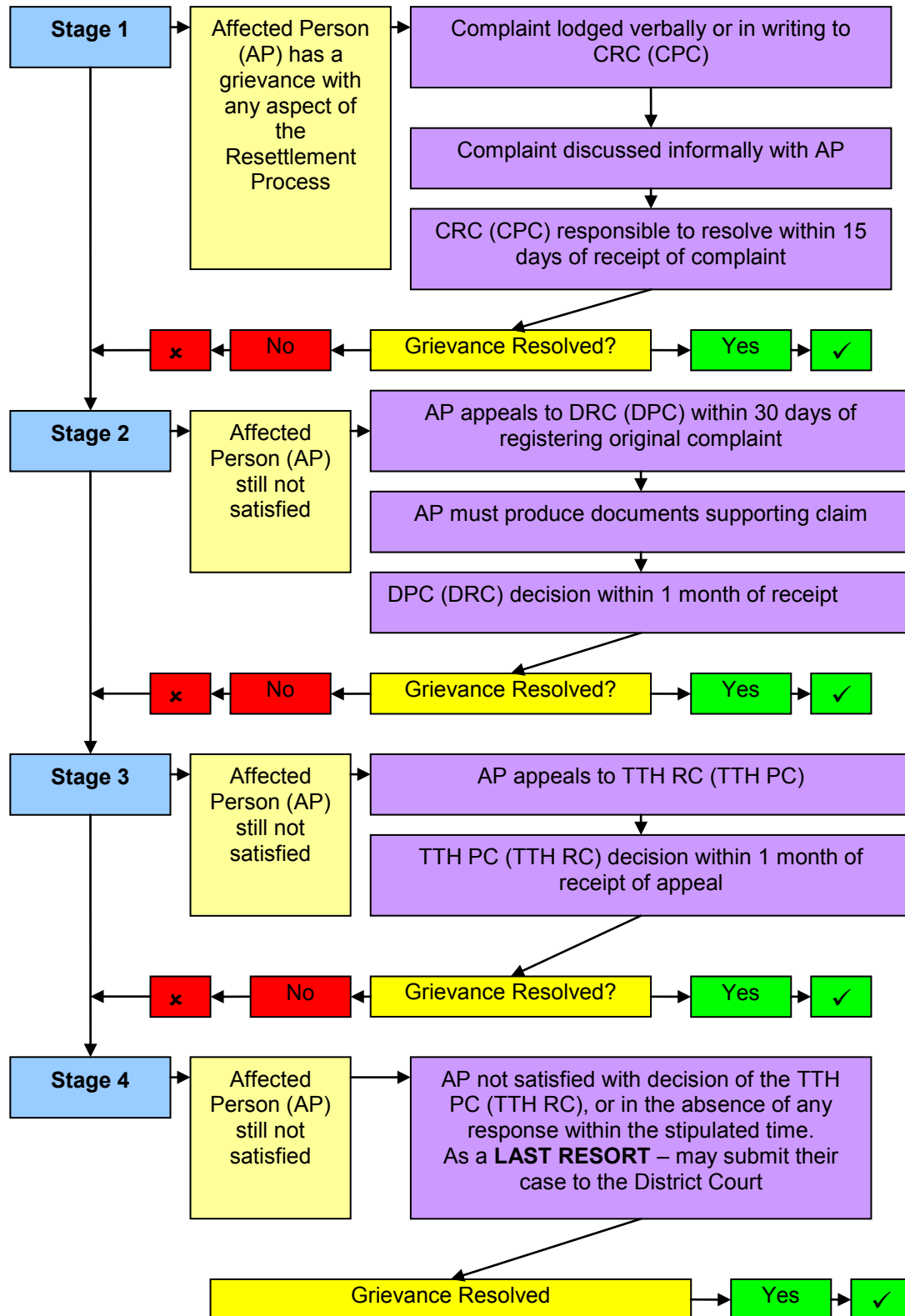
A four-stage procedure for redress of grievances is proposed:

- Stage 1: Complaints from APs on any aspect of compensation, relocation or unaddressed losses are first of all lodged verbally or in written form with the Phong Dien Ward's 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 Phong Dien 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 City People's Committee (CPC). The CPC 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 CPC on appeal, or in the absence of any response within the stipulated time, the AP as a last resort may submit his/her case to the District Court. Beyond this the AP may lodge their complaint to the Operations Department or the Office of the Special Project Facilitator (OPSF) as detailed above as per ADB Policy.

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

HUEWACO and the TTH PC will be responsible for ensuring that the grievance redress procedures and timeframes are explained clearly to each level of People's Committees.

Figure F-1: Grievance Resolution Process



G. LEGAL FRAMEWORK

G.1 Relevant Vietnamese Legislation

G.1.1 National Regulation

The Constitution of the Socialist Republic of Viet Nam (1992) confirms the right of citizens to own and protect the ownership of a house. 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-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. - 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. - Decree No. 17/2006/ND-CP, amending Decree No. 197/2004/ND-CP	- Circular 116/2204/TT-BTC, guiding the implementation of Decree 197. - 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; - Circular N° 14/2008/TTLT/BTC-BTNMT guiding the implementation of the Decree N° 84/2007/NĐ-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. - 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 188.
	- Decree 182/2004/ND-CP on penalties for administrative violations on land issues.	

Law	Decree	Circular
	- Decree 198/2004/ND-CP on land use fees	- Circular 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 Thua Thien Hue Province 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 presented in the Table above.

In April 2008, the Thua Thien Hue Province People's Committee issued Decision No: 928/2008 QD-UBND on Compensation, Assistance and Resettlement when the State Recovers Land within Thua Thien Hue province.

Decision 928 adopts the provisions of Decree 197 as amended by Decree 17 and Decree 84 and states that Affected People 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.

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.

Relocated APs will have the following options:

- Compensation by houses (apartments in a tenement house);
- Compensation by new residential land allocation;
- Compensation by cash for them to manage new dwelling places by themselves.

If APs relocate by themselves they will get an additional allowance of 20,000,000 VND.

Holding a legal title to a business, i.e. a Business Licence, is a condition for receiving compensation for business losses. Under Regulation 928, having outstanding tax obligations can either reduce or eliminate the amount of compensation or assistance that would otherwise be payable to an Affected Person.

Regulation 925/2008 specifies that the value of any salvaged material retained by the property owner will be deducted from the amount of compensation or assistance to be paid. If salvaged material is not retained by the owner, its value is not deducted from compensation or assistance payments.

Table 3-1 identifies the main differences between Decision 928/2008 and the ADB's new safeguard policy statement on involuntary resettlement.

We should note that, following the issuance of Decree 69/2009, TTH PC is drafting a new decision on compensation and resettlement. The new decision will be issued probably in

December. According to Mr Chau¹, Vice Chairman of the Compensation Support and Resettlement Council in Hue City, the main differences between the existing policy (Decision 928/2008) and the new one to be issued, will be higher compensation rates and more flexibility to implement resettlement activities. It is likely that it is this new Decision which will apply for the project.

G.2 ADB Policies on Involuntary Resettlement and other Relevant Policies ADB.

The Safeguard Policy Statement (SPS) was approved by the ADB Board of Directors on 20 July 2009 and will become effective on 20 January 2010; this includes new Involuntary Resettlement Safeguards (Requirement 2).

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, such as the Ho Chi Minh City Water Supply Project. Where resettlement is not avoidable, the overall objective of the ADB safeguards is to enhance, or at least restore, the livelihoods of all displaced persons¹ 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 affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- 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

¹ Meeting with the Compensation, Support and Resettlement Council of Hue City on 23 November 2009

- 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 affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected 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's SPS also issued safeguard requirements for Indigenous Peoples (Requirement 3). In this safeguard, 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 SPS.

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

- a. Non-titled land users: With the exception of affected 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 for lost crops, houses and other assets found thereat, 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 PROJECT POLICIES:

G.4.1 Objectives

The overall objectives of the RF 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.4.2 Reconciliation of Government and ADB' SPS

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 gaps not mentioned below are found during SRP updating, the required assistance or support will be included in the Updated SRP.

New Decree 69/2009-ND-CP regulates compensation Payments. Where compensation is made in the form of offering a new piece of land or resettlement land or resettlement house, and there is a difference in value, then the resettled person is entitled to the difference if compensation is greater than the value of the resettlement land or house; the resettled person pays the difference if the support money is less than the value of the resettlement land or house (except in special circumstances). State support includes: (i) removal support, resettlement support when residential land is acquired; (ii) support for life and production restabilization, training support for change of jobs and job creation where agricultural land is acquired; (iii) support for acquisition of "agricultural use" land in residential areas eg. gardens, ponds; and (iv) other support. The Provincial People's Committee shall specify in detail the rate of support, the area

of land of support and the average price of residential land for calculations which are appropriate to local reality.

Decision 928/2008/QĐ-UBND dated 16 April 2008 issued by TTH PC follows national Decree 197/2004/ND-CP. It also constitutes an improvement of the former city regulations. Table 3-1 provides a comparison of the ADB's new safeguards on involuntary resettlement and the provision of Decision 928/2008/QĐ-UBND on key areas of involuntary resettlement. Decision 928/2008 applies for all resettlement projects in Thua Thien Hue province.

Decision 928/2008 has been modified in May 2008 by Decision No.1067/2008/QĐ-UBND dated 6 May 2008

Resettlement Framework.

A Resettlement Framework for the MFF has been prepared to provide guidance on project design, impact assessments, entitlements, public consultation and information disclosure, monitoring and reporting, and institutional arrangements for resettlement activities of projects included in the various tranches. The Resettlement Framework satisfies the involuntary resettlement requirements of the ADB's Safeguard Policy Statement 2009 and has been endorsed by the Ministry of Finance and the guidance is to be followed in the formulation of project components and subproject included in future tranches.

G.4.3 Cut-off Date and Eligibility

For the Project, the cut-off-date for eligibility for entitlement is defined as the completion of the IOL on affected land. The IOL was completed on 22nd December 2009 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 revised in 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.4.4 Principle 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:

- a) 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
- b) Houses and other related structures based on actual current market prices for materials and labor without depreciation nor deduction for salvaged building materials;
- c) 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.

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Table G-2 : Differences between Resettlement Policy of TT Hue PC and ADB New Safeguards on Involuntary Resettlement

Issues	ADB New Safeguards	Hue City Decision 928/2008/QD-UBND	Project Policy
Eligibility for compensation	<ul style="list-style-type: none"> - 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. 	<ul style="list-style-type: none"> - Persons who meet all conditions for compensation land will be considered to receive compensation (article 6) - Persons who fail to meet all conditions land for compensation will be considered to receive support/assistance (proposed by compensation, support and resettlement council; approved by Thua Thien Hue PC). (article 6) - Relocated HHs which fail to meet all conditions land for compensation and who have no other residential land will be considered for relocation in resettlement site (article 34) 	<ul style="list-style-type: none"> - All non-titled APs will be entitled to payment for non-land assets at full replacement cost. Landless households will be assisted to get a plot of land in a resettlement site.
Threshold for severely affected farmers gives entitlement to training assistance.	<ul style="list-style-type: none"> - 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"> - Articles 30 and 31 states that APs who have more than 30% of their agricultural land recovered, agricultural land greatly affect the income source receive supports for life stabilization, production stabilization, job change and job creation 	<ul style="list-style-type: none"> - No cases in our project
Compensation for structures	<ul style="list-style-type: none"> - Compensation for structures at replacement cost, with no depreciation or deduction for salvaged materials. 	<ul style="list-style-type: none"> - Under Article 21, compensation for buildings and other structures illegally built will be compensated at a maximum of 80%. - In specific cases PPC could consider for additional support; 	<ul style="list-style-type: none"> - Payment for structures, regardless of tenure status, will be compensated at full replacement cost. - Additional cash or in-kind assistance will be provided on a case by- case basis.

Assistance for business APs	<ul style="list-style-type: none"> - Business owners are entitled to (i) the 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. - 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. 	<ul style="list-style-type: none"> - Under Article 30, owners of unlicensed businesses are not eligible for compensation but may receive reduced levels of assistance if they are not in arrears with tax payments. Any business that is in arrears in its tax obligations is not eligible for any assistance. 	<ul style="list-style-type: none"> - All formally registered businesses who have income impacted will be provided with business assistance in cash equal to 30% of their annual net income to restore their income. - 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 TTH PC.
Tenants	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.	No specific mention of compensation or assistance for tenants or sharecroppers.	<ul style="list-style-type: none"> - All non-titled APs (including tenants and sharecroppers) will be entitled to payment for non-land assets at full replacement cost.

H. ENTITLEMENTS, ASSISTANCE AND BENEFITS .

The project entitlements developed and presented in the Entitlement Matrix (Table 5-1) correspond to the impacts identified during the census and inventory of losses. Entitlements adopted are based on Government and TTH Peoples' Committees' Decision 928 and ADB-funded projects in Viet Nam. It should be noted that these entitlements may be enhanced, as necessary, following the conducting of the DMS and consultation with APs to ensure that losses are restored, if not improved.

H.1 Entitlement Matrix

Table presents the Entitlement Matrix.

Table H-1: Entitlement Matrix

No.	Type of Loss	Application	Eligible Persons	Entitlements
1.	Loss of public forestry land	Marginal loss	Owner with LURC (Dong Huu Thi) (Phong Dien Forestry Company)	<ul style="list-style-type: none"> Cash compensation at replacement cost (free from taxes and transaction costs) for the affected land;
2.	Loss of garden land		Owner with LURC; in the process of acquiring LURC; are eligible to acquire LURC;	<ul style="list-style-type: none"> Cash compensation at replacement cost (free from taxes and transaction costs) for the affected land;
3.	Crops	Loss of, or damage to, assets	Owners regardless of tenure status	<ul style="list-style-type: none"> Annual crops products equivalent to current market value of crops products at the time of compensation
4.	Trees	Loss of, or damage to, assets	Owners regardless of tenure status	<ul style="list-style-type: none"> Cash compensation at replacement cost equivalent to current market value given the type, age and productive value (future production) at the time of compensation.
5.	Public Facilities (Electric sub-station, electric poles, telecom,)	Loss of, or damage to, assets	EVN, Telecom,	<ul style="list-style-type: none"> Cash compensation to cover the cost of restoring the facilities

For the construction of this period, households are affected only through agricultural land, and a section of garden crops, fruit trees, as the items on display were love, nature should be mildly affected.

H.2 Gender Strategy

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

■ General Measures

- a) Consultation meetings 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 Unions 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 paid to poor women-headed households and elderly women when it comes to 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 or female-headed households will be issued in instances where land is acquired;
- f) Separate discussions will be held with female members, female-headed households, elderly women, and ethnic minority households to select relocation sites, housing structures, and other social infrastructures, including timing of relocation;
- g) Special measures will be taken for the relocation of elderly, disabled and female-headed households in terms of locating new sites together with their extended families/relatives.
- h) Monitoring indicators, disaggregated by gender, will be developed for monitoring social benefits, economic opportunities, livelihood programs, and resettlement activities

■ Specific measures

During the construction of the pumping station, avoid causing damage to the orchards which have not compensated of the affected household, especially households of Dong Huu Thi, because the main income of the couple is from this orchard.

I. Relocation of Housing and Settlements

I.1 Relocation preferences :

No household is resettled to other places

J. Income Restoration Measures

J.1 General measures

General measures such as compensation at market prices, as well as other measures outlined in the Matrix, will allow livelihood projects before being re-established access points all. Because the HH is not severely affected (losing only part of his residential land) and its source of income is not affected, no income rehabilitation measure is needed.

K. Resettlement Budget and Financing Plan

K.1 Flow of Funds

Funds for compensation and implementation of the plan will be from HUEWACO and TTH PCs,

HUEWACO 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 affected persons with respect to land, crops, trees, houses, other structures and any allowances. HUEWACO 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 affected persons will be adjusted annually, based on the current annual inflation rate. TTH PC will determine the annual inflation rates and all cash entitlements.

K.3 Compensation Prices

K.3.1 Prices issued by Thua Thien Hue People's Committee

■ Prices for land .

Circular No. 14/2009/TT-BTNMT October 1, 2009 of Ministry of Natural Resources and Environment of Specific provisions for compensation, support, resettlement and land acquisition procedures, land lease land;

TTH PC issued Decision 47/2010 / QD-UBND dated 20 / 12 / 2010 on land prices in 2011 in Thua Thien Hue province.

■ Prices for structures and trees

Decision dated 30 May 01 369/QD-UBND in 2011 of People's Committee of Thua Thien Hue province issuing unit prices of crops and livestock, housing unit structures as a basis for determining price of compensation, support and resettlement when the State recovers land in the province of Thua Thien Hue;

Decision No.18/2011/QD-UBND June 1, 2011 the People's Committee of Thua Thien Hue province on the issuance of regulations on compensation, support and resettlement when the State recovers land in the province Thua Thien Hue.

Table K-1: Compensation Rates for Structures and Trees

For the land permanently acquired

No	Item	Unit	Quantity	Unit Price
A	For DongThi household			
1	Urban Land location 1 from Highway 1A to 500m to a commune PhongMy	m2	1.200,00	258.000
2	Grapefruit D=20-35cm	Tree	200,00	308.200
3	Areca h=8-10m	Tree	150,00	102.000
4	Banana	Tree	1.500,00	19.000
5	Bamboo d=3-7cm	Tree	9.000,00	6.000
6	Jackfruit D=20-35cm	Tree	55,00	176.000
7	Cassava	m2	600,00	2.200
8	Pineapple	Tree	50,00	1.500
9	Green Tea D 5-10cm	Tree	70,00	50.000
10	Papaya	Tree	30,00	19.000
11	Ornamental trees D 10-20cm	Tree	50,00	100.000
12	Vegetables	m2	200,00	5.000
13	Acacia D 7-10 cm inter-planted in the garden	Tree	50,00	36.600
B	Forestry PhongDien Ltd.			
14	Acacia D 7-10cm	m2	10.000,00	5.030
15	Pine D 10-13cm	m2	17.000,00	8.160

K.3.2 Basis for Allowances

Follow the policy support payments when the subject of land acquisition for construction projects under the current regulations of the State of Vietnam, and the Thua Thien Hue Provincial People's Committee at the time of clearance.

K.4 Cost estimates

The total budget for land acquisition and crop compensation to the affected household affected by permanent land acquisition is estimated at 0.482 billion VND (USD 0.0233 million).

The total compensation paid for the household whose land is permanently acquired and Phong Dien SFE Co. is **1.411 billion VND (0, 068,342 million)**.

This amount covers administration and implementation activities. 20% contingency has been added.

Spreadsheet of compensation and resettlement is enclosed.

Table K-1: Cost Estimates: For permanent land acquisition

No	Item	Unit	Quantity	Unit Price	Coefficient	Amount (VND)
A	For DongThi household					482.015.000
1	Urban Land VT1, Highway 1A to 500m to a commune PhongMy	m2	1.200,00	258.000		309.600.000
2	Grapefruit D=20-35cm	Tree	200,00	308.200		61.640.000
3	Areca h=8-10m	Tree	150,00	102.000		15.300.000
4	Banana	Tree	1.500,00	19.000		28.500.000
5	Bamboo d=3-7cm	Tree	9.000,00	6.000		54.000.000
6	Jackfruit D=20-35cm	Tree	55,00	176.000		9.680.000
7	Cassava	m2	600,00	2.200		1.320.000
8	Pineapple	Tree	50,00	1.500		75.000
9	Green Tea fi 5-10cm	Tree	70,00	50.000		3.500.000
10	Papaya	Tree	30,00	19.000		570.000
11	Ornamental trees fi 10-20cm	Tree	50,00	100.000		5.000.000
12	Vegetables	m2	200,00	5.000		1.000.000
13	Acacia fi 7-10 cm inter-planted in the garden	Tree	50,00	36.600		1.830.000
B	Forestry PhongDien Ltd.					189.020.000
14	Acacia fi 7-10cm	m2	10.000,00	5.030		50.300.000
15	Pine fi 10-13cm	m2	17.000,00	8.160		138.720.000
Total A+B=						681.035.000

L. INSTITUTIONAL ARRANGEMENT

The following sections set out the main responsibilities, role and tasks of each authority involved in preparation and implementation of resettlement activities under the Project. The implementation of resettlement activities requires the involvement of agencies at the national, city, district and commune levels. Resettlement committees will be established at district levels, as required by Decree 197 and be under the responsibility of the City People's Committee (Hue PC). The provisions and policies of the policy framework will form the legal basis for the implementation of the Project's resettlement activities.

L.1 Executing Agency – Hue Water Company (HUEWACO)

HUEWACO is the Executing Agency responsible for the Project with loan funds, on behalf of the Government. HUEWACO will, in co-ordination with the relevant agencies, manage and supervise the overall project including resettlement activities and land acquisition. Successful updating and implementation of resettlement plans will require that HUEWACO liaise and co-ordinate closely with involved ministries and other agencies, together with the TTH PC and District Compensation, Assistance and Resettlement Committees.

HUEWACO has no permanent staff for resettlement, only part time. However, for important projects, some staff are allocated to implement resettlement activities.

HUEWACO collaborates with local authorities (city and district) for the planning and implementation of resettlement activities. In particular, HUEWACO conducts the land demarcation for the projects (WTP, pipelines).

Based on the type of impacts, the composition of resettlement committees for water supply projects could vary:

- When the project affects only agricultural land, the compensation committee is only composed of HUEWACO members;
- When the project affects residential land and houses, the compensation committee is formed of HUEWACO staff and various agencies; HUEWACO co-ordinates with agencies in charge of compensation and land clearance;
- When few HH have to relocate, HUEWACO coordinates with other projects to include them in an RS; if the number of HH to be relocated is large, specific RS are built;
- HUEWACO is paying for compensation for the project under their investment

L.2 Thua Thien Hue People's Committees (TPC)

The City People's Committee (CPC) will be responsible overall for resettlement activities within its administrative jurisdiction. The main responsibilities of the CPC include: (i) reviewing and approving updated SRP submitted by DCC; (ii) providing guidance to DCCs in the updating and implementation of the SRP.

L.3 People's Committee of Phong Dien district (HCPC)

The Phong Dien District People's Committee² approves the compensation plans and issues the Decision for Land Recovery; there are two types of land recovery: i) permanent land acquisition (the RoW); or ii) temporary land acquisition (land used during the construction period and then given back to owners).

L.4 Land Fund Development Center of Phong Dien district

Phong Dien District People's Committee tasked Land Development Center Phong Dien district unit held up the compensation for site clearance for projects in Phong Dien district.

Then, for each project, they add members from:

- The investor;
- Representatives of APs;
- Representatives of local authorities;

In collaboration with HUEWACO, the main responsibilities of the HCCSRC are the following: (i) coordinate and manage resettlement activities with HUEWACO and City and Ward/Commune People's Committees; (ii) Spearhead census verification and conduct detailed measurement survey; (iii) carry out consultation and disclosure activities, identify relocation sites (apartments), design and implement income restoration programs; (iv) Prepare Updated SRP for endorsement by the TTH PC; (v) along with the CWPC, carry out timely delivery of compensation payments and other entitlements to affected persons; (vi) Act as grievance officers; and (vii) prepare quarterly resettlement progress reports.

L.5 People's Committee of Phong Dien town

Phong Dien town People's Committee will assist the HCCSRC in their resettlement tasks. Specifically, the People's Committee of Phong Dien town PC will be responsible for the following: (i) participate in the updating and implementation of SRP; identify potential replacement land for affected households; (iii) ensure that vulnerable and severely affected households are properly consulted and that the concerns and grievances of these households are heard, recorded and addressed in a timely manner; (iv) certify DMS and payments made to affected households; and (v) assist in the resolution of grievances.

L.6 RP Updating and Implementation

RP updating and implementation will be done following detailed design approval.

Resettlement implementation (i.e., disbursement of payment to Aps and land clearance) can only commence once the updated RP has been reviewed and approved by the ADB.

Consultations will be conducted continuously with the Aps.

² We should note that this type organization is specific to TTH; in Hanoi and other provinces, the City/Provincial Peoples' Committee supervises the resettlement activities and approves the compensation plan.

L.6.1 Process of SRP Updating

L.6.1.1 Conducting of Detailed Measurement Survey

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 HUEWACO and City RCs 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 affected persons.

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

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 SRP updating does not commence within two years as demographic and socio-economic factors may change significantly. It will cover all affected households.

L.6.1.2 Consultation and Disclosure

A consultation and participation plan was developed for Project Preparation. Consultation-to-date with APs and key implementation staff is outlined in Section 6.1 above.

An information booklet outlining key aspects of this Resettlement Plan, including impacts, entitlements, likely time frames, safeguards and benefits, has been prepared. The process of disclosure will be repeated as this RP is updated with final impacts/updated scope as a result of the completion of detailed design and DMS of land acquisition requirements.

L.6.1.3 Specific Issues

Affected HH agreed with the construction of water plants Phong Dien, they wish to project in progress soon to stabilize their lives and affecting their houses.

M. Implementation Schedule

Table M.1 summarizes the steps remaining for the implementation of land acquisition, compensation and resettlement activities for the rehabilitation of the water towers.

The ADB shall not approve any awarding of a civil works contract for any sub-project to be financed from the loan proceeds unless the Resettlement Plan following detailed design and based on detailed measurement survey has been submitted to and approved by the ADB.

HUEWACO shall ensure that civil works contractors are not issued a notice of possession of site for construction works until HUEWACO has (i) satisfactorily completed, in accordance with the approved SRP, 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 M-M-1: Implementation Schedule

Main Resettlement Plan Activities	Implementation Schedule
Preparation of Resettlement Plan	
Detailed Measurement Survey	2/2013
Replacement Cost Survey	2/2013
Socio-economic Survey	2/2013
Draft resettlement & compensation plans	3/2013
Public consultation	3/2013
Decision of land acquisition	6/2013
Implement Resettlement Plan	
Compensation payment	7/2013
worksite clearance and handover	8/2013

N. MONITORING AND REPORTING

N.1 Internal Monitoring

HUEWACO will serve as the Project's internal monitoring body. As such, HUEWACO will maintain a file of all data gathered in the field, including a data base on the affected households. HUEWACO will prepare monitoring reports starting from the commencement of RP updating, which coincides with the conducting of the detailed measurement survey and other RP updating activities. HUEWACO will include updates on resettlement in its regular Project reports to the ADB. Social monitoring reports will be made available to affected households and will be submitted to the ADB for web posting. As said above, no external monitoring organization (EMO) will be hired as the impacts are not significant.

Internal monitoring and supervision will have the following objectives:

- Compensation and other entitlements to be computed using rates and procedures provided in the approved SRP 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 SRP;
- 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.

Appendix 1: Minutes of consultation meetings for resettlement and environmental

SOCIALIST REPUBLIC OF VIETNAM

Independence-Freedom-Happiness.

WATER SUPPLY PROJECT Thua Thien Hue province.

COMPONENT WATER PLANT CONSTRUCTION PHONG DIEN.

CONSULTATION MEETING MINUTES & RESETTLEMENT ENVIRONMENT.

Phong Dien town, September 12, 2011.

I / GENERAL INFORMATION:

1. Organizational Unit: Center for Land Development Phong Dien, Phong Dien town People's Committee and Agriculture Co, and HUEWACO.
2. Implementation period: Start from 14h00 - 16h00 on 09/12/2011.
3. Location: At his home the same experiment, Vinh Nguyen, Phong Dien town, Phong Dien district, Thua Thien Hue.
4. Participants:
 - Land Fund Development Center Phong Dien district:
Mr. Ho Van Nhan: Deputy Director
Mr. Truong Duy Pancreas: Expert.
 - People's Committee of Phong Dien town:
Mr. Dong Huu Quy: Town People's Committee Vice-tic.
Mr. Nguyen Viet Thanh Tin: Land administration officials.
 - NN MTV Co. Building and Thua Thien Hue Water Supply:
Mr. Tran Trong Lan: Vice PMU
Mr. Huynh Tien Cuong: Officer
 - Representatives of 02 households are affected:
Mr. Dong Huu Thi: head of household residing in the village of Vinh Nguyen, TT Phong Dien.
Mr. Dong Huu Ty: head of household residing in the village of Vinh Nguyen, TT Phong Dien.

PART II: PRESENTATION OF PROJECTS

Presented and published the following issues:

- Objective of the project;
- About the project (location, components and plans for the project ...)
- The technical proposal on the project's water supply;
- Works scheduled for the current land area of households Yau Tong, Vinh Nguyen, Phong Dien town.

PART III: PRESENTATION ON RESETTLEMENT CONSULTATION.

1. Mr. Ho Van Nhan: Presentation consultations on resettlement:

- About the project include agencies and organizations concerned;
- The impact of resettlement in the proposed regional water plant in Phong Dien.
- Prepare the resettlement plan; implement surveys; Assess the impact of resettlement. Terms of Thua Thien Hue on compensation, resettlement and relocation issues of resettlement.
- The work after the resettlement issue is resolved;
- Appeal Mechanism;
- Monitoring and evaluation of project activities.

2. The discussions focused on resettlement on the content:

- The price of land compensation will be applied like.
- Rates trees and crops compensation will be applied like.
- Measures to support resettlement (after land acquisition).

The consulting unit has the same exchange and note all the comments as a basis for assessment prepared Resettlement Plan as follows:

1 / / Households Mr. Dong Huu Thi::

-After listening to the guidance of Mr. Huu Quy Vice Chairman of the town People's Committee of Phong Dien Phong Dienn advocates to build water plant

- Mr Ho Van Nhan deployment of content related purpose built water plant in Phong Dien. The scope of land acquisition policies of compensation and clearance support, protection works and he DONGHUUTHI has agreed to withdraw all for clearance to build the water plant.

2 / Households Mr. Dong Huu Ty:

- Family consent of the government policy on land acquisition, site clearance for construction of water plants.
- The family wants early construction projects and the value of compensation related to damage to the affected families, because family is difficult. Please help the State and government at all levels .

PART IV: ENVIRONMENTAL CONSULT

1. Presented on the following issues:

- The problem of the social environment can happen and the potential impact on the environment of the project;
- Measures to reduce environmental impacts.
- Methods to manage the mitigation measures as well as conduct environmental monitoring.

2. Comments:

- On average 02 households involved were supportive of the project, the work component of the project was prepared very carefully.

- The work item is actually needed to provide clean water for people living and sanitary conditions improved the local environment.

3. Conclusion:

- The participants were uniformly high performance water projects across the province including the construction of NMN Phong Dien.

The meeting ended at 16 h00 same day.

Minutes passed before the components, unity and co-signed.

- TT Phong Dien People's Representative:

Signed

- REPRESENTATION FUND DEVELOPMENT CENTER COMPLETED BOOKING:

Signed

- HUEWACO: Signed

- 02 HEAD OF REPRESENTATIVES:

Mr. Dong Huu Thi Signed


Mr. Dong Huu Ty Signed.

Appendix 2: List of affected households

No	Full Name	Position	Address	year of Birth
1	Dong Huu Thi	Head of Household	Vinh Nguyen commune, Phong Dien town	1932

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập- Tự do- Hạnh phúc.

DỰ ÁN CẤP NƯỚC TỈNH THỪA THIÊN HUẾ.
HỢP PHẢN XÂY DỰNG NHÀ MÁY NƯỚC SẠCH PHONG ĐIỀN.
BIÊN BẢN HỢP THAM VẤN TÀI ĐỊNH CƯ & MÔI TRƯỜNG.



Thị trấn Phong Điền, Ngày 12 tháng 9 năm 2011.

I/ THÔNG TIN CHUNG:

- Đơn vị tổ chức:** Trung tâm Phát triển Quỹ đất huyện Phong Điền, UBND thị trấn Phong Điền và Công ty TNHH NN MTV Xây dựng và cấp nước Thừa Thiên Huế thực hiện.
- Thời gian thực hiện :** Bắt đầu từ 14h00 – 16h00 ngày 12 /9/2011.
- Địa điểm:** Tại nhà ông Đồng Thi, thôn Vĩnh Nguyên, thị trấn Phong Điền, huyện Phong Điền, tỉnh Thừa Thiên Huế.
- Thành phần tham gia:**
 - Trung tâm Phát triển Quỹ đất huyện Phong Điền:
Ông: Hồ Văn Nhân : Phó Giám đốc
Ông: *Trần Trọng Lân* Chuyên viên.
 - UBND thị trấn Phong Điền:
Ông: *Đoàn Hữu Cường* - PCT UBND Thị trấn
Ông:
Ông: *Nguyễn Văn Tuấn*: Cán bộ địa chính.
 - Công ty TNHH NN MTV Xây dựng và Cấp nước Thừa Thiên Huế:
Ông : Trần Trọng Lân : Phó Ban QLDA
Ông : Huỳnh Mạnh Cường : Cán bộ
 - Đại diện 02 hộ gia đình bị ảnh hưởng:
Ông : Đồng Thi: Chủ hộ thường trú tại thôn Vĩnh Nguyên, TT Phong Điền.
Ông : Đồng Tỷ : Chủ hộ thường trú tại thôn Vĩnh Nguyên, TT Phong Điền.

1

PHẦN II : TRÌNH BÀY VỀ DỰ ÁN

Trình bày và công bố các vấn đề sau:

- Mục tiêu dự án;
- Giới thiệu về dự án (vị trí, các hợp phần, kế hoạch của dự án...)
- Các đề xuất kỹ thuật về cấp nước của dự án;
- Các công trình dự kiến thực hiện tại khu vực đất của hộ ông Đồng Thí, thôn Vĩnh Nguyên, thị trấn Phong Điền.

PHẦN III: TRÌNH BÀY THAM VẤN VỀ TÁI ĐỊNH CƯ.

1. Ông : Hồ Văn Nhân : Trình bày tham vấn về tái định cư:

- Giới thiệu về dự án bao gồm các cơ quan, tổ chức có liên quan;
- Các ảnh hưởng về tái định cư tại khu vực đề xuất xây dựng nhà máy nước Phong Điền.
- Chuẩn bị kế hoạch tái định cư; Thực hiện các cuộc khảo sát; Đánh giá những tác động do tái định cư. Qui định của tỉnh Thừa Thiên Huế về bồi thường, tái định cư, các vấn đề di dời về tái định cư.
- Những công việc sau khi các vấn đề tái định cư được giải quyết;
- Cơ chế giải quyết khiếu nại;
- Giám sát và đánh giá các hoạt động dự án.

2. Các ý kiến thảo luận về tái định cư tập trung vào nội dung:

- Giá đất đền bù sẽ được áp dụng như thế nào.
- Giá cây, hoa màu đền bù sẽ được áp dụng như thế nào.
- Các biện pháp hỗ trợ sau tái định cư (sau khi thu hồi đất) .

Các đơn vị tư vấn đã cùng trao đổi và ghi nhận đầy đủ các ý kiến làm cơ sở đánh giá chuẩn bị Kế hoạch Tái định cư cụ thể như sau:

Hộ ông Đồng Thí:

Đã được... công bố... dự án... trên... báo... (19/10/2010)... trên... báo... (19/10/2010)...
...thì... vẫn... trên... báo... (19/10/2010)... trên... báo... (19/10/2010)...
...phần... thu... báo... (19/10/2010)... trên... báo... (19/10/2010)...

anh bạn, họ say sưa đến nỗi đã quên đi gia đình. Họ
chưa từng về thăm bố mẹ, họ chỉ biết say sưa đến nỗi
chưa nghĩ đến...

Hộ ông Đồng Tý:

...gia...đại...thống...nhất...chính...lịch...sử...
 ...thần...thần...đại...gia...phong...an...lịch...thần...đại...
 ...chính...nhất...gia...đại...đại...phong...an...lịch...thần...đại...
 ...thần...thần...đại...gia...phong...an...lịch...thần...đại...
 ...chính...nhất...gia...đại...đại...phong...an...lịch...thần...đại...

PHẦN IV: THAM VĂN VỀ MÔI TRƯỜNG

1. Trình bày về các vấn đề sau:

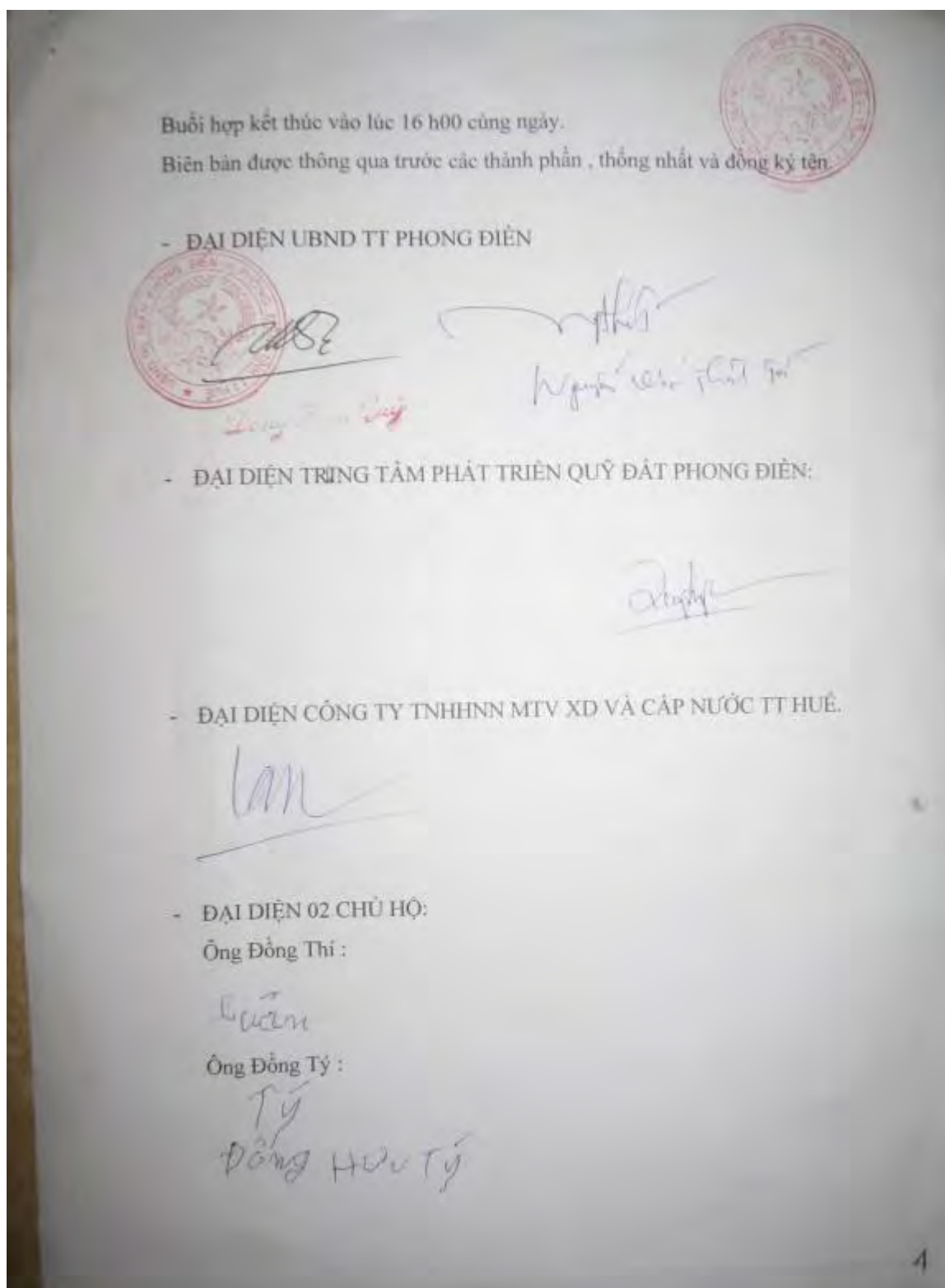
- Vấn đề về môi trường xã hội có thể xảy ra và các tác động tiềm tàng đến môi trường của dự án;
- Các biện pháp giảm thiểu các tác động đến môi trường.
- Các phương thức để quản lý, các biện pháp giảm thiểu cũng như thực hiện công việc giám sát môi trường.

2. Ý kiến bình luận:

- Nhìn chung 02 hộ tham gia đều ủng hộ dự án, các hợp phần công việc của dự án được chuẩn bị khá chu đáo.
- Các hạng mục công trình này thực sự cần thiết nhằm cung cấp nguồn nước sạch phục vụ cho sinh hoạt của người dân và cải thiện điều kiện vệ sinh môi trường địa phương.

3. Kết luận :

- Các thành phần tham dự đều thống nhất cao việc thực hiện dự án cấp nước toàn tỉnh trong đó có xây dựng NMN Phong Điền.



Appendix 3: Boundary of land acquisition





Consultation meetings on resettlement and environment in the Dong Huu Thi's HH.



Define the boundaries of the land will be permanently withdrawn



Representatives of the household to sign the record: Agreed to hand over the land for construction of water plant Phong Dien