

Resettlement Plan

September 2017

VIE: Water Sector Investment Program Tranche 2 Buon Ma Thuot and Three Adjacent Districts Water Supply Project

Prepared by the Dak Lak Water Supply and Construction Investment One Member Ltd Co. for the Asian Development Bank. This is an updated version of the draft originally posted in April 2012 available on <https://www.adb.org/projects/documents/water-sector-investment-program-tranche-2-buon-ma-thuot-rp>

NOTE{S}

- (i) In this report, "\$" refers to US dollars.

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Document stage: updated

Loan:2961-VIE

September 2017

VIET NAM WATER SECTOR INVESTMENT PROGRAM

Buon Ma Thuot and Three Adjacent Districts Water Supply Project

RESETTLEMENT PLAN

Prepared by the DAKWACO for the Asian Development Bank (ADB).

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CURRENCY EQUIVALENTS

For this report, the rate of **\$1 USD: VND 22,700** has been used.

ACRONYMS AND ABBREVIATIONS

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

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GLOSSARY

Compensation	Payment in cash or in kind to replace losses of land, housing income, and other assets caused by the Project.
Cut-off Date	The cut-off date for eligibility for entitlements will be the end of the detailed measurement survey (after completion of the detailed design of the components).
Eligibility	Any person who, as of the cut-off date was located within the affected area of the Project or any component or sub-project thereof would be considered to be a Displaced Person.
Involuntary Resettlement	Addresses social and economic impacts that are permanent or temporary and are: (i) caused by acquisition of land and other fixed assets, (ii) change in the use of land, or (iii) restrictions imposed on land as a result of an ADB operation., or iv) loss of resources, and means of livelihood or v) social support systems, which people suffer as a result of the project and project components with or without physical displacement.
Land Acquisition	The process whereby a person is compelled by a public agency to alienate all or part of the land he/she owns or possesses, to the ownership and possession of that agency, for a public purpose, in return for fair compensation
Legal Users of Structures	Categories of APs envisaged to have the legal right to build a structure: (i) APs with written permission issued by the relevant authority, (ii) APs who are in the process of obtaining a permanent LURC from the relevant authority and have the document to prove it are considered as having the legal right to build structures, (iii) APs who obtained ownership certificates or legalized certificates for their houses or structures between the cut-off date and the implementation date of the Project, issued by the provincial or district people's committee.
Monitoring	The Process of regularly measuring the progress in effectively completing the project activities and in achieving the goal and objectives of the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies current or potential successes and problems as early as possible so as to facilitate corrections during the Project implementation
Displaced Persons/ Affected Persons	In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Rehabilitation	Rehabilitation measures include re-establishment of incomes, livelihoods and social systems. Measures include a) restoration of access to public facilities, infrastructure and services, b) mitigation of the loss of access to cultural sites, public services, water resources, grazing or forest resources through the establishment of access to equivalent or culturally acceptable resources and income-earning opportunities. These measures are determined in consultation with affected communities, even when their

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	rights are not formally recognized in national legislation
Relocation	Rebuilding of house assets and public infrastructure in another location
Resettlement Plan	A time-bound action plan with a budget setting out the resettlement strategy, objectives, entitlements, actions, responsibilities and arrangements for monitoring and evaluation.
Resettlement Affects	All negative situations directly caused by the Project, including loss of land, property income generation opportunities and cultural assets
Vulnerable Groups	Distinct groups of people who might suffer disproportionately from resettlement effects, including the poor, landless and semi-landless, female-headed, disabled and elderly households without means of support and those from minority groups.

I. EXECUTIVE SUMMARY

A. Background

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

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

3. The Project investment components are summarized as below:

Buon Ma Thuot city water supply system:

- Raw water facilities: construct a water intake and 35,000m³/day raw water pumping station; install a 6km long HDPE DN700 raw water pipeline from the raw water pumping station to the water treatment plant (WTP) located on Tan Lap hill;
- Water treatment plant: the proposed 35,000m³/day WTP will be constructed on Tan Lap hill, Krong Ana District;
- Install a 12.5km long DN700-600 gravity transmission pipelines from the WTP to the booster pumping station (32,000m³/day);
- Booster pumping station: construct a booster pumping station (32,000m³/day) at Hamlet 11, Ea Tam ward;
- Transmission and distribution network: install total of approximately 130km transmission and distribution pipelines, 90km DN50-90 offtakes and 25,000 service connections.

Three adjacent district water supply project:

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

- Construct a 2,500m³/day water supply station on the base of small Chu Cuc hill. Raw water will be taken from Ea Kar lake. Install transmission, distribution pipelines and service connection with total length of 44km. Supply and install 3,300 service connections.

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

- Construct a 1,000m³/day water supply station in Ea Wer. Raw water will be taken from Serepok hydro-electric dam. Install transmission, distribution pipelines and service connection with total length of 22km. Supply and install 1,400 connections.

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

- Construct a 1,600m³/day water supply station in Ho Sen park area. Raw water will be taken from Dong Ho lake. Install transmission, distribution pipelines and service connections with total length of 34km. Supply and install 2,300 connections.

4. This Resettlement Plan (RP) has been prepared for Buon Ma Thuot city and 03 adjacent district towns of Ea Kar, Buon Don and Krong Nang based on (a) results of the Detailed Measurement Survey (DMS) for affected assets of the affected households (AHs) of the Subproject; (b) ADB's Safeguard Policy Statement (SPS) dated 20 July 2009 and the Resettlement Framework of Viet Nam Water Sector Investment Program – Multitranchise

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Financing Facility (MFF); (c) legal documents of Vietnam and Dak Lak Province, (d) RP documents prepared by VHD International Ltd. Co for Buon Ma Thuot city; update and revise for three adjacent districts of Ea Kar, Buon Don and Krong Nang prepared by Pöyry Infra Ltd, and (e) Project site study and public consultation with possible APs and stakeholders during period April - June/2017.

B. Scope of Resettlement Impacts

5. The project components compose of: (i) construction of water treatment plant; (ii) raw water pumping stations; (iii) booster pumping stations; and (iv) transmission pipelines and connectons. Components (i) to (iii) required permanent land acquisition. The temporary land acquisition acquired for transmission pipelines and connections during construction. The transmission pipelines will be installed under public transport corridor and not affected on land used by the households. The installation of transmission pipelines will affect on some secondary structures, trees and crops of households.

6. A total of 51,201.5 m² (5.2 ha) of land will be affected (public land 8,328.9 m², agriculture land 42,072.6 m² and residential land, 800 m²).

7. A total of 26 households and 04 organizations will be affected by the project. Among 26 households, 15 households are severely affected of which one household should have to move their house and other 14 households will lose from 30% to 100% of their productive land. 7 (seven) households are ethnic minorities, of which 01 household belongs to Tay ethnic group and other 6 are belong to Ede ethnic group. All these 7 households are severely affected and three of seven are the poor. Total family members affected by the project is 120, of which 61 are male and 59 are female.

8. All of 26 households have land to be affected, of which 02 (two) have residential land and all they have land for perennial trees.

9. There are 9,353 trees affected, mainly industrial trees (coffee, pepper, cashew), fruit trees, wood trees and other trees

10. There is only one house of class 4¹ affected and should be moved. Some secondary structures affected such as: 01 kitchen, 01 garden shed, and some fences, wells, concrete yards.

11. The raw water pumping station in Buon Don district and water treatment plant (7,463.9 m²) in Krong Nang district will be leased for 50 years by the district People's Committee. Therefore, DONRE of Daklak province will determine costs for land.

C. Socioeconomic Information

12. A socio-economic survey has been conducted to 26 affected households in April and June 2017. A total number of affected people is 120, family size is 4.6 members per household.

13. Among 26 affected households, 7 households are belong to ethnic minority groups, 3 are poor and 01 is female headed household. Main income source of affected households is from industry tree planting (coffee, pepper, cashew and fruit trees. Average income is more than VND 1,000,000 per family member per month.

14. All household heads know to read and write. Highest level of education of the households is secondary school. Almost households heads finished primary school, occupying about 34.6%. Other family members have education levels from primary, secondary and high schools.

¹ The mortar structure is from brick or wood, arrouned walls are made from brick, roofs are from tiles or fibroceement. Low quality materials for completion and low facilities.

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15. 77.5% of the affected households use well water while 22.5% have to use rainwater and then filter water by primitive methods at home for cooking and drinking purposes; 100% of the households use national grid for lighting. 78.5% of the AHs use gas and 21.5% use firewood as energy sources for cooking.

D. Information Disclosure, Consultation, and Participation

16. Consultations have been conducted in March and June 2017 by DAKWACO, safeguards specialists and relevant agencies. The consultations conducted with participants of local authorities, mass organizations, affected people, and non-affected people who are locating in the project area.

17. In those meetings, they were given Project Information Booklets (PIBs) and discussed the topics related to the preparation of RP including (i) project's key information and salient features; (ii) list of affected districts and communes and expected scope if impacts for the substation and its connections; (iii) objectives and principles of the resettlement plan as required by the Government and Safeguard Requirements 2 (SR2) of the 2009 ADB's Safeguard Policy Statement (SPS); (iv) DMS and SES schedule; (v) income restoration allowances; (vi) compensation and resettlement options; (vii) gender issues and vulnerable groups; and (viii) mechanisms for APs' participation, grievance redress, monitoring and evaluation in RP preparation, updating, and implementation stages.

18. Representatives of mass organizations in all communes concern have also attended, such as Vietnam Women's Union, Fatherland Front and Vietnam Farmers' Union. The meetings and consultations, all held in CPC offices, were attended by 25 local officials and residents that consisted of 14 males and 11 females.

19. This draft updated resettlement plan has been disclosed and posted in offices of affected districts/cities, communes/wards.

20. An information booklet outlining key aspects of this Resettlement Plan, including impacts, entitlements, likely time frames, safeguards and benefits, has been prepared (see Annex 1). This project information booklet has been also handed over to all affected households and non-affected people who are interested through the consultations meetings.

E. Grievance Redress Mechanisms

21. The grievance redress mechanism is implemented in two forms: administrative mechanism and judicial mechanism.

22. Regarding the administrative mechanism, the complaint settlement shall be conducted in three levels: commune, district and province. Complainants may exercise their rights to appeal either verbally or in writing and at any time during the Project implementation.

23. If the administrative mechanism has been completed and yet complainants still disagree with the results of the competent authorities' resolutions, they may choose to initiate lawsuits at the district-level people's court. The court is the last resort, when the judgment or decision of the court becomes effective, the parties are obliged to carry out the decision.

24. Affected people raised complaints will not have to pay any fees related to their grievances.

F. Legal Framework

25. The project resettlement policy and entitlements have been developed from the laws of the Government of the Socialist Republic of Viet Nam (GOV), principally the Constitution (2013); 2013 Land Law N° 45/2013/QH13 dated November 29 2013, providing Viet Nam with a comprehensive land administration law; Decree N°43/2014/ND-CP dated May 15 2014 guiding implementation of some articles of the Land Law 2013; Decree No. 47/2014/ND-CP dated May 15 2014 on compensation, rehabilitation and resettlement in the event of land recovery by the State; Decree No 44/2014/ND-CP dated May 15 2014 on land prices; and

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ADB's Safeguard Policy Statement (SPS June 2009) guided by Operations Manual on Involuntary Resettlement (OM Section F1/OP, updated in October 2013).

26. Provisions and principles adopted in this project will supplement the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with 2013 Land Law and Decree N°16/2016/ND-CP which provides that in case of "discrepancy between any provision in an international treaty on Official Development Assistance (ODA), to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence" (Article 51, Item 1, Article 16/2016/ND-CP).

G. Entitlements, Assistance, and Benefits

27. The project entitlements adopted are based on ADB's SPS (2009) that have been harmonized with the existing GOV laws, Dak Lak PC's Decisions on land acquisition, resettlement and assistance.

28. The cut-off date of eligibility is based on the date when issues the project investment announcement prior to the conduct of DMS, which is 29 February, 2016.

H. Relocation of Housing and Settlement

29. There is only one household should have to move their house and to be relocated. This household prefers to receive compensation in cash and relocate themselves.

I. Income Restoration

30. As said above, there are 15 households to be severely affected and all they lose from 30% to 100% of their productive land. There are 3 (three) households belong to poor and ethnic minority groups. It is therefore, an income restoration program should be developed. Budget and fees for this program included in the compensation and allowances budget of the project and DAKWACO is in charge to prepare financial sources for the program's implementation.

J. Resettlement Budget and Financing Plan

31. Budget for resettlement has been prepared based on replacement costs. Funds for compensation and implementation of the resettlement plan will be from DAKWACO and Dak Lak Province as counterpart fund

32. The total cost for resettlement is estimated at VND 32,159,115,400 VND (or equivalent to USD 1,416,701). This proposed budget includes compensation and allowances, cost for resettlement implementation for Compensation, Assistance and Resettlement Boards (DCARB) (2% cost of compensation and allowances), and contingency.

33. DAKWACO will ensure the timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives. DAKWACO will be also in charge to implement compensation payment to affected households.

K. Institutional Arrangement

34. DAKWACO is the Project Implementing Agency. DAKWACO established a project management unit (PMU) to monitor all activities of the project financial and administration aspects. PMU closely coordinate with project consultants, PPC, DPC, DCARBs, CLDF and commune PCs for updating and implementing the Resettlement Plan.

L. Implementation Schedule

35. Table below summarizes the steps involved in the implementation of land acquisition, compensation and resettlement activities for the project.

Activities	Schedule to complete
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Finalization of the RP and approval by ADB	
Detailed Design	June, 2016
Consultation	March-June, 2017
Detailed Measurement Survey	May, 2017
Replacement Cost Survey	May 2017
Update compensation rates	June 2017
Approval of updated RP by ADB	September 2017
Award documents	September 2017
Awarding of civil works contracts	September 2017
Compensation of DPs	September 2017
Monitoring and reporting	September-October 2017
Handover of site to contractors, start of civil works	October 2017

M. Monitoring

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

37. No external monitoring organization (EMO) will be hired as the impacts are not significant.

II. INTRODUCTION

A. Project Background

38. Vietnam's rapid urbanization has placed enormous pressure on existing water supply, drainage and wastewater services in the country's cities and towns. Government of Vietnam (GoV) policies focus on achieving high economic growth as the key to: (i) narrowing the development gap between Vietnam and other countries in the region, and; (ii) generating sufficient resources to raise living standards, reduce poverty and achieve social equity. Development of water supply, drainage and wastewater services in the country's urban areas is seen as an important contributor to economic growth and poverty reduction ².

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

40. In 2009, the GOV received a Grant (PHRD - TF056904) from the Government of Japan through the World Bank for consultancy services to prepare Phase 1 of the VUWSDP

² Relationship between poverty reduction and urban WSS in Vietnam is clearly referenced in the Comprehensive Poverty Reduction and Growth Strategy (CPRGS).

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

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

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

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

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

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

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

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

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

- Increased coverage, increase service connections;
- Improved working ratio and operating ratio;

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- Improved business planning, financial management and asset management;
- Reduced Non-Revenue Water (NRW).

B. Project Components

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

Buon Ma Thuot Water Supply

50. The Buon Ma Thuot water supply component includes construction of new raw water source and Water Treatment Plant with capacity of 35,000m³/day and also to expand existing water supply system as below:

- Raw water facilities: construct a water intake and 35,000m³/day raw water pumping station. Install a mid-voltage power line from the electricity grid to the raw water pumping station, transformer sub-station and low voltage line, supply standby generator;
- Install a 6km long HDPE DN700 raw water pipeline from the raw water pumping station to the water treatment plant (WTP) located on Tan Lap hill;
- Water treatment plant: the proposed 35,000m³/day WTP will be constructed on Tan Lap hill, Krong Ana District. The treatment process is conventional including: mixing, flocculation, sedimentation, filtration and disinfection. Install a mid-voltage power line from the national grid to the WTP area, transformer substation, and low-voltage power line;
- Chemical houses: Construct and equip a chemical house for alum and lime dosing and a chlorine house with chlorination facilities for automatic chlorine dosing system;
- Sludge settling pond: Construct sludge settling ponds in the WTP site to receive backwash water and sludge from water treatment facilities. In dry season, sludge will be dried in the pond and removed to the landfill. The above surface water which is quite clean will be drained to the city sewerage system.
- Laboratory: construct and equip a testing laboratory at the WTP site to control water quality in the WTP. The operator, laboratory technician and water distribution workers will be trained for water quality monitoring.
- SCADA: Install a Supervisory Control and Data Acquisition System (SCADA) at the WTP to monitor and control WTP operation. Data will be transmitted to a central control room in the booster pumping station which will also monitor conditions in the distribution network. Provide training in SCADA, management reporting and information systems to DAKWACO engineers, technicians, WTP operators and distribution staff.
- Install a 12.5km long DN700-600 gravity transmission pipelines from the WTP to the booster pumping station. The pipelines will be designed to supply water with 32,000m³/day to the new booster pumping station in the city. Install DN100-150 offtakes from the gravity transmission main to supply 3,000m³/day of treated water to Hoa Phu, Hoa Xuan, Hoa Khanh and Ea Kao communes in the south of the city;
- Booster pumping station: construct a booster pumping station and a 5,000m³ storage reservoir to pump water to the transmission and distribution pipelines. They will be located in the Hamlet 11, Ea Tam ward. The booster pumping station will be equipped with VSD to supply water demand in different time of the network. The pump is sized to supply the peak hourly design flow by 2020;

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- Transmission and distribution network: install combined 130km transmission main and distribution pipeline, 80km DN50-90 offtakes and 22,000 metered service connections.

Three adjacent districts water supply project:

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

- Construct a 2,500m³/day water supply station on the base of small Chu Cuc hill. Raw water will be taken from Ea Kar lake. Install transmission, distribution pipelines and service connection with total length of 44km. Supply and install 3,300 service connections.

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

- Construct a 1,000m³/day water supply station in Ea Wer. Raw water will be taken from Serepok hydro-electric dam. Install transmission, distribution pipelines and service connection with total length of 22km. Supply and install 1,400 service connections.

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

- Construct a 1,600m³/day water supply station in Ho Sen park area. Raw water will be taken from Dong Ho lake. Install transmission, distribution pipelines and service connection with total length of 34km. Supply and install 2,300 service connections.

III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

51. DMS had been conducted between mid-March to June 2017. The DMS started on 13rd March and ended on 30th June. The DMS have been conducted by the Centers for Land Fund Development of Buon Ma Thuot City, Krong Ana, Buon Don, Ea Kar and Krong Nang districts.

General impacts and compensations arrangements

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

53. Other impacts that may occur during construction of raw water transmission mains, treated water transmission mains and distribution pipelines shall be determined, compensated and paid for during construction in line with the Project RF. Any unanticipated impacts will be included reported in regular project progress reports and safeguards monitoring reports.

A. Impact on Land

54. The Buon Ma Thuot and Three adjacent districts water supply project shall take place in Buon Ma Thuot city and district centers of Ea Kar, Buon Don and Krong Nang. There will be total of 26 households and 04 organizations will be affected by the project. Total number of people affected by the project is 120, of which 62 people affected by the project located in Buon Ma Thuot city and 58 people located in other 3 districts.

55. A total of about 51,201.5 0m2 of agricultural, residential and public land shall be acquired; Buon Ma Thuot will require approximately 30,392.9m2 and 20,808.6m2 for the three districts. Details are presented in Table 1 bellow.

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1. Permanent land acquisition

1.1. Buon Ma Thuot city

56. Total of 30,392.9 m² will be acquired for construction of raw water facilities, water treatment plant, booster pumping station and transmission mains, of which all is agricultural land.

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

No	Compensation item description	Unit	Nb (HH)	Qty	Notes
	Land				
1	Raw water pumping station	m ²	4	5,751.0	
1.1	Agricultural land	m ²	4	5,751.0	
2	Water treatment plant	m ²	7	20,642.9	
2.1	Agricultural land	m ²	7	20,642.9	
3	Booster pumping station	m ²	3	3,999.0	
3.1	Agricultural land	m ²	3	3,999.0	
	Total land acquired	m ²	14	30,392.9	

57. No any residential land and house to be affected by project components in Buon Ma Thuot City.

58. There is a total of 14 HH affected due to the construction of the Buon Ma Thuot water supply facilities. Among these 14 HHs, 11 households are severely affected. All lost over 30% to 70% of their productive land (01 household lost more than 30% and others lost more than 70%). Among 11 severely affected households, five (05) households are belong to Ede ethnic minority group (of which two (02) are poor households). The poverty line defined in this uRP is that households with per capita incomes of less than VND 900,000/person/month or those that have an average per capita income of from over VND 900,000 to VND 1,300,000/month but fall below the threshold in 03 Indicators that measure the extent of access to basic social services. (Decision No.59/2015/QĐ-TTg dated 19/11/2015 of the Prime Minister).

1.2. Three adjacent districts

59. Total of 20,808 m² will be acquired for construction of raw water facilities, water treatment plant and transmission mains for three district water supply systems, of which 20,008.6 m² are agricultural land which is currently used and owned by 10 households. 800 m² of residential land used by 02 households. Among affected agricultural land, there are 6,350.9 m² belong to land fund of the Daklak People's Committee. This land is clean and do not need for compensation and could directly handover to the PMU.

60. There are 12 households affected by the project in three districts, of which 8 (eight) are severely affected and all they lost more than 70% of their productive land; and only one household lost their house and have to be relocated. Two households belong to ethnic minority groups, of which one is Ede and another is Tay ethnic minority people.

Table 2: Summary of land acquisition – three districts

Type of land	Ea Kar		Buon Đon		Krong Nang		Total	
	HH	Affected area (m ²)	HH	Affected area (m ²)	HH	Affected area (m ²)	HH	Affected area (m ²)

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1	Agriculture land	5	5,798.0	4	7,859.7	1	6,350.9	10	20,008.6
2	Rural residential land	2	800.0	0	0	0	0	2	800.0
Total		7	6,598	4	7,859.7	1	6,350.9	12	20,808.6

2. Land tenure status

61. All AHs affected by permanent land acquisition have land use rights certificates (LURCs) over their total affected land area.

B. Structure

62. There is a house of class 4 with 26 m2 located in the project area and affected by the water treatment station of Eakar district.

63. Besides, there are some secondary structures affected by the installation of transmission pipelines and connections such as kitchen, wells, fences, concrete floors. Details are presented in the Tables 3 and 4 below.

Table 3: Summary of structures– Buon Ma Thuot city

No	Items	Unit	Water treatment plant		Raw water pumping station		Booster pumping station		Transmission pipelines		Total	
			HH	Q/area	HH	Q/area	HH	Q/area	HH	Q/area	HH	Q/area
1	Fence	m	1	224	1	40	-	-			2	264
2	Wells	unit	1	1	-	-	2	2			3	3
3	Gardem shed	m2	1	48	-	-	1	12			2	60
4	Polyester pipe	m	1	368	1	6	-	-			2	374
5	Tree fence	m	1	48	-	-	1	66			2	114
6	Concrete pole	m3	0	-	-	276	1	7			1	283
7	Roofs	m2	0	0	-	0	-	0	15	382	15	-
8	Brick yards	m2	0	0	-	0	-	0	21	602	21	-

64. Besides of water treatment plant, raw water pumping station, booster pumping station, there will be 382 m2 of roofs owned by 15 households and 602 m2 of brick/cement yards affected by the installation of transmission pipelines and connections.

Table 4: Summary of structures – Three districts

No	Affected structures	Unit	Ea Kar		Buon Don		Krong Nang		Total	
			HH	Q/area	HH	Q/area	HH	Q/area	HH	Q/area
I	Permanent affected									
1	House class 4	m2	1	26	0	0	0	0	1	26
2	Kitchen	m2	1	25	0	0	0	0	1	25
3	Wells		1	1	0	0	0	0	1	1
II	Affected by transmission pipeline									
1	Roofs	m2	14	133	5	240	0	0	19	373
2	Brick yards	m2	23	415	5	362	0	0	28	777

C. Trees and plants impacts

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

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Table 5: Summary of trees and plants – Buon Ma Thuot city

No	Kind of trees	Unit	Water treatment plant		Raw water pumping station		Booster pumping station		Transmission pipeline		Total	
			HH	Q/area	HH	Q/area	HH	Q/area	HH	Q/area	HH	Q/area
1	Fruit trees	Tree	7	1,624	1	1	-	-	2	3	10	1,628
2	Industrial trees	Tree	7	2,315	1	5	2	276	32	526	42	3,122
3	Wood trees	Tree	5	173	-	-	-	-	2	4	7	177
4	Flower/decoration trees	Tree	1	32	-	-	-	-	3	4	4	36
5	Medicine trees	Tree	1	6	-	-	-	-		-	1	6
6	Grass	m2	0	-	1	316	-	-			1	316
7	Paddy	m2							5	2,150	5	2,150
8	Other trees	Tree	5	0	1	6	1				7	6
Total			26	4,150	4	328	3	276	44	2,687	77	7,441

66. There are 44 households having trees and crops affected by the transmission lines of Buon Ma Thuot city. These HH live along the raw water and transmission water mains. These trees are mainly for shade, and not for main income sources of the households. These trees are also temporary planted on the transportation corridor and public land and will be compensated following the project policy applied in this updated RP.

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

Table 6: Summary of trees and plants – Three districts

No	Type of plants	Unit	Ea Kar		Buon Don		Krong Nang		Total	
			No	Qty	No	Qty	No	Qty	No	Qty
I	Permanent affected		8	169	14	1,684	0	0	22	1,853
1	Fruit trees	Tree	2	65	3	191.0	Clean land to be rented by PPC for 50 years.		5	256.0
2	Industrial trees	Tree	3	85	4	148.0			7	233.0
3	Wood trees	Tree	3	19	1	14.0			4	33.0
4	Flower/decoration trees	Tree	0	0	1	120.0			1	120.0
5	Medicine trees	Tree	0	0	0	-			0	-
6	Grass, casava	m2	0	0	3	1,198.4			3	1,198.4
7	Other trees	Tree	0	0	2	13.0			2	13.0
II	Affected by transmission pipeline		4	16	6	43	0	0	10	59
1	Fruit trees	Tree			4	19.0	0	0	4	19.0
2	Industrial trees	Tree	2	12	0	-	0	0	2	12.0
3	Wood trees	Tree			1	22.0	0	0	1	22.0

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4	Decoration trees	Tree	2	4	1	2.0	0	0	3	6.0
Total			12	185	20	1,727	0	0	32	1,912

68. Apart from 12 HHs subject to lost of land (at the WTP sites) approximately 12 households will be affected by loss of crops and trees, most of there are 'short term' cultivation crops. These HH live along the raw water and transmission water mains.

D. Steps Taken to Minimize Adverse Impacts

69. To minimize resettlement impacts of the component in Dak Lak province, the following mitigation methods have been carried out:

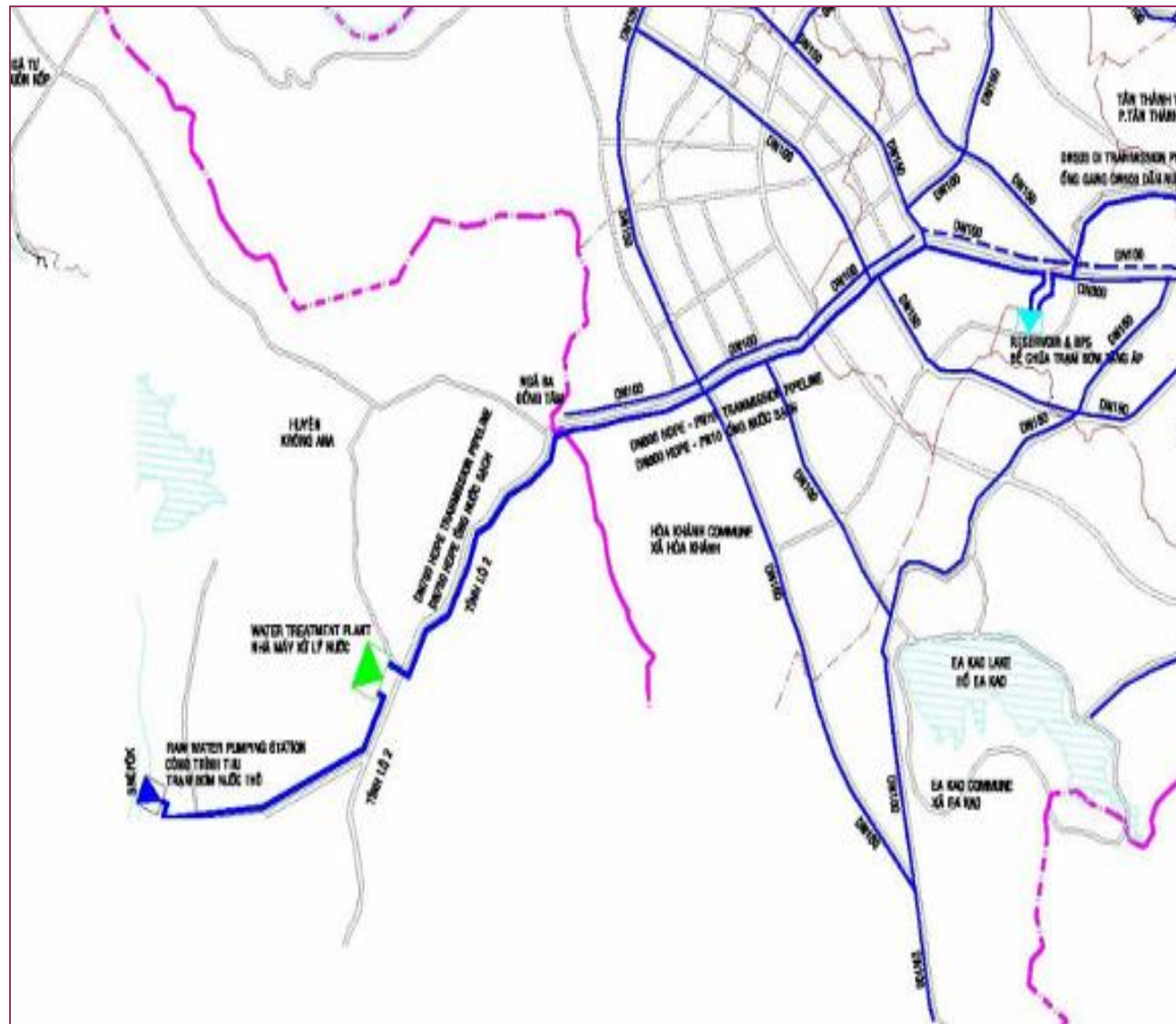
- The Project team (consultant and DAKWACO) conducted several public consultations with local relevant agencies and affected HH including BMT City ward and commune PCs and the WU, Ethnic minority committee and affected households and incorporated their views and suggestions in this RP; including:
 - (i) The design should minimize impacts to private land, production land of local inhabitants and give more priority on use of public land as much as possible;
 - (ii) The resettlement and compensation shall closely follow regulations and policies of Government of Viet Nam and ADB to make sure adequate and reasonable compensations and benefits are provided to affected people;
 - (iii) The compensation and allowances should be fully paid at replacement cost for assets and trees, crops existing on land without any deductions for salvageable materials or depreciation;
- The construction works will be carried out day by day. The site shall be restored to pre-project condition in the same day to minimize negative impacts during construction such as travel, life of the local people living along the pipelines.

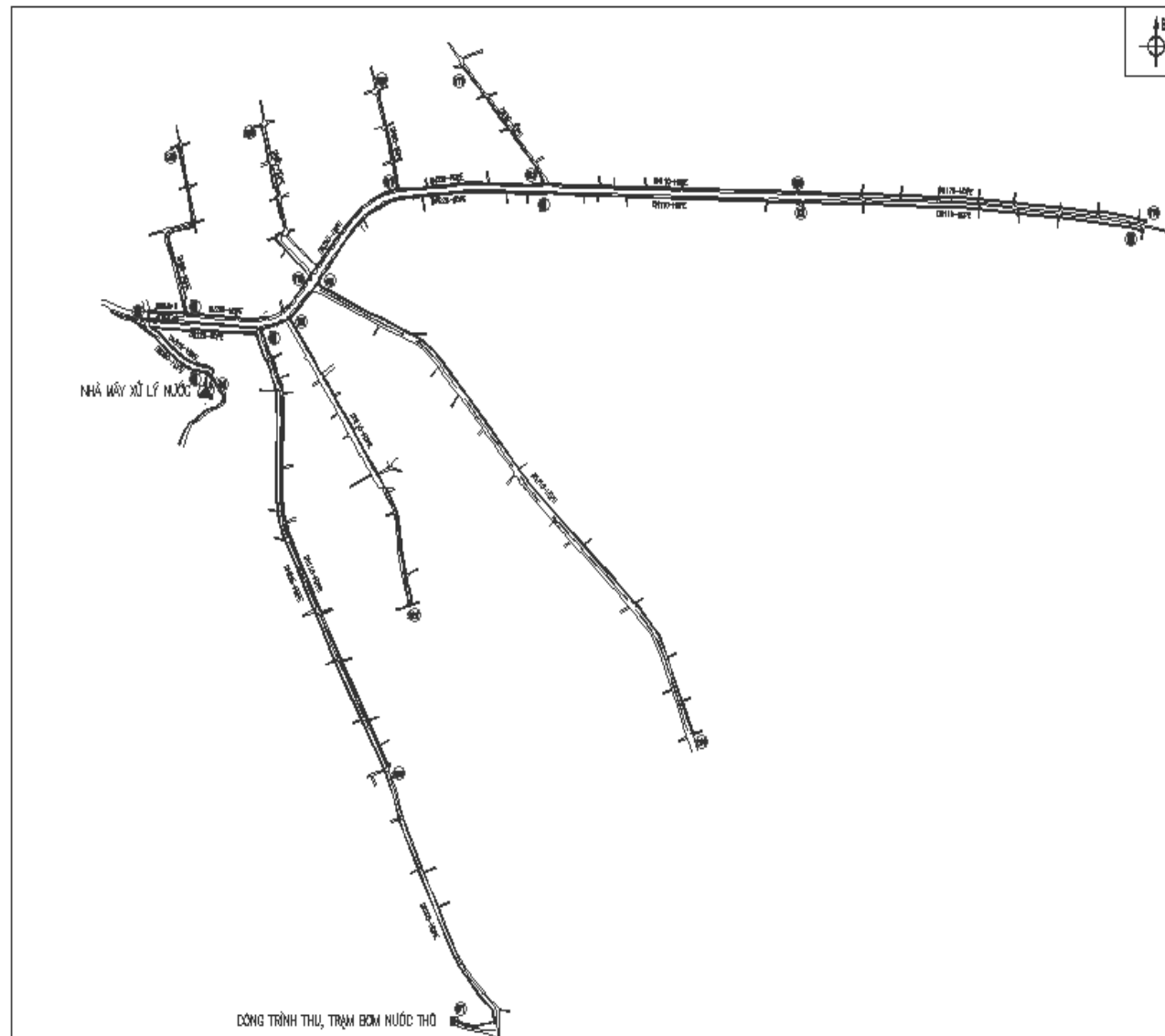
E. Loss of Businesses, Livelihood and Employment

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

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





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



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



IV. SOCIO-ECONOMIC INFORMATION

71. During the DMS survey of APs, a socio-economic survey (SES) of affected households was carried out to identify their socioeconomic characteristics. This serves as a base for identification of appropriate measures that could assist APs to at least recover their living standards and restore their sources and levels of income or productive capacity. The Census and DMS was carried out for all 26 affected households.

A. General

72. The household survey interviewed 26 affected households including 7 EM households at Krong Ana Dist, 1 at Buon Don and at 01 affected households at 3 district towns of Ea Kar, (1 affected household at each district town). The census was conducted by the PMU with representative from local People's Committee.

73. Finding from the survey shows that there are 09 people are over labor age (> 60 age), 62 working adults (16-60 age) and 49 children under 16 years old. All old people over labor age are living together with their children. Nobody is classified as vulnerable.)

74. All the household heads are married, while 01 household head is widower.

B. Employment

75. Among the 26 key members of the affected households (husbands and wives), 18 rely on farming and 8 are employed by the government. One also receives pensions or social assistance from the Government.

Table 7: Summary of affected people employment

No	City / town	Local agencies staff		Farming		Total	
		No	%	No	%	No	%
1	Buon Ma Thuot	3	23.1	10	76.9	13	100.0
2	Ea Kar	1	20.0	4	80.0	5	100.0
3	Buon Don	4	50.0	4	50.0	8	100.0
Total		8	30.8	18	69.2	26	100.0

Source: social economic survey, June 2017

C. Incomes

76. The main sources of income for the affected households are from coffee cultivation and wages. Two among three affected EM households in Ea Na commune, Krong Ana District and 01 affected households EM in Ea Kar are poor. The poverty line defined in this uRP is that households with per capita incomes of less than VND 900,000/person/month or have an average per capita income of from over VND 900,000 to VND 1,300,000/month but missing from 03 Indicators measure the extent of access to basic social services. (Decision No.59/2015/QD-TTg dated 19/11/2015 of the Prime Minister).

Table 8: Summary of incomes

Income group (VND/month)	% house holds		Average monthly expenses by group (million dong)by group (million dong)	
	No	%	No	%
> = 5 mil	5	19.2	3	11.5
4-4,99 mil	7	26.9	3	15.8
3-3,99 mil	5	19.2	4	15.4
2-2,99 mil	4	15.4	9	34.6
0.9-1,99 mil	2	7.7	5	19.2
< .09 mil	3	11.5	2	7.7
Total	26	100.0	26	100.0

Source: social economic survey, June 2017

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D. Education

77. 100% of household's heads have had opportunity to go to the school. All they know to read and write. 6 people have finished high school, occupying about 23.1%. 8 people finished secondary school, about 30.8%. 9 people finished primary school, about 34.6%. There are 3 people not finished primary school, about 11.5%.

78. There are 120 family members, of which 27 people (22.5%) finished high school; 32 people (26.7%) finished secondary school; and 38 people (31.7%) finished primary school. 9 people are not finished primary school, about 11.7% .

Table 9: Summary of affected persons education

Education	Household heads		Family members	
	No	%	No	%
High school	6	23.1	27	22.5
Secondary school	8	30.8	32	26.7
Primary school	9	34.6	38	31.7
Lower education	3	11.5	14	11.7
Children	0	0.0	9	7.5
Total	26	100.0	120	100.0

E. Access to Public Services

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

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

F. Household Assets

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

G. Gender and Vulnerability Issues

Vulnerability

82. Among 26 affected households, 7 households are belong to vulnerable group and ethnic minority groups, of which 6 households are Ede ethnic minority and 01 household is Tay. Among 7 vulnerable households, 3 households are both ethnic minority and poor people, and one is female headed household.

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

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

Gender Strategy

85. A Gender Action Plan (GAP) has been prepared for the Project.

86. The project gender strategy includes specific activities to ensure Project benefits for women, to be applied given the actual sub-project impacts:

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

V. CONSULTATION, PARTICIPATION AND DISCLOSURE

A. Objectives of Information Disclosure and Public Consultation

87. In compliance with GOV's Land Law 2013 (Article 48, Article 67, and Article 69), SPS (2009) and ADB's Public Communication Policy: Disclosure and Exchange of Information (2011), the DAKWOCO promotes the active participation of the Project-based stakeholders. They have been identified during the series of disclosures and public consultations at commune and village levels, involving stakeholders such as the District level CARBs, CPCs, mass organizations, non-AP residents, and the APs.

88. ADB Safeguards Policy Statement (SPS 2009) requires that in line with ADB's Public Communications Policy, ADB is committed to working with the borrower/client to ensure that relevant information (whether positive or negative) about social and environmental safeguard issues is made available in a timely manner, in an accessible place, and in a form and language(s) understandable to affected people and to other stakeholders, including the general public, so they can provide meaningful inputs into project design and implementation. The disclosure of information, with the consultation and participation of all APs and relevant stakeholders, will minimize the risk of disputes and Project delay. This also facilitates the Project to design resettlement and rehabilitation program as a comprehensive development program that meets the needs, preferences and social benefits of the project investment.

89. Public consultation is of a significant importance, respecting to the disadvantaged, the vulnerable and especially to people living under poor levels. The consultation shall:

- ☐ start early and throughout the project cycle, including stages of project preparation, implementation and monitoring;
- ☐ provide timely, relevant and necessary information which is easily understandable and accessible to affected persons;
- ☐ be done voluntarily;
- ☐ tailor the needs of disadvantaged and vulnerable groups;

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- ☐ allow the integration of all relevant opinions of affected persons and other stakeholders into the decision-making process, such as project design, mitigation measures, sharing of benefits and changes that the project brings.
90. The objectives of public information and consultation program with the APs are:
- ☐ to ensure that local authorities as well as all APs will be presented in the planning and decision making process. DAKWACO will keep the dialogue with the PPCs and DPCs during the process of the project implementation. The participation of APs will be continued later by means of requesting districts to invite their representatives to the resettlement activities (asset valuation, compensation, resettlement and supervision);
 - ☐ to fully share information about the components and operation of the Project with APs in order that this process will be transparent;
 - ☐ to collect information on the needs and priorities of all APs as well as information about their reactions to proposed policies and activities;
 - ☐ to ensure that all APs are fully informed about the decisions that will affect their income and living standards, and that they will have the opportunity to participate in the activities and decision making on the issues that will directly affect them. Inform APs regarding entitlements, grievance redress arrangements, consultation and communication arrangements as well as resettlement plan preparation and implementation arrangements;
 - ☐ to get the cooperation and participation of all APs and communities on activities necessary for the development and implementation of the resettlement plan in a bottom-up manner;
 - ☐ to ensure the transparency in all activities related to land acquisition, resettlement and rehabilitation.

B. Staging consultation and participation measures

91. The consultation with communities in the affected communes is an important activity in the project. With the above objectives, the DAKWACO will carry out the participatory consultations in every stage of the Subproject cycle relevant to the requirements in the RP in which activities are summarized in the table below.

Table 10. Participatory Consultation in the Project Cycle

Stages	Activities and Target Participants	Responsibility
Project Preparation	Meet to discuss with the city, district, commune, and village officials, Project Management Board (PMB), and project-based stakeholders about the Project TA, the safeguard policies, and the activities of the consultants.	DAKWACO and Consultants
Pre-Feasibility /Feasibility Study and Drafting of Technical Design	Conduct census of the DPs, IOL, social impact assessment of DPs, and replacement cost study (RCS)	Consultants, assisted by commune/village officials
	Discuss the proposed Project resettlement policy with DAKWACO and DPs and solicit their feedbacks.	Consultants
	Disclosure of the results of IOL to DPs and discuss the proposed minimization of impacts and solicit their suggestions and/or comments thereon, including relocation options if needed.	DAKWACO and Consultants, assisted by commune/village officials

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	<p>Drafting of the RP and its capsulized summary in leaflet form for submission to DAKWACO for review and endorsement to ADB for approval.</p> <p>Distribution of information leaflets to DPs, posting of summary RP at district and commune offices.</p> <p>Posting the RP on the ADB website</p>	<p>officials</p> <p>Consultants</p> <p>DAKWACO</p> <p>ADB</p>
<p>Project Implementation</p> <p>Finalization of Technical Design</p>	<p>Briefing of the respective compensation and resettlement committees in the province, districts and communes, conduct of centerline survey and demarcation of ROW boundaries, and detailed design by the PICs.</p> <p>Conducting Detailed Measurement Survey (DMS) with participation of DPs, updating unit costs (as necessary)</p> <p>Meeting with DPs to discuss and consult the results of DMS, the Project resettlement policy, entitlements and relocation options</p> <p>Updating/revision of the RP and its capsulized summary in leaflet form.</p> <p>Submission of the updated RP and project information leaflet to DAKWACO for review and endorsement to ADB for approval.</p> <p>Distribution of the updated information leaflets to DPs, posting of summary updated RP at district and commune offices.</p> <p>Implementation of Updated RP.</p> <p>Internal monitoring of RP implementation.</p>	<p>DAKWACO and Consultants</p> <p>Consultants assisted by commune/village officials</p> <p>DAKWACO and Consultants, assisted by commune/village officials</p> <p>Consultants</p> <p>DAKWACO and Consultants</p> <p>DAKWACO and Consultants</p>
<p>Post Project Implementation</p> <p>Appraisal of Project social safeguards objectives</p>	<p>Overall review of the Project completion performance and conduct interviews with the DAKWACO, selected project-based stakeholders and the DPs if the Project social safeguards objectives have been met.</p>	<p>DAKWACO and Consultants</p>

C. Information Disclosure and Public Consultation

1. Information Disclosure and Public Consultation during Updated RP Preparation

92. During the updated RP preparation, the public meetings and consultations were held in June 2017 with project-based stakeholders, 136 people including 77 men (56.6%) and 59 women (43.4%), from communes of Buon Ma Thuot City, Buon Don, Ea kar, Krong Nang Districts of Dak Lak Province. They were given the Vietnamese version of Project Information Booklet (PIB). The topics discussed in the public meetings and consultations were: (i) general information of the Project, its location, routes and features; (ii) list of project affected districts, communes and the scale of possible land acquisition for the Project substation and transmission lines; (iii) objectives and principles of RP according to the requirements of the GOV and Safeguard Requirements 2 (SR2) of the 2009 Safeguard Policy Statement (SPS) of ADB; (iv) schedules of DMS and SES; (v) livelihood restoration program; (vi) compensation and relocation options; (vii) issues on gender and vulnerable

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groups; and (viii) mechanisms of APs participation, grievance redress, monitoring and evaluation in all phases of RP preparation, updating and implementation.

93. Representatives of mass organizations in each of the Project communes have also attended the meetings and consultations, such as Vietnam Women's Union, Fatherland Front and Vietnam Farmers' Union. Focus groups discussions, key informant interviews and HHs socio-economic survey were also conducted.

Table 11. Dates of Public Meetings and Consultations

No.	Districts and Commune	Date of meetings	Number of Participants		
			Male	Female	Total
1	Ea Tam Commune	March 13, 2017	7	3	10
2	Khanh Xuan Ward	June 12, 2017	7	9	16
3	Ea Kao Commune	June 17, 2017	13	12	25
4	Hoa Khanh Commune	June 14, 2017	16	11	27
5	Krong Nang Town	June 09, 2017	9	4	13
6	Ea Kar District	June 16, 2017	12	9	21
7	Buon Don District	June 15, 2017	8	9	17
8	Ea Na Commune	June 07, 2017	4	3	7
Total			77	59	136

94. Results of the public consultations are summarized in the table below:

Table 12. Highlights of Public Consultations

Commune/Ward	Content of consultations	Summary of Public Consultations
1. Ea Tam Commune	<ul style="list-style-type: none"> - General information of the project (scope, location, funding source, etc). - Project impacts on land, assets, structures, trees and crops; and other potential impacts. - Resettlement policies, measures to minimize land acquisition and assets on land. - Compensation and allowance policy of the project. - Implementation schedule (compensation, allowances, relocation, income restoration programs, and construction, etc). - Grievance redress mechanism. 	<ul style="list-style-type: none"> - People agreed with the policy and scale of the Project; - The Project only affected agricultural land for annual crops and perennial crops of the households such as coffee and pepper. No household was largely affected; - When implementing the Project, the Project Owner must compensate and provide support in accordance with the laws and the Project's regulation. - No households have to resettle; - Compensation, support timely and adequately for APs.
2. Khanh Xuan Ward	<ul style="list-style-type: none"> - General information of the project (scope, location, funding source, etc). - Project impacts on land, assets, structures, trees and crops; and other potential impacts. - Resettlement policies, measures to minimize land acquisition and assets on land. - Compensation and allowance policy of the project. 	<ul style="list-style-type: none"> - Agree with the project implementation policy; - The Project caused small impact on land and assets of people because most of the pipelines are on the traffic corridor; - Compensation and support for APs are requested on time; - Compensation under market prices at the compensation period; - Compensation, support in accordance with the law.

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	<ul style="list-style-type: none"> - Implementation schedule (compensation, allowances, relocation, income restoration programs, and construction, etc). - Grievance redress mechanism 	<ul style="list-style-type: none"> - Compensation, support in accordance with the law. - When there are complaints and questions, there must be fully, clear answers and explanations and timely resolution.
3. Ea Kao Commune	<ul style="list-style-type: none"> - General information of the project (scope, location, funding source, etc). - Project impacts on land, assets, structures, trees and crops; and other potential impacts. - Resettlement policies, measures to minimize land acquisition and assets on land. - Compensation and allowance policy of the project. - Implementation schedule (compensation, allowances, relocation, income restoration programs, and construction, etc). - Grievance redress mechanism 	<ul style="list-style-type: none"> - The pipelines travel on the corridor of roads, the affection on property and trees are not significant; - Adequate compensation, support to enable affected people to receive appropriate and practical support; - Compensation at market prices and comply with the law on compensation and support; - Prior notification of compensation, support plans to the people.
4. Hoa Khanh Commune	<ul style="list-style-type: none"> - General information of the project (scope, location, funding source, etc). - Project impacts on land, assets, structures, trees and crops; and other potential impacts. - Resettlement policies, measures to minimize land acquisition and assets on land. - Compensation and allowance policy of the project. - Implementation schedule (compensation, allowances, relocation, income restoration programs, and construction, etc). - Grievance redress mechanism 	<ul style="list-style-type: none"> - Agree with the project implementation policy; - The pipelines travel in the corridor of roads which do not significantly affect property and trees; - Propose appropriate compensation at market prices and the project policies while complying with the laws of Vietnam; - Prior information on compensation options is required; - When there are complaints, they must be resolved promptly, transparently.
5. Krong Nang District	<ul style="list-style-type: none"> - General information of the project (scope, location, funding source, etc). - Project impacts on land, assets, structures, trees and crops; and other potential impacts. - Resettlement policies, measures to minimize land acquisition and assets on land. - Compensation and allowance policy of the project. - Implementation schedule (compensation, allowances, relocation, income restoration programs, and construction, etc). - Grievance redress mechanism 	<ul style="list-style-type: none"> - Agree with the project implementation policy; - The Project only affected agricultural land for annual crops and perennial crops of the households such as coffee and pepper. No household was largely affected; - Prior information on compensation options is required; - When there are complaints, they must be resolved promptly, transparently.

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6. Ea Kar District	<ul style="list-style-type: none"> - General information of the project (scope, location, funding source, etc). - Project impacts on land, assets, structures, trees and crops; and other potential impacts. - Resettlement policies, measures to minimize land acquisition and assets on land. - Compensation and allowance policy of the project. - Implementation schedule (compensation, allowances, relocation, income restoration programs, and construction, etc). - Grievance redress mechanism 	<ul style="list-style-type: none"> -- People agreed with the policy and scale of the Project; - Allowance for individual relocation: affected HHs prefer to receive cash and relocate themselves. - The Project only affected agricultural land for annual crops and perennial crops of the households such as coffee and pepper. - Compensation, support timely and adequately for APs. - Compensation at market prices and comply with the law on compensation and support; - AHHs requested to implement the income restoration program ASAP. - When there are complaints and questions, there must be fully, clear answers and explanations and timely resolution.
7. Buon Don District	<ul style="list-style-type: none"> - General information of the project (scope, location, funding source, etc). - Project impacts on land, assets, structures, trees and crops; and other potential impacts. - Resettlement policies, measures to minimize land acquisition and assets on land. - Compensation and allowance policy of the project. - Implementation schedule (compensation, allowances, relocation, income restoration programs, and construction, etc). - Grievance redress mechanism 	<ul style="list-style-type: none"> - Agree with the project implementation policy; - The pipelines travel on the corridor of roads, the affection on property and trees are not significant; - Adequate compensation, support to enable affected people to receive appropriate and practical support; - Compensation at market prices and comply with the law on compensation and support;
Ea Na Commune	<ul style="list-style-type: none"> - General information of the project (scope, location, funding source, etc). - Project impacts on land, assets, structures, trees and crops; and other potential impacts. - Resettlement policies, measures to minimize land acquisition and assets on land. - Compensation and allowance policy of the project. - Implementation schedule (compensation, allowances, relocation, income restoration programs, and construction, etc). - Grievance redress mechanism 	<ul style="list-style-type: none"> - Allowance for individual relocation: affected HHs prefer to receive cash and relocate themselves. - The Project only affected agricultural land for annual crops and perennial crops of the households such as coffee and pepper. - The pipelines travel on the corridor of roads, the affection on property and trees are not significant; - Adequate compensation, support to enable affected people to receive appropriate and practical support - When there are complaints and questions, there must be fully, clear answers and explanations and timely resolution.

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95. Feedbacks from the affected households included the followings: (i) there should be appropriate solutions to the remaining and unviable productive land areas; (ii) Compensation rates of the project; and (iii) What is the schedule of project implementation?

96. The DAKWACO has received feedback from affected households and responded to the aforementioned concerns by explaining relevant provisions, such as the 2013 Land Law, Decree No. 47/2014/ND-CP, and Decision No. 39/2014/QD-UBND by Dak Lak Province, of the project resettlement policy, particularly on compensation and the need to minimize adverse social impacts and explaining the environmental management plan of the project. For remaining area of agricultural land, the project will acquire if area is less than 50 square meters. The project will have a check for land acquisition and compensation will be paid to the people who have area of land is more than 50 square meters but difficult for cultivation due to limited access to irrigation system and transportation roads.

97. The Project has committed to provide adequate compensation and assistances per the project policy and regulations of the Dak Lak CPC.. The DAKWACO pointed out that the project is committed to help the affected households and ensure that their living standards are not worsen off. After being explained about the basis for compensation and assistance rates, the affected households have agreed and reached consensus on the compensation and assistance per the draft compensation plans.

2. Information Dissemination before ADB Approval of RP

98. Before submitting to ADB for approval, uRP has been publicized in public places. The contents of uRP are discussed with the consent of the APs. Project information leaflets were prepared and distributed to affected households, in which the contents include: (i) a brief overview of the project, especially the main items to be performed and size of land acquisition; (ii) impacts on land and assets on land; (iii) the rights over the affected land and assets; (iv) detailed implementation plan for assistance, resettlement and compensation payments; (v) mechanisms for grievance redress; and (vi) the contact list of the staff of the implementing agencies and local authorities to ensure that complaints are resolved in a timely and satisfactory manner.

99. Besides project information leaflets, policies related to land acquisition, compensation, assistance and resettlement is disseminating to people to engage in public consultation meetings, copy these documents are listed in office of the CPCs and the village chief.

D. Public Consultations during project implementation

100. In the process of updating RP, consultant agency has consulted DPCs, DCARBs, and CPCs in the project area. Public consultation with affected people through community meetings, focus group discussions and interviews the household by questionnaire will be conducted during the implementation of the RP.

101. Project information leaflet is prepared and distributed to those affected. The main content is disseminated to those affected include: (i) describe the general information of the project; (ii) potential project impacts; (iii) resettlement principles; (iv) entitlements and other assistances of affected people; (v) the grievance redress mechanism; and (vi) contacts of relevant people responsible of DAKWACO and local authorities. The leaflet publicized at the CPC office and delivered to affected people;

102. Copies of the resettlement plan in Vietnamese will be sent to the compensation and site clearance committee, and are publicized at the office and at home CPC village chief.

103. Grievance redress mechanism of the project has been established in this updated RP and disclosed to all affected households and stakeholders. This mechanism has been presented in Item VI of this updated RP.

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E. Public consultation and participation in implementation and monitoring of uRP

104. The general principle of the project, as mentioned above is to ensure participation of all affected people and local community in all activities and all phases of the project. Affected households and communities can participate in the following activities:

- Public consultation in the hamlet on detailed design of the project;
- The public consultation meetings in hamlets on the impact of the project; compensation policies, assistance and resettlement, detailed implementation plans for resettlement activities and grievance redress procedure;
- Detailed inventory of affected assets of APs;
- Replacement cost survey on affected land and assets;
- Implementation of the income restoration measures to improve the livelihoods;
- Preparation and implementation and monitoring of uRP.

VI. GRIEVANCE REDRESS MECHANISM

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

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

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

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

- **Stage 1:** Complaints from APs on any aspect of compensation, relocation or unaddressed losses are first of all lodged verbally or in written form with the Ward/Commune People's Committee (WPC). The complaint will be discussed in an informal meeting with the AP and the CPC. It will be the responsibility of the CPC to resolve the issue within 15 days from the date the complaint is received.
- **Stage 2:** If no understanding or amicable solution can be reached or if no response is received from the WPC within 15 days of registering the complaint, the AP can appeal

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to the District People's Committee (DPC) in the presence of the District Resettlement Committee (DRC). The AP must lodge the complaint within 30 days of registering the original complaint and must produce documents that support his/her claim. The DPC will provide a decision within 1 *month* of receiving the Appeal.

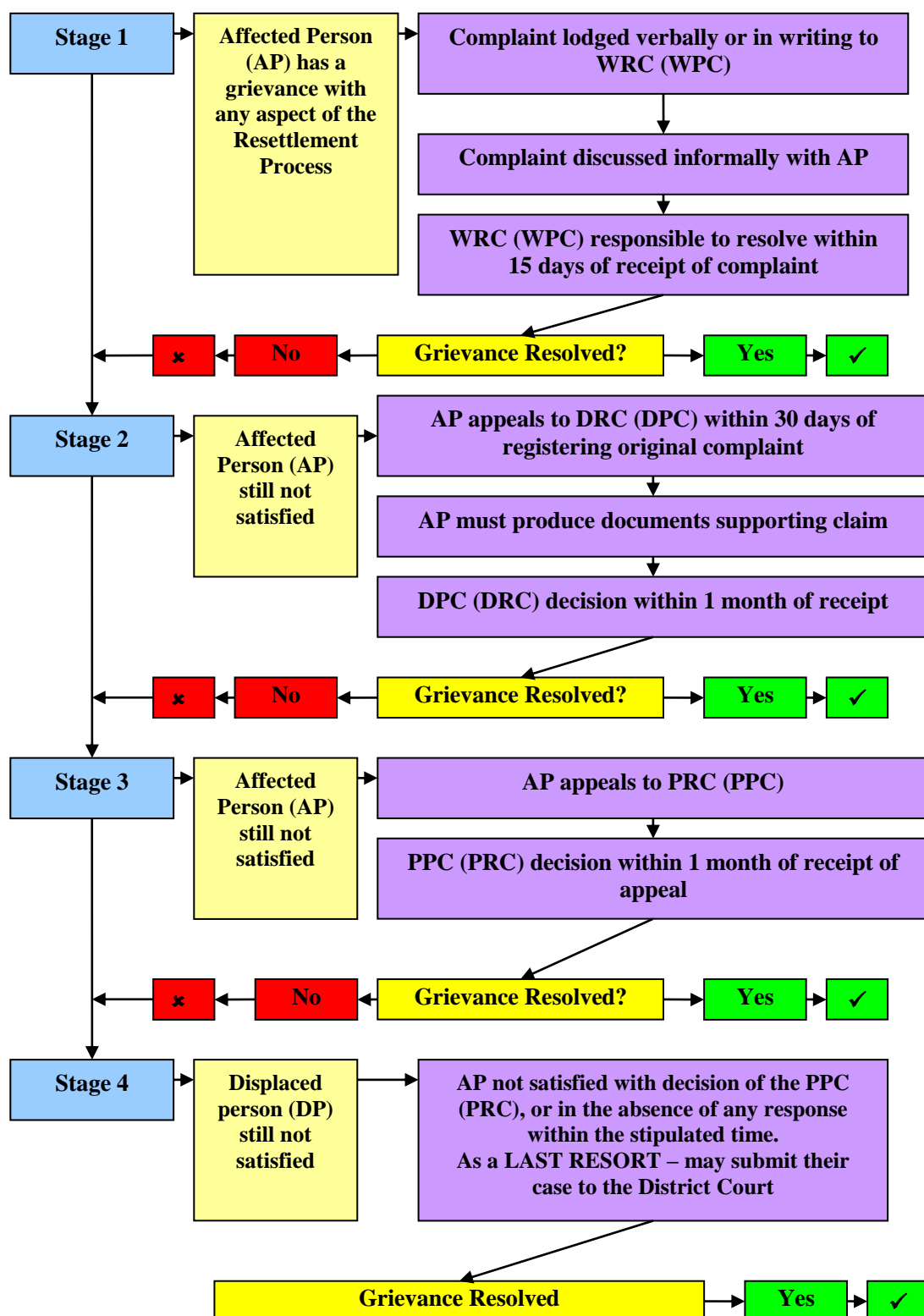
- **Stage 3:** If the AP is not satisfied with the decision of the DPC or in the absence of any response, the AP can appeal to the Provincial People's Committee (PPC). The PPC will provide a *decision* on the Appeal within 30 days from the day it is received by the PPC.
- **Stage 4:** If the AP is still not satisfied with the decision of the PPC on Appeal, or in the absence of any response within the stipulated time, the AP as a last resort may submit his/her case to the District Court. Beyond this the AP may lodge their complaint to the ADB Operations Department or the Office of the Special Project Facilitator (OSPF) as detailed above as *per* ADB Policy.

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

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

111. DAKWACO and the Buon Ma Thuot CPC will be responsible for ensuring that the grievance redress procedures and timeframes are explained clearly to each level of People's Committees.

Figure 5: Grievance Resolution Process



VII. LEGAL FRAMEWORK

A. Relevant Vietnamese Legislation.

112. The legal and policy framework for compensation, resettlement and rehabilitation applied for this subproject are defined by current laws, decrees and related legal documents of the Government of Vietnam and ADB SPS (2009) policies on Involuntary Resettlement. In the event of any discrepancy between the laws and regulations of the Government and the procedures and policies of the ADB on involuntary resettlement, the policies and requirements of the ADB shall be complied with. This is entirely consistent with the Government's Decree No.38/2013/ND-CP dated 13/4/2013 on the management and use of official development assistance (ODA) and preferential loans from donors. This is the basic principle stated in Decree No.38/2013/ND-CP, Article 46 regarding the compensation, support and resettlement: "The compensation, support and resettlement of programs and Projects shall comply with the provisions of the current laws and international treaties on ODA and concessional loans the Socialist Republic of Vietnam is a member. In case of differences between the provisions of the domestic laws with the international treaties, the international treaties shall be applied". Ordinance No.34/2007/PL-UBTVQH11 of the National Assembly dated 20/4/2007 on the democracy implementation in communes, wards and towns regulating the public information on "Projects, works and investment priorities, implementation schedule, compensation, support and resettlement plan for land clearance related to such Projects and works in communes, wards and towns".

Relevant Vietnamese Legislation

113. The current legal documents required by law for land acquisition, compensation, support and resettlement of the Government of Vietnam are as follows:

- Land Law No.45/2013/QH13 dated November 29, 2013 of the National Assembly of the Socialist Republic of Vietnam, replacing Land Law 2003;
- Decree No.43/2014/ND-CP dated May 15, 2014 of the Government, detailing the implementation of some provisions of Land Law 2013;
- Decree No.44/2014/ND-CP dated May 15, 2014 of the Government on evaluating land prices;
- Decree No.45/2014/ND-CP dated May 15, 2014 of the Government, regulating the collection of land-use lease;
- Decree No.47/2014/ND-CP dated May 15, 2014 of the Government on compensation, support and resettlement when the State acquires land, replacing Decree 197/2004/ND-CP and Decree 69/2009/ND-CP;
- Decree No.104/2014/ND-CP dated November 14, 2014 of the Government on land price frame;
- Circular No.36/2014/TT-BTNMT dated June 30, 2014, detailing the land valuation method; building and adjustment of specific land prices and consultation for land-price valuation;
- Circular No.37/2014/TT-BTNMT dated June 30, 2014, detailing regulations on compensation, support and resettlement when the State acquires land;
- Decree No.42/2012/ND-CP dated 11/5/2012 on the management of paddy land use;
- Decree 11/2010/ND-CP, dated on 24 Feb 2010 on management and protection of road, and Decree 100/2013/ND-CP amending Decree 11/2010/ND-CP.
- Decree No.38/2013/ND-CP, on the management and use of official development assistance (ODA) and preferential loans from donors;

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- Ordinance No.34/2007//PL-UBTVQH dated 20/4/2007 of the National Assembly Standing Committee on the implementation of democracy in communes, wards and towns;
- Law on Complaints No.02/2011/QH1 dated November 11, 2011 of the National Assembly of the Socialist Republic of Vietnam;
- Law on Denunciation No.03/2011/QH13 dated November 11, 2011 of the National Assembly of the Socialist Republic of Vietnam;
- Decree No.75/2012/ND-CP dated October 3, 2012, detailing the execution of some articles of the Law on Complaints;
- Decree No.76/2012/ND-CP dated October 3, 2012 detailing the execution of some articles of the Law on Denunciation.

114. The provisions relating to public disclosure of Land Law 45/20013/QH13, Clause 1, Article 67 requires disclosure of information for affected persons "Before issuing a decision on land recovery, at least 90 days prior to the recovery of agricultural land or 180 days prior to the recovery of non-agricultural land, competent state agencies shall notify the land users of the land recovery. The contents to be notified include land recovery, investigation, survey, measurement and inventory plans".

115. The provisions concerning conservation of cultural property are: The Law on Heritage dated June 29, 2001 and the Law on amending and supplementing a number of articles of the Law on Cultural Heritage dated June 18, 2009; Decree No.98/2010/ND-CP dated September 21, 2010, detailing the implementation of some articles of the Law on Cultural Heritage and the Law amending and supplementing a number of articles of the Law on Cultural Heritage.

Dak Lak province Decisions on land acquisition, compensation and resettlement in the province

116. In addition to the legal documents of the Government of Vietnam, Dak Lak province has issued legal documents, guiding the application of the Government's provisions and implementation of land acquisition, compensation and resettlement in Dak Lak province. The following decisions provide the provisions for compensation, support and resettlement when the Government acquires land in the province:

- Decision No.39/2014/QD-UBND dated November 10, 2014 of the People's Committee of Dak Lak province that provides regulations on compensation, support and resettlement when the State recovers land in Dak Lak province;
- Decision No.29/2015/QD-UBND dated September 18, 2015 of the People's Committee of Dak Lak province that promulgates regulations on unit prices for building houses, structures, works, assets on land to make restitution when the State acquires land in Dak Lak province;
- Decision No.142017/QD-UBND dated March 023, 2017 of the People's Committee of Dak Lak province that issues regulations on the unit prices of crops and trees; when the State recovers land in Dak Lak province;
- Decision No.43/2014/QD-UBND dated December 22, 2014 of the People's Committee of Dak Lak province, promulgating regulations on land prices, land price tariff for period 2014 in Dak Lak province;

B. ADB social Safeguards Policy and Requirements

117. The ADB Safeguard Policy Statement (SPS) of 2009 consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment.³

³ The policy on environment is discussed in a separate environment report.

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The objectives of the IR policy are to (i) avoid involuntary resettlement where possible, (ii) to minimize involuntary resettlement by exploring Project and design alternatives, (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-Project levels and (iv) improve living standards of poor and vulnerable households. The IP policy objectives are to (i) design and implement Projects that fosters full respect for IP's identity, dignity, human rights, livelihoods systems, and cultural uniqueness as defined by the IP themselves and (ii) ensure that IPs receive culturally appropriate social and economic benefits, do not suffer adverse impacts as a result of Projects, and can participate actively in Projects that affect them.

118. The involuntary resettlement requirements apply to full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) resulting from (a) involuntary acquisition of land, or (b) involuntary restrictions on land use or on access to legally designated parks and protected areas. Resettlement is considered involuntary when displaced individuals or communities do not have the right to refuse land acquisition that results to displacement. This occurs in cases where (i) lands are acquired through expropriation based on eminent domain; and (ii) lands are acquired through negotiated settlements, if expropriation process would have resulted upon the failure of negotiation.

119. Projects financed by ADB, including associated facilities that are financed by the government or other sources, are expected to observe the following policy principles:

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

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- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- 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.
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose both the draft and final resettlement plan in a form and language understandable to displaced persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development Project or programme. 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.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout Project implementation.
- 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.

120. Calculation of full replacement cost will be based on the following elements: (i) current market value at the time of compensation, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable payments, if any. In the calculation, depreciation of structures or deduction for use of salvageable materials will not be taken into account. It is expected that qualified and experienced experts will undertake the valuation of acquired assets.

121. Persons or households without formal legal rights nor recognized or recognizable claims to the acquired land are still entitled to compensation for their loss of assets other than land if they have been created before the cut-off date, and resettlement assistance.

122. The ADB Policy on Gender and Development (2006) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in, and that their needs are explicitly addressed in the decision-making process for, development activities. The new safeguard policy also reiterates the importance of including gender issues in the preparation of safeguards documents at all stages to ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights and restoration/improvement of their living standards; and to ensure that women will receive Project benefits. Other policies of the ADB that have bearing on resettlement planning and implementation are the (i) Public Communications Policy (2011), and (ii) Accountability Mechanism (2012).

C. Reconciliation of Government and ADB Policy on Resettlement

123. The resettlement and compensation policies for the Project are to be in accordance with ADB requirements and laws of the Government of the Socialist Republic of Vietnam. Under the ADB policy, it is a condition of funding that the Bank's requirements are met in relation to resettlement, compensation and rehabilitation to all APs as defined in the ADB SPS 2009 on Involuntary Resettlement.

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124. With the promulgation of Land Law 2013 and the guiding documents, including Decree No.43/2014/ND-CP, Decree No.44/2014/ND-CP, Decree No.47/2014/ND-CP which are directly related to the land acquisition, compensation, support and resettlement, the policy of the Government of Vietnam has become more consistent with the ADB's policy statement on involuntary resettlement (SPS 2009). However, there are some differences between the Government's policies and the ADB's policy on involuntary resettlement.

125. Decree No.43/2014/ND-CP: This decree provides common rules on the matters relating to granting of land-use right certificates (LURC) and land-use issues such as land quota, conditions for the transfer of land-use rights, administrative procedures related to land use (LURC, land recovery and requisition, land dispute settlement...).

126. Decree No.44/2014/ND-CP on land prices. This Decree prescribes the valuation method for land price; building and adjustment of land price frame; specific land valuation and consulting activities for determining prices. Under the provisions of this decree, when the common land prices in the market increase 20% or more compared with the maximum land prices or reduces 20% or more compared with the minimum land prices in the land price frame for the period of 180 days or more, the provincial People's Committee will have to adjust the land prices.

127. Land Law 2013, Decree No.47 and Circular No.37 are the main legal instruments that give guidance and regulations on the rights and entitlements to the compensation, support and resettlement when the State recovers land. Under the provisions of Decree No.47/2014/ND-CP, when the State recovers land, if users do not have papers on land-use rights stipulated in Clause 1, 2 and 3 of Article 100 of the Land Law and Article 18 of Decree No.43/2014/ND-CP but are eligible to the issuance of certificates of land-use rights, ownerships of houses and other assets attached to land, they shall be compensated for land.

128. The differences between the Government's laws and decrees and the ADB's policy on resettlement and compensation and how to solve these differences for this subproject are presented in the table below.

Table 13: Gaps between National Laws and ADB Policies and Gap Filling Measures

	Land Law 2013, Decree 47/2014/ND-CP, Decree 44/2009/ND-CP	ADB SPS 2009	Project Policy
Criteria of severe AHs	Decree 47/2014/ND-CP, Article 19, Item 3: APs losing 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures.	The involuntary resettlement impacts of an ADB-supported Project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	Losing 10% or more of the household's productive assets and/or relocation shall be considered as the threshold of severely affected HHs

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APs without LURC	Land Law 2013, Article 77, item 2 and article 92: Persons who has used land before 1st July 2004 and directly be involved in agriculture production on the acquired land without LURC or illegalizable will be compensated for the acquired land area but not exceed quota of agricultural land allocation. But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, clause 1, article 64 and items b, d, clause 1, article 65 of the Land Law 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	Those APs without legal title to land will be included in consultations. Ensure that APs without titles to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets created before cut-off date at replacement costs, including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	Project affected people, without legal or recognizable legal claims to land acquired, will be equally entitled to participation in consultations and Project benefit schemes where possible, and be compensated for their losses of non-land assets at replacement costs, such as dwellings and structures created before cut-off date. They will be entitled to resettlement assistance and social support to assist them to improve or at least restore their pre-Project living standards and income levels.
Compensation for structures	Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost. Decree 47, article 9: other houses/structures will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure.	Rate of compensation for affected houses/structures and other assets will be calculated at full replacement costs without any deductions for salvageable materials or depreciation, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.	Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) prevailing market value at the time of compensation, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments
Monitoring	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting. In case of significant or sensitive impacts, an external monitoring organization is required to conduct monitoring on RP and EMDP implementation	The EA must undertake internal monitoring according to the critical indicators. Since anticipated negative impacts of the Project are minor, there is no need to recruit an external monitoring organization.

D. Principles of Replacement Cost

129. 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:

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- 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.

VIII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Principles on Compensation, Assistance and Resettlement

130. In order to harmonize the above-mentioned gaps between the regulations of GoV and ADB's SPS 2009, the Article 87 of the Land Law 2013 requires that *"For projects using loans from international or foreign organizations for which Vietnam has committed to a policy framework for compensation, support and resettlement, that framework policy shall apply"*. The regulations of the Project in this RP are based on the approved Resettlement Policy Framework of the project. Details are as follows:

- Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options.
- Compensation and assistance will be based on the principle of replacement cost at the time of implementation.
- Severely affected household is considered when they are losing 10% or more of the household's assets shall be considered as threshold.
- Displaced persons without title or any recognizable legal rights to land are eligible for compensation for non-land assets at replacement cost and resettlement assistance.
- Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to displaced persons.
- Meaningful consultation will be carried out with the affected persons and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the affected persons and communities will be taken into account.
- The resettlement plan will be disclosed to affected persons in a form and language(s) understandable to them.
- Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- Resettlement transition stage should be minimized. Restoration measures will be provided to displaced persons before the expected starting date of construction in the specific location.

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- Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the provinces.
- Independent assessment of the duration and results of the land recovery should be carried out.
- The DAKWOCO will not issue notice of proceed to contractors until the DAKWOCO are officially confirmed in writing with ADB that (i) payment has been fully disbursed to the displaced persons and rehabilitation measures are in place; (ii) already-compensated, assisted displaced persons have handed over the affected area in a timely manner; and (iii) the area is free from any encumbrances.

B. Eligibility

131. Eligibility is determined regarding to the cut-off date, which was officially announced by the DPCs on 29 February, 2016.

132. . The affected persons are informed of the cut-off date, and any people who settle in the project area after the cut-off date will not be entitled to compensation and/or assistance under the project.

133. In case of persons that the DCARB may declare as eligible persons after the cut-off date, such as: (i) person who is occupying or using the land or assets before the cut-off date but who was not in the list of APs; (ii) households separating from large families⁴; and (iii) household who bought the affected land or property after the cut-off date. Their eligibility will be declared after verification and certification by the CPC. On the other hand, there are also people who shall be provided assistance after the cut-off date, such as, (a) newly born child, (b) people who have retired from military service and (c) people who have just returned from school to live with the affected household.

134. Any person, who encroached in the ROW after the cut-off date, will not be entitled to compensation and assistance from the Project. They will be informed in advance and required to remove the houses and/or structures before Project implementation. If all actions of diplomacy with the encroacher have been exhausted, compulsory eviction will be the solution.

135. In addition, the extent of eligibility for compensation with regard to land is determined by legal rights to the land concerned. There are three types of affected persons: (i) persons with LURCs to land lost in entirety or partially; (ii) persons who lost land they occupy in its entirety or partially who do not currently possess a LURC but have a claim that is recognizable under national laws; or (iii) persons who lost land they occupy in its entirety or partially who do not have any recognizable claim to that land. Affected persons included under (i) and (ii) above shall be compensated for the affected land and assets upon land. Affected persons included under (iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they are severely affected.

C. Specific entitlements of APs

136. Households or individuals with sufficient legal rights for compensation will be compensated for affected land and structure at replacement cost. Those without sufficient legal rights will not compensated for affected land but assisted as described in the entitlement matrix below.

⁴Must be done before the cut-off date or met criteria for separating but not done before the cut-off date.

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Table 14: Entitlement Matrix

I LOSS OF AGRICULTURAL LAND					
1	Loss of agricultural land (land for annual crops/plants, garden land, aquaculture land, land for fruit trees) 924 HHs)	Partially affected (the remaining area can be used for production) (19 HHs)	Owners with LURC, eligible to acquire LURC according to Government regulations, or otherwise legalizable under the Land Law	<ul style="list-style-type: none"> - Cash compensation for the acquired land at replacement cost equivalent to current market prices, and free of transaction costs (e.g. taxes, certification, administration costs); - Compensation at replacement cost for assets existing on land; - If 10% or more of current agricultural land area is recovered, the affected households will be entitled to economic recovery supports as stated (Support of life stabilizing and recovering livelihood). - Allowance for job change and creation; - If the households are the poor, policy families will receive additional supports. 	If the remaining land area is not viable enough for production and with family's consent, the remaining land will be recovered under the regime of compensation and support of the project.
		Fully affected (entire land being affected or the unaffected part of land cannot be used for crop production) (05 HHs)			After recovering, the clearance and Resettlement Committee will allocate this land to commune authority for management.
2			Users with temporary or leased rights to use land	<ul style="list-style-type: none"> - No compensation for land; - Compensation for the remaining investment cost on land; - For the affected asset on land, refer to Point III, IV below. 	In case it is impossible to identify all the costs that have been invested in land, the Resettlement Committee shall identify the investment values of land, which is endorsed by CPC and then submitted to authority level for approval
II LOSS OF RESIDENTIAL LAND					
1	Loss of residential land (02 HHs)	Partially affected (the remaining land area is enough for building new house) (01 HH)	Owners with LURC, eligible to acquire LURC according to Government regulations, or otherwise legalizable under the Land Law	<ul style="list-style-type: none"> - Cash compensation for the permanently acquired land based on the land type which is specified in the certificate of land use rights or land use status, and redefined in accordance with the land law (Article 24, Decree No.43/2014/ND-CP) at replacement cost equivalent to current market, and free of transaction costs (e.g. taxes, certification, administration costs); - Compensation for assets existing on land at full replacement cost 	<ul style="list-style-type: none"> - The minimum remaining land area must be equal to The newly-formed land plot under PPC's provision - In case The remaining land area is equal to or greater than The area of The newly formed land plots under The PPC's provisions, however its size is not guaranteed to build housing under The PPC's provisions, and The affected households want The State to acquire, it will be considered for acquisition and compensation at replacement cost as per project resettlement policy

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2		Fully affected (the remaining land area is not enough to form new land plot under PPC's provision) (01 HH)	Owners with LURC, eligible to acquire LURC according to Government regulations, or otherwise legalizable under the Land Law	<ul style="list-style-type: none"> - Cash compensation for the permanently acquired land based on the land type which is specified in the certificate of land use rights or land use status, and redefined in accordance with the land law (Article 24, Decree No.43/2014/NDCP) at full replacement cost, and free of transaction costs (e.g. taxes, certification, administration costs); - Compensation at full replacement cost for assets existing on land; - Other supports - Any support related to moving house please refer to Point IV, V below; - Be entitled to livelihood recovery. 	
III LOSS OF LAND-ATTACHED ASSET					
1	Loss of asset (house, structures built on land) (26 HHs)	Partially or Fully affected	Owners/users regardless of legal status	<ul style="list-style-type: none"> - Compensation in cash at replacement cost, equivalent to current market prices of material and labor for the affected part, and free of depreciation or reuse of materials at the time of compensation. Regarding the remaining area for building, the organization in charge of compensation will base on actual situation to submit the support options to competent authority for final decision; - Compensation for asset repairing shall be equal to actual cost (materials and labour); - Other kinds of support refer to Point IV, V below 	

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2	Loss of plants, crops (26 HHs)	Loss of or damage to plants/subsidiary crops	Owners regardless of legal status	<ul style="list-style-type: none"> - Regarding un-harvested plants, compensation in cash at replacement value equivalent to current market prices at the time of land recovery based on the highest productivity of the crop during three previous consecutive years - Regarding perennial trees, compensation level is calculated by current value of the trees and local prices at the time of land recovery. - Regarding plants that are unharvested but can be moved to another place, compensation is made for transportation cost and actual damages due to transportation and re-cultivation. - Regarding aquaculture livestock un-harvested at the time of land recovery, compensation is made for damages due to early harvest. If movable, compensate the transportation costs and damages due to transportation. Specific compensation levels shall be decided by PPC (Article 90 of Land Law). 	The affected households are entitled to use the plants/subsidiary crop/livestock after being recovery.
IV SUPPORTING POLICY					
1	Allowance for life and production stabilization (16 HHs)	Agricultural land acquisition		<ul style="list-style-type: none"> - Lost from 10% to 30% of total land holding will receive allowance for all family members for 03 months if not required to relocate; and 6 months if required to relocate. - Lost from 30% to 70% of total land holding will receive allowance for all family members for 06 months if not required to relocate; and 12 months if required to relocate. - Lost more than 70% of total land holding will receive allowance for all family members for 12 months if not required to relocate; and 24 months if required to relocate. - Cash compensation equal to 30 kg of rice/head/month 	Cash compensation by replacement cost of rice at the compensation payment dates.
2	Allowance for training, job change and creation			<ul style="list-style-type: none"> - Allowance for job change and creation by cash equal to 2.0 times the compensation rate of the affected area . 	

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	(26HHs)				
3	Transportation allowance (01HHs)	Allowance for house transport		<ul style="list-style-type: none"> - Commodation/rental allowance: VND 2,000,000/households for 6 months. - Transportation support: <ul style="list-style-type: none"> + Transportation within district, town, city: VND 6,000,000/household. +Transportation to other provinces: VND 10,000,000/household. 	
V	SPECIAL SUPPORT				
1	Support for rebuilding houses (01 HH)	Poor HHs to be moved and relocated		Allowance of VND 3,500,000/HH	
2	Allowance for the poor and vulnerable (07 HHs)	Agricultural land acquisition		<ul style="list-style-type: none"> -Acquired more than 50% of landholding will receive VND 100,000/head/month -Acquired from 20% to 50% of landholding will receive VND 80,000/head/month -Acquired less than 20% of landholding will receive VND 60,000/head/month 	

IX. RELOCATION OF HOUSING AND SETTLEMENT

137. There is only one affected household to be moved and relocated. The result of consultation shown that this household is pure farmer and they prefer to receive cash compensation, they can find available land and relocate themselves.

138. Affected household will receive full compensation at replacement costs and other allowances such as: life and production stabilization, job training and creation, transportation.

X. INCOME RESTORATION AND REHABILITATION

139. 15 households are severely affected, of which one HH have to move their house and all other 14 HHs lost from 30% to 100% of their productive landholdings. Among 15 HHs, 7 HHs are ethnic minorities (01 is Tay and 6 are Ede ethnic minority people), and all they are severely affected by the project; one HH lost house and others lost from 30% to 100% of productive landholdings. 03 (three) HHs are belong to both EM and the poor and severely affected.

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

141. The Project will develop an Income Restoration Program. There will be 16 households affected by the Project components participating this Program. The assessment of affected people's demands and income restoration program will be developed by the consultant agency. DAKWACO is in charge to prepare budget for this program implementation. The income restoration program should be implemented prior to civil works.

XI. RESETTLEMENT BUDGET AND FINANCING PLAN

A. Financing plan

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

143. DAKWACO will be responsible for channelling funds for the compensation for resettlement to the RCs who will be responsible for making payments directly to APs with respect to land, crops, trees, and any allowances.

B. Compensation rates

144. A replacement cost survey has been conducted in June, 2017 by the Center for Land Fund Development of Buon Ma Thuot City and Buôn Don, EaKar and Krong Ana districts. Details are presented in Table 15 bellow. The affected households agreed and reached consensus on the compensation unit rates – the PPC rates are not different from the rates found during the RCS (they fall within the range of unit costs as per survey).

Table 15: Summary of Replacement cost survey

No	Items	Unit	Price issued by PPC (VND)	Surveyed cost (VND)	Proposed costs (VND)
I	STRUCTURES				
1	Fence	m	1,188,000	1,100,000-1,250,000	1,188,000
2	Wells				
--	Wells with depth <5m	wells	1,936,000	1,800,000-2,000,000	1,936,000
-	Wells with depth <10m	wells	3,866,000	3,700,000-4,000,000	3,866,000
-	Wells with depth <16m	wells	5,802,000	5,700,000-6,100,000	5,802,000
3	Roofs				
-	iron	M2	326,800	300,000-350,000	326,800
-	Fibrocement	M2	380,000	360,000-400,000	380,000
4	Concrete yards				

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-	Non-reinforced concrete	M3	1,535,000	1,500,000-1,550,000	1,535,000
-	Reinforced concrete	M3	1,597,000	1,550,000-1,650,000	1,597,000
5	Brick yards				
-	Brick Terazzo	M2	263,000	245,000-275,000	263,000
3.2	Terracotta tiles	M2	137,000	125,000-145,000	137,000
II	Crops				
1	Coffee trees				
-	Coffee under 12 months	Tree	69,400	65,000-75,000	69,400
-	More than 1 year	Tree	102,000	90,000-110,000	102,000
-	Coffee in second years	Tree	148,400	140,000-155,000	148,400
-	Harvest for year 1 to year 3	Tree	276,400	265,000-285,000	276,400
-	Harvest for year 4 to year 5	Tree	301,600	290,000-310,000	301,600
-	Harvest for year 6 to year 25	Tree	319,600	305,000-325,000	319,600
-	Harvest for year 26 to year 30	Tree	258,400	245,000-265,000	258,400
2	Pepper				
1.1	Pepper under 12 months	Tree	79,500	70,000-85,000	79,500
-	Pepper in year 1	Tree	116,800	107,000-125,000	116,800
-	Pepper in year 2	Tree	162,200	153,000-168,000	162,200
-	Pepper harvested in year 1 to year 2	Tree	462,200	440,000-475,000	462,200
-	Pepper harvested from year 3	Tree	618,500	605,000-635,000	618,500
3	Rice	M2	NA	4,000-5,000	5,000
4	Other trees				
-	Black spoon	Tree	78,200	70,000-85,000	78,200
-	Lagerstroemia	Tree	88,800	75,000-95,000	88,800

C. Cost estimates

145. Total estimated budget for compensation of affected assets and assistance in Buon Ma Thuot and three Districts is 32,159,115,413.0 VND (equivalent to 1,416,701 USD). This amount covers administration and implementation activities. A contingency of 10% has been added.

Table 16. Total Cost of RP Implementation

No.	Category	Unit	In amount
I	Compensation and Assistance	VND	11,917,867,466.75
1	Buon Me Thuot City	VND	7,564,424,424.8
1.1	Compensation for land	VND	3,465,455,850.0
1.2	Compensation for structures	VND	1,648,743,874.8
1.3	Compensation for trees and crops	VND	642,303,100.0
1.4	Assistance	VND	1,807,921,600.0
2	Buon Don District	VND	1,469,531,901.1
2.1	Compensation for land	VND	485,762,000.0

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2.2	Compensation for structures	VND	553,294,101.1
2.3	Compensation for trees and crops	VND	189,700,800.0
2.4	Assistance	VND	240,774,999.0
3	Ea Kar District	VND	2,000,858,544.6
3.1	Compensation for land	VND	1,093,502,000.0
3.2	Compensation for structures	VND	520,554,488.6
3.3	Compensation for trees and crops	VND	20,140,000.0
3.4	Assistance	VND	366,662,055.0
4	Krong Nang District	VND	883,052,596.3
4.1	Compensation for structures	VND	883,052,596.3
II	Income Restoration	VND	300,000,000.0
1	Income Restoration and rehabilitation	VND	300,000,000.0
III	Land lease	VND	17,017,692,000.0
1	50 year land lease for the SS	VND	17,017,692,000.0
IV	Administration cost (I*2%)	VND	238,357,349.3
V	Subtotal (I+II+III)	VND	29,235,559,466.8
VI	Contingency cost (10%)	VND	2,923,555,946.7
TOTAL (IV+V)		VND	32,159,115,413.4
USD			1,416,701
Exchange rate : 1USD=22,700 VND			

XII. INSTITUTIONAL ARRANGEMENTS

146. Implementation of the resettlement plan requires the participation of relevant agencies from the Central to province, district, and commune level. The executing agency has the overall responsibility for implementation of the resettlement plan. District Compensation, Assistance and Resettlement Boards (DCARBs) will be established at district level according to Decree 47/2014/ND-CA.

A. Dak Lak Provincial People Committee

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

148. After the detailed engineering designs had been completed, the DMS was carried out, the number of APs was revised and the compensation unit rates and allowances were updated for all categories of lost assets based on the replacement cost survey which was carried out during the project implementation. Following the ADB's approval on the updated RP, the DLPC will be responsible for directing and supervising the RP implementation. This will include ensuring speedy resolution of any grievances voiced by APs or town/district authorities. Based on local

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requirements for implementing resettlement, in each project implementation stage, the DLPC will delegate responsibilities of resettlement implementation for the agencies at the appropriate levels.

149. A new resettlement organization was established at the provincial and district levels since 2015, the Centers for Land Fund Development (CLFD) have been given more responsibilities. The CLFD at the provincial/district level are under DONRE.

150. In Buon Ma Thuot City, the Centre for Land Fund Development (CLFD) was established under the DONRE and has the mandate to implement all resettlement activities.

151. For this Project, Buon Ma Thuot City CLFD has been assigned to work directly with the PMU to prepare and implement the resettlement plan with other relevant institutions. The CLFD will implement the DMS, establish AHs' database, prepare compensation plans, and payment of compensation, assistance and allowances.

B. The Project Management Unit (PMU)

152. The PMU was set up by the DAWACO. In addition, the PMU has also established a land acquisition unit. . This team will coordinate and conduct detailed survey of impacts and carry out the compensation process together with DRC in each project service areas of Buon Ma Thuot.

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

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

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C. People's Committees District

154. The People's Committees of Buon Ma Thuot City will be responsible for identification of land and structures and appointing members of the District Resettlement Committee (DRC) and assigning functional tasks for the DRC.

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

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

D. Commune/Ward People's Committee

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

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

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E. Agency Responsible for External Monitoring

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

XIII. IMPLEMENTATION SCHEDULE

158. The project is going to be implemented for 5 years commencing in 2015 and complete in 2020. It is supposed that all detailed design works will be completed by June 2017, follow with construction activities by early 2018. All sites clearance will therefore be conducted within 2017 for handing over to the contractors by end of August 2017. The systems will be commissioned and put into operations by end of 2018 and early 2019.

159. The following activities shall be carried out:

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

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

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

Table 17: Implementation Schedule

Activities	Schedule to complete
Finalization of the RP and approval by ADB	
Detailed Design	June, 2016
Consultation	March-June, 2017
Detailed Measurement Survey	May, 2017
Replacement Cost Survey	May 2017
Update compensation rates	June 2017
Approval of updated RP by ADB	Septembe 2017

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Award documents	Septembe 2017
Awarding of civil works contracts	Septembet 2017
Compensation of DPs	Septembe 2017
Monitoring and reporting	Septembe-Octobe 2017
Handover of site to contractors, start of civil works	October 2017

XIV. MONITORING AND REPORTING

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

Internal Monitoring

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

164. Internal monitoring and supervision will have the following objectives:

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

Annex 1 : Project Information Booklet

Updated Resettlement Plan

<p style="text-align: center;">Project Information Booklet</p> <p>The Buon Ma Thuot City and 03 adjacent district towns of Ea Kar, Buon Don and Krong Nang Water Supply System Project will be loan funded by the ADB.</p> <p>The objective of the proposed Project is to improve the living conditions and economic potential of residents, and create favorable conditions for the socio-economic development of the town. This objective will be achieved by improving and expanding the existing piped water supply system to meet the water demands forecast up to 2020 in Buon Ma Thuot City and 03 district towns. The main project items are comprising of raw water pumping station, water treatment plant, booster pumping station and the transmission and distribution pipelines systems.</p> <p>Why is this project necessary to implement?</p> <p>Due to the increase in water demand in Buon Ma Thuot and 03 district towns of Ea Kar, Buon Don and Krong Nang, needs to supply more treated water to the city/districts; therefore, need to have new investment in order to increase the capacity of DAKWACO.</p> <p>Scope of construction and impact minimization</p> <p>The Project will construct a number of works as intake and raw water pumping station; raw water transmission pipeline; water treatment plants; water transmission main; booster pumping; treated water transmission main. Accordingly, the project items will affect communes in Buon Ma Thuot City and 03 district towns.</p> <p>In terms of resettlement, what are the policies and principles of the project?</p> <p>The basic principles of the project are:</p> <ol style="list-style-type: none"> All APs are entitled to be compensated for their lost assets, incomes and businesses at replacement cost, and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, incomes and productive capacity. Lack of legal rights to the assets lost will not prevent APs from entitlement to compensation. All owners of houses even without LURC will be entitled to a secured tenure site. Compensation for affected assets shall be provided at replacement cost. Payment of compensation for affected assets must be completed prior to commencement of any construction activities. <p>When the Project is expected to commence? Lịch trình thực hiện dự án như thế nào?</p> <p>The payment of compensation and allowances will be paid when this updated RP endorsed by ADB and approved by PPC of Dak Lak province.</p> <p>Compensation plans should be prepared and followed the Project Policy Framework and this updated RP.</p>	<p>All civil works can be started after the completion of compensation and allowances payment, and land is clean. These activities should be monitored and reported by the Project Assistant Consultant and endorsed by ADB.</p> <p>How are the construction impacts supervised and monitored?</p> <p>The PMU will monitor the contractor during construction work. Any disturbances to the lives of people along the pipeline will be recorded and issues reported to the PMU for solutions within 7 days.</p> <p>The abbreviated resettlement plan that states clearly all entitlements and mechanism for ensuring there is no people or properties affected during construction has been disclosed at the People Committee of Buon Ma Thuot City, and Krong Ana District in Vietnamese and English. Anybody can access to this document to understand further about the project and construction work as well as entitlement if any properties or land affected by construction.</p> <p>If there are disagreements or problems arising during the Project such as compensation or general project-related disputes, do I have the right to complain?</p> <p>Any DP may file a complaint or grievance. The project includes a Grievance Redressal. The APs may present their complaints to the concerned local administrative officials and RCs, either verbally or in written form.</p> <p>The complaint can be filed first at the commune level and can be elevated to the highest or provincial level if the APs are not satisfied with the decisions made by the commune or district. APs will be exempted from all taxes and administrative and legal fees associated with resolving the dispute. Anybody living in the construction site who is affected by the construction or annoyed by the contractors can contact PMU or the ADB at the following address:</p> <p>PMU</p> <p>70 Nguyen Tat Thanh, Buon Ma Thuot City. Telephone: 0500 – 3853330; 0500 – 3852268 ; Fax: 0500 - 3859833</p> <p>ASIAN DEVELOPMENT BANK - Viet Nam Resident Mission:</p> <p>3rd Floor, Comerstone Building, 16 Phan Chu Trinh Street, Hoan Kiem District, Hanoi, Viet Nam (Tel: +84 4 933 1374)</p>
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Annex 2: List of affected households

[This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).]

Annex 3: Public Consultation Meeting Minutes

DỰ ÁN CẤP NƯỚC THÀNH PHỐ BUÔN MA THUỘT VÀ 03 HUYỆN PHỤ CẬN

Tiểu dự án: Cấp nước Tp. Buôn Ma Thuột và 03 thị trấn: Thị trấn Ea Kar, huyện Ea Kar; thị trấn Buôn Đôn, huyện Buôn Đôn; thị trấn Krông Năng, huyện Krông Năng thuộc chương trình phát triển ngành nước năm 2011-2012

BIÊN BẢN THAM VẤN

V/v: Tham vấn cộng đồng và chính quyền về Tái định cư

Ngày tháng năm

I. THÀNH PHẦN THAM DỰ

Số người tham dự:..... gồm

Đại diện chủ đầu tư: Ban QLDA cấp nước

1. Nguyễn Thị Ngọc Yến
2. Lê Trung Hiếu
3. Nguyễn Thị Hải

Đại diện Tư vấn

1. Nguyễn Xuân Nhân
2. Trần Minh Phương
- 3.

Đại diện chính quyền và cộng đồng:

1. Hồ Đức Thành
2. Hồng Quang Trung
3. Hồ Lan Anh

Và.....(số lượng) đại diện các hộ gia đình tham gia cuộc họp. Danh sách đại diện các hộ tham gia cuộc họp tham vấn được đính kèm theo biên bản này.

II. THỜI GIAN, ĐỊA ĐIỂM:

Từ.....đến.....; Ngày.....thángnăm 2107

Tại: UBND Huyện Buôn Đôn

III. NỘI DUNG THAM VẤN:

1. Đại diện Chủ đầu tư cung cấp các thông tin cho người tham dự cuộc họp tham vấn, bao gồm:

- Mô tả về quy mô dự án Các ảnh hưởng đến thu hồi đất và các tài sản trên đất
- Các chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất
- Chính sách đền bù, hỗ trợ, tái định cư của Dự án
- Kế hoạch thực hiện (kế hoạch thực hiện các biện pháp giảm thiểu; kế hoạch xây lắp; kế hoạch đền bù, hỗ trợ, tái định cư; phục hồi thu nhập)

- Cơ chế giải quyết thắc mắc, khiếu nại

2. Đại diện Chủ đầu tư đã cung cấp cho những người tham gia cuộc họp tham vấn các tài liệu sau:

- a. Thông tin chung của dự án
- b.
- c.
- d.

III. KẾT QUẢ THAM VẤN:

3.1. Ý kiến về quy mô dự án
Thông nhất và đồng thuận với chủ trương dự án

3.2. Ý kiến về mức độ ảnh hưởng thu hồi đất và tài sản trên đất của dự án
Được rõ, ảnh hưởng không đáng kể

3.3. Ý kiến về chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất
Chủ đầu tư cũng đề xuất đề xuất kiến nghị chính sách và phương án bồi thường giảm thiểu những tác động khi thu hồi đất phục vụ dự án

3.4. Ý kiến về chính sách đền bù, hỗ trợ, tái định cư của Dự án

3.4.1. Sự hợp lệ của các tài sản được đền bù:
Tài sản bị thu hồi và được đền bù tuân thủ pháp luật

3.4.2. Đơn giá đền bù cho đất đai và tài sản trên đất:
Thu theo giá của thị trường tại thời điểm bị thu hồi

3.4.3. Các khoản hỗ trợ và mức hỗ trợ của các khoản hỗ trợ:

Theo chính sách của dự án.

3.4.4. Các phương án tái định cư và hỗ trợ tái định cư:

Theo phương án dự án.

3.4.5. Các hoạt động phục hồi thu nhập:

Tổ chức bị ảnh hưởng được đền bù và nhận được bồi thường thỏa đáng và kịp thời.

3.5. Ý kiến về kế hoạch thực hiện đền bù, hỗ trợ, tái định cư, phục hồi thu nhập, và thu hồi đất


- Phù hợp với qui định chung của dự án.
- Phù hợp với chính sách và qui định của chính phủ Việt Nam.

3.6. Ý kiến về cơ chế giải quyết thắc mắc, khiếu nại.

Khi nghi, được giải thích, đồng ý, và giải quyết thắc mắc và khiếu nại của người bị ảnh hưởng.

Cuộc họp kết thúc lúcgiờ cùng ngày.

Người lập biên bản


Nguyễn Văn Vũ

Đại diện Chủ đầu tư

(Ký tên)

Đại diện Tư vấn

(Ký tên)

Đại diện chính quyền

(Ký tên)

Đại diện cộng đồng

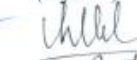
(Ký tên)


Nguyễn Xuân Hòa






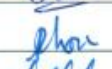



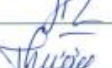
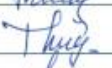
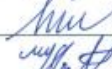
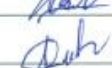






PHÓ TRƯỞNG PHÒNG

HỒ ĐẮC THÀNH


Nguyễn Thị Hòa

Updated Resettlement Plan

Danh sách các thành viên tham dự cuộc họp tham vấn cộng đồng

Stt	Họ và Tên	Chức danh/ đơn vị	Địa chỉ	Dân tộc	Giới		Chữ ký
					Na m	Nữ	
1	Nguyễn Công Kỳ	P. Phó DT	Buôn Đôn	Nhữ	x		
2	Trần Nhân Trí	phó CVP	Buôn Đôn	Kinh	x		
3	Nguyễn Mì	chuyên viên	Buôn Đôn	Tày	x		
4	Nguyễn Thị Hòa	PN xã	Xã Ea Mear	Kinh		x	
5	Phan Thị Hòa	người dân	Xã Tân Hòa	Kinh		x	
6	Nguyễn Thị Hòa	phụ nữ bà Bắc	Xã Ea Mear	Kinh		x	
7	Ngô Lan Anh	CT UBND xã	Xã Ea Mear	Tày		x	
8	Hồ Đại Thành	PP. T. ANVT	Buôn Đôn	Kinh	x		
9	Nguyễn Xuân Nam	PT UBND xã	Buôn Đôn	Kinh	x		
10	Nguyễn Thị Hồng Hoa	CHPN thôn 13	Tân Hòa	Kinh		x	
11	Nguyễn Thị Thu Hương	CHPN thôn 15	Tân Hòa	Kinh		x	
12	Trần Thị Thu Thủy	CTHPN xã	Tân Hòa	Kinh		x	
13	Lương Thị Lý	PT thôn 14	Tân Hòa	Kinh		x	
14	Hồng Văn Linh	PT thôn 13	Tân Hòa	Kinh	x		
15	Đào Văn Anh	dân	Xã Ea Mear	Kinh	x		
16	Trần Thị Tân	dân	Xã Ea Mear	Kinh		x	
17	Phan Xuân Hết	người dân	Xã Ea Mear	Kinh	x		
18							
19							
20							
21							
22							
23							
24							

DỰ ÁN CẤP NƯỚC THÀNH PHỐ BUÔN MA THUẬT VÀ 03 HUYỆN PHỤ CẬN

Tiểu dự án: Cấp nước Tp. Buôn Ma Thuật và 03 thị trấn: Thị trấn Ea Kar, huyện Ea Kar; thị trấn Buôn Đôn, huyện Buôn Đôn; thị trấn Krông Năng, huyện Krông Năng thuộc chương trình phát triển ngành nước năm 2011-2012

BIÊN BẢN THAM VẤN

V/v: Đền bù xã tái định cư

Ngày tháng năm

I. THÀNH PHẦN THAM DỰ

Số người tham dự: gồm

Đại diện chủ đầu tư: Ban QLDA cấp nước

1. Nguyễn Khắc Dân
2. Nguyễn Đình Việt
3. Nguyễn Thìn Vũ

Đại diện Tư vấn

1. Nguyễn Xuân Thôn
2.
3.

Đại diện chính quyền và cộng đồng:

1. Phan Văn Tường
2. Lê Phước Quý
3.

Và.....(số lượng) đại diện các hộ gia đình tham gia cuộc họp. Danh sách đại diện các hộ tham gia cuộc họp tham vấn được đính kèm theo biên bản này.

II. THỜI GIAN, ĐỊA ĐIỂM:

Từ.....đến.....; Ngày.....thángnăm 2107

Tại: UBND xã Ea Kar

III. NỘI DUNG THAM VẤN:

1. Đại diện Chủ đầu tư cung cấp các thông tin cho người tham dự cuộc họp tham vấn, bao gồm:

- Mô tả về quy mô dự án Các ảnh hưởng đến thu hồi đất và các tài sản trên đất
- Các chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất
- Chính sách đền bù, hỗ trợ, tái định cư của Dự án
- Kế hoạch thực hiện (kế hoạch thực hiện các biện pháp giảm thiểu; kế hoạch xây lắp; kế hoạch đền bù, hỗ trợ, tái định cư; phục hồi thu nhập)

- Cơ chế giải quyết thắc mắc, khiếu nại

2. Đại diện Chủ đầu tư đã cung cấp cho những người tham gia cuộc họp tham vấn các tài liệu sau:

- a. Tổng tin chung của dự án.....
- b.....
- c.....
- d.....

III. KẾT QUẢ THAM VẤN:

3.1. Ý kiến về quy mô dự án.....

Tổng nhỏ và đồng thuận với chủ trương của chủ án.....

3.2. Ý kiến về mức độ ảnh hưởng thu hồi đất và tài sản trên đất của dự án

Không tăng chi tiêu hành lang giao thông nên ảnh hưởng không đáng kể.....

3.3. Ý kiến về chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất

Đề nghị được đền bù thỏa đáng tạo điều kiện cho người bị ảnh hưởng nhận được mức hỗ trợ phù hợp và thiết thực nhất.....

3.4. Ý kiến về chính sách đền bù, hỗ trợ, tái định cư của Dự án

3.4.1. Sự hợp lệ của các tài sản được đền bù:

Phù hợp với chính sách pháp luật tại Nam.....

3.4.2. Đơn giá đền bù cho đất đai và tài sản trên đất:

Theo giá thị trường.....

3.4.3. Các khoản hỗ trợ và mức hỗ trợ của các khoản hỗ trợ:

Theo chính sách dự án

3.4.4. Các phương án tái định cư và hỗ trợ tái định cư:

Theo phương án của dự án

3.4.5. Các hoạt động phục hồi thu nhập:

Tuyên ứng, ảnh hưởng không đáng kể tới thu nhập và sinh kế của người dân

3.5. Ý kiến về kế hoạch thực hiện đền bù, hỗ trợ, tái định cư, phục hồi thu nhập, và thu hồi đất

Đề nghị được thông báo trước các phương án bồi thường của dự án tới người dân trước hết

3.6. Ý kiến về cơ chế giải quyết thắc mắc, khiếu nại.

Đề nghị được giải thích, giải đáp rõ ràng những thắc mắc, khiếu nại của người dân

Cuộc họp kết thúc lúcgiờ cùng ngày.

Người lập biên bản

[Signature]
Nguyễn Hữu Vũ

Đại diện Chủ đầu tư

(Ký tên)



[Signature]
KT. GIÁM ĐỐC
HỒ GIÁM ĐỐC
Nguyễn Khắc Dân

Đại diện Tư vấn

(Ký tên)

[Signature]
Nguyễn Xuân Nhân

Đại diện chính quyền

(Ký tên)



[Signature]
CHỦ TỊCH
Phan Văn Trường

Đại diện cộng đồng

(Ký tên)

Updated Resettlement Plan

Danh sách các thành viên tham dự cuộc họp tham vấn cộng đồng

Stt	Họ và Tên	Chức danh/ đơn vị	Địa chỉ	Dân tộc	Giới		Chữ ký
					Na m	Nữ	
1	Phạm Văn Trường	CT UBND xã	Thôn 3	Kinh	x		
2	Lê Phước Quý	BT Đoàn xã	T. Tân Hưng	Kinh	x		
3	Nguyễn Bình	C. H. H. C. B.	B. Tân Hưng	Ê. Đ. Đ.	x		
4	Nguyễn Văn Hùng	Buôn trưởng	B. Tân Hưng	Ê. Đ. Đ.	x		
5	Nguyễn Văn Hùng	Thôn trưởng	Thôn 3	Kinh	x		
6	Nguyễn Văn Hùng	Phu' Buôn	B. H. M. A. T.	Ê. Đ. Đ.	x		
7	Nguyễn Văn Hùng	Đ. X. D. X.	B. H. M. A. T.	Ê. Đ. Đ.	x		
8	Nguyễn Văn Hùng	Thôn trưởng	Tân Hưng	Kinh	x		
9	Nguyễn Văn Hùng	Trưởng Buôn	B. cũ Ê. Đ. Đ.	Ê. Đ. Đ.	x		
10	Nguyễn Văn Hùng	CHTPN	Buôn H. Đ. Đ.	Ê. Đ. Đ.		x	
11	Nguyễn Văn Hùng	CHTPN	Cao Thắng	Kinh		x	
12	Nguyễn Văn Hùng	CHTPN	Buôn H. Đ. Đ.	Ê. Đ. Đ.		x	
13	Nguyễn Văn Hùng	CHTPN	"chi H. Đ. Đ."	Kinh		x	
14	Nguyễn Văn Hùng	CHTPN	Buôn H. Đ. Đ.	Ê. Đ. Đ.		x	
15	Nguyễn Văn Hùng	CHTPN	Buôn H. Đ. Đ.	Kinh		x	
16	Nguyễn Văn Hùng	CHTPN	Buôn cũ Ê. Đ. Đ.	Ê. Đ. Đ.		x	
17	Nguyễn Văn Hùng	Trưởng Buôn	Buôn cũ Ê. Đ. Đ.	Ê. Đ. Đ.	x		
18	Nguyễn Văn Hùng	Trưởng Buôn	B. H. M. A. T.	Ê. Đ. Đ.	x		
19	Nguyễn Văn Hùng	CHTPN	Buôn H. Đ. Đ.	Ê. Đ. Đ.	x		
20	Nguyễn Văn Hùng	CHTPN	Thôn 4, Ê. Đ. Đ.	Kinh	x		
21	Nguyễn Văn Hùng	CHTPN	Thôn 4, Ê. Đ. Đ.	Kinh		x	
22	Nguyễn Văn Hùng	CHTPN	Thôn 3	Kinh	x		
23	Nguyễn Văn Hùng	CHTPN	Thôn 3	Kinh	x		
24							

DỰ ÁN CẤP NƯỚC THÀNH PHỐ BUÔN MA THUỘT VÀ 03 HUYỆN PHỤ CẬN

Tiểu dự án: Cấp nước Tp. Buôn Ma Thuột và 03 thị trấn: Thị trấn Ea Kar, huyện Ea Kar; thị trấn Buôn Đôn, huyện Buôn Đôn; thị trấn Krông Năng, huyện Krông Năng thuộc chương trình phát triển ngành nước năm 2011-2012

BIÊN BẢN THAM VẤN

V/v: Tham vấn Đại diện Chính quyền và cộng đồng về Tài chính cư

Ngày tháng năm

I. THÀNH PHẦN THAM DỰ

Số người tham dự: gồm

Đại diện chủ đầu tư: Ban QLDA cấp nước

1. ... Nguyễn Thị Ngọc Yến
2. ... Hoàng Hải Tinh
3. ... Nguyễn Văn Nhí

Đại diện Tư vấn

1. ... Nguyễn Xuân Nhân
2. ... Trần Minh Phương
3.

Đại diện chính quyền và cộng đồng:

1. ... Huỳnh Kim Pháo
2. ... Nguyễn Đình Đại
3. ... Vũ Thị Thanh Quang

Và (số lượng) đại diện các hộ gia đình tham gia cuộc họp. Danh sách đại diện các hộ tham gia cuộc họp tham vấn được đính kèm theo biên bản này.

II. THỜI GIAN, ĐỊA ĐIỂM:

Từ đến; Ngày tháng năm 2107

Tại: UBND Huyện Ea Kar

III. NỘI DUNG THAM VẤN:

1. Đại diện Chủ đầu tư cung cấp các thông tin cho người tham dự cuộc họp tham vấn, bao gồm:

- Mô tả về quy mô dự án Các ảnh hưởng đến thu hồi đất và các tài sản trên đất
- Các chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất
- Chính sách đền bù, hỗ trợ, tái định cư của Dự án
- Kế hoạch thực hiện (kế hoạch thực hiện các biện pháp giảm thiểu; kế hoạch xây lắp; kế hoạch đền bù, hỗ trợ, tái định cư; phục hồi thu nhập)

- Cơ chế giải quyết thắc mắc, khiếu nại

2. Đại diện Chủ đầu tư đã cung cấp cho những người tham gia cuộc họp tham vấn các tài liệu sau:

- a. Thông tin chung của dự án:
- b.
- c.
- d.

III. KẾT QUẢ THAM VẤN:

3.1. Ý kiến về quy mô dự án:

Đúng thuận và nhất trí cao với chủ trương của dự án.

3.2. Ý kiến về mức độ ảnh hưởng thu hồi đất và tài sản trên đất của dự án

Ảnh hưởng không đáng kể đến sinh kế của người bị thu hồi.

3.3. Ý kiến về chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất

Chủ đầu tư và tổ chức địa phương cần phải nắm vững kế hoạch và phương án đền bù, bồi thường cho người bị thu hồi đất nhằm giảm thiểu tối đa các tác động khi bị thu hồi đất.

3.4. Ý kiến về chính sách đền bù, hỗ trợ, tái định cư của Dự án

3.4.1. Sự hợp lệ của các tài sản được đền bù:

Tất cả tài sản bị thu hồi đều hợp lệ, theo qui định của chính pháp luật Nam.

3.4.2. Đơn giá đền bù cho đất đai và tài sản trên đất:

Theo giá thị trường tại thời điểm thu hồi đất.

3.4.3. Các khoản hỗ trợ và mức hỗ trợ của các khoản hỗ trợ:

Theo chính sách dự án

3.4.4. Các phương án tái định cư và hỗ trợ tái định cư:

Theo phương án của dự án

3.4.5. Các hoạt động phục hồi thu nhập:

Người bị ảnh hưởng phải được hỗ trợ lập thời
và tăng thu nhập có khả năng phục hồi nhanh
nhất thu nhập và sinh kế

3.5. Ý kiến về kế hoạch thực hiện đền bù, hỗ trợ, tái định cư, phục hồi thu nhập, và thu hồi đất


Thực hiện đúng với qui định chung của dự án
Thực hiện đúng với các qui định của chính phủ
Việt Nam

3.6. Ý kiến về cơ chế giải quyết thắc mắc, khiếu nại.

Khi có thắc mắc, khiếu nại thì chủ đầu tư phải
giải thích đầy đủ và rõ ràng

Cuộc họp kết thúc lúcgiờ cùng ngày.

Người lập biên bản


Nguyễn Hữu Chí

Đại diện Chủ đầu tư

(Ký tên)



Đại diện Tư vấn

(Ký tên)


Nguyễn Xuân Nam

Đại diện chính quyền

(Ký tên)




Huỳnh Kim Phở

Đại diện cộng đồng

(Ký tên)


Bùi Duy Hải

Updated Resettlement Plan

Danh sách các thành viên tham dự cuộc họp tham vấn cộng đồng

Stt	Họ và Tên	Chức danh/ đơn vị	Địa chỉ	Dân tộc	Giới		Chữ ký
					Na m	Nữ	
1	Nguyễn Thị Liên	chủ hội trưởng	Chợ cũc	Kinh		X	Liên
2	Lê Ngọc Hưng	Chủ tịch	Chợ cũc	Kinh	x		Hưng
3	Bùi Duy Hải	CT-UBND xã	Bà Cầm	Kinh	X		Hải
4	Vũ Thị Thanh Ngọc	PCT-Hội Phụ Nữ	Êa Kơ	ICinh		X	Thanh
5	Ngô Đình Đạt	Tướng Phỏng DT	Huyện Êa Kơ	ICub	+		Đạt
6	Nguyễn Thị Dung	CT/Hội LHPN	xã Bà Cầm	Kinh		x	Dung
7	Hùng Kim Phô	PCT UBND xã	Êa Kơ	Kinh	X		Phô
8	Lưu Văn Khay	PCT UBND xã	UBND xã Êa Kơ	n	X		Khay
9	Vũ Tiến Thịnh	Khách pho	TDP 3A	Kinh	x		Thịnh
10	Nguyễn Văn Hưng	Khách pho	TDP 2A	Kinh	x		Hưng
11	Nguyễn Văn Hùng	TT.TDP 5	TDP 5	Kinh	x		Hùng
12	Đỗ Văn Tâm	Tổ trưởng	TDP 2B	Kinh	x		Tâm
13	Phạm Hồng Lợi	TDP 2A	TDP 4	Kinh	x		Lợi
14	Nguyễn Văn Cũ	TDP 3B	TDP 3B	Kinh		x	Cũ
15	Trần Văn Tuấn	TDP 1					Tuấn
16	Nguyễn Thị Xuân	TDP 2A	TDP 2A	Kinh		x	Xuân
17	Nguyễn Thị Lan	TDP 5	TDP 5	Kinh		x	Lan
18	Nguyễn Văn Xuân	TDP 5	TDP 5		X		Xuân
19	Nguyễn Thị Đào	TDP 5				x	Đào
20	Đỗ Thị Đào	TDP 4	TDP 4	Kinh		x	Đào
21	Trần Thị Đào	TDP 4	TDP 4	Kinh		x	Đào
22							
23							
24							

DỰ ÁN CẤP NƯỚC THÀNH PHỐ BUÔN MA THUỘT VÀ 03 HUYỆN PHỤ CẬN

Tiểu dự án: Cấp nước Tp. Buôn Ma Thuột và 03 thị trấn: Thị trấn Ea Kar, huyện Ea Kar; thị trấn Buôn Đôn, huyện Buôn Đôn; thị trấn Krông Năng, huyện Krông Năng thuộc chương trình phát triển ngành nước năm 2011-2012

BIÊN BẢN THAM VẤN

V/v: Tham vấn chính quyền và cộng đồng về Tái định cư

Ngày tháng năm

I. THÀNH PHẦN THAM DỰ

Số người tham dự: 12 gồm

Đại diện chủ đầu tư: Ban QLDA cấp nước

1. Nguyễn Thị Ngọc Yến

2. Nguyễn Đình Hiếu

3. Nguyễn Thuận Vũ

Đại diện Tư vấn

1. Nguyễn Xuân Nhân

2. Trần Minh Phương

3.

Đại diện chính quyền và cộng đồng:

1. Nguyễn Đức Chấn

2. Lê Thị Cẩm

3.

Và 5 (số lượng) đại diện các hộ gia đình tham gia cuộc họp. Danh sách đại diện các hộ tham gia cuộc họp tham vấn được đính kèm theo biên bản này.

II. THỜI GIAN, ĐỊA ĐIỂM:

Từ đến; Ngày tháng năm 2107

Tại: UBND xã Ea Kar

III. NỘI DUNG THAM VẤN:

1. Đại diện Chủ đầu tư cung cấp các thông tin cho người tham dự cuộc họp tham vấn, bao gồm:

- Mô tả về quy mô dự án Các ảnh hưởng đến thu hồi đất và các tài sản trên đất
- Các chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất
- Chính sách đền bù, hỗ trợ, tái định cư của Dự án
- Kế hoạch thực hiện (kế hoạch thực hiện các biện pháp giảm thiểu; kế hoạch xây lắp; kế hoạch đền bù, hỗ trợ, tái định cư; phục hồi thu nhập)

3.4.3. Các khoản hỗ trợ và mức hỗ trợ của các khoản hỗ trợ:

Theo chính sách của dự án.

3.4.4. Các phương án tái định cư và hỗ trợ tái định cư:

Theo phương án của dự án.

3.4.5. Các hoạt động phục hồi thu nhập:

Đào tạo, hỗ trợ, chuyển đổi, kịp thời cho người bị ảnh hưởng.

3.5. Ý kiến về kế hoạch thực hiện đền bù, hỗ trợ, tái định cư, phục hồi thu nhập, và thu hồi đất

Phù hợp với quy định chung của dự án,
Phù hợp với chính sách quy định của pháp luật hiện hành.

3.6. Ý kiến về cơ chế giải quyết thắc mắc, khiếu nại.

Đề nghị giải thích trả lời rõ ràng và đầy đủ những thắc mắc và khiếu nại của người bị thu hồi đất.

Cuộc họp kết thúc lúcgiờ cùng ngày.

Người lập biên bản

Nguyễn Văn Hùng

Đại diện Chủ đầu tư

(Ký tên)



KT. GIÁM ĐỐC
PHÓ GIÁM ĐỐC
Nguyễn Khắc Dân

Đại diện Tư vấn

(Ký tên)

Nguyễn Xuân Nhân

Đại diện chính quyền

(Ký tên)




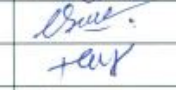

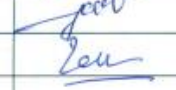




Nguyễn Đức Chơn

Đại diện cộng đồng

(Ký tên)

Trần Văn Bội

Danh sách các thành viên tham dự cuộc họp tham vấn cộng đồng

Stt	Họ và Tên	Chức danh/ đơn vị	Địa chỉ	Dân tộc	Giới		Chữ ký
					Na m	Nữ	
1	Nguyễn Đức Chôn	PCT UBND xã	Xã Ea Na	Kinh	x		
2	Lâm Thị Grán	Hội Phụ nữ	Xã Ea Na	Kinh		x	
3	Nguyễn Tăng Chưởng	Người dân	Xã Ea Na	Kinh	x		
4	Nguyễn Đức Trọng	Người dân	Xã Ea Na	Kinh	x		
5	Ng Thị Diễm Phúc	Hội N Bùn Ean	Xã Ean	Kinh		x	
6	H - Dìm mi	người dân	Xã Ean	Ê đê			
7	Y Nta Bga	Trưởng buôn	Xã Ean	Ê đê	x		
8	H Zen	Người dân	Xã Ean	Ê đê		x	
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DỰ ÁN CẤP NƯỚC THÀNH PHỐ BUÔN MA THUỘT VÀ 03 HUYỆN PHỤ CẬN

Tiểu dự án: Cấp nước Tp. Buôn Ma Thuột và 03 thị trấn: Thị trấn Ea Kar, huyện Ea Kar; thị trấn Buôn Đôn, huyện Buôn Đôn; thị trấn Krông Năng, huyện Krông Năng thuộc chương trình phát triển ngành nước năm 2011-2012

BIÊN BẢN THAM VẤN

V/v: Bồi thường và Tái định cư.....

Ngày 13 tháng 05 năm 2017.

I. THÀNH PHẦN THAM DỰ

Số người tham dự: 10 người..... gồm

Đại diện chủ đầu tư: Ban QLDA cấp nước

1. Nguyễn Đình Việt.....

2. Nguyễn Thị Ngọc Yến.....

3. Nguyễn Hữu Chí.....

Đại diện Tư vấn

1. Nguyễn Xuân Nhôn.....

2. Trần Minh Phương.....

3.

Đại diện chính quyền và cộng đồng:

1. Nguyễn Văn Hùng.....

2. Phạm Tân.....

3. Nguyễn Thị Hiền - Nguyễn Quốc Thanh.....

Và 01 (số lượng) đại diện các hộ gia đình tham gia cuộc họp. Danh sách đại diện các hộ tham gia cuộc họp tham vấn được đính kèm theo biên bản này.

II. THỜI GIAN, ĐỊA ĐIỂM:

Từ 14h00 đến 15h30; Ngày 13 tháng 5 năm 2017

Tại: Hội trường UBND Phường Ea Tam.....

III. NỘI DUNG THAM VẤN:

1. Đại diện Chủ đầu tư cung cấp các thông tin cho người tham dự cuộc họp tham vấn, bao gồm:

- Mô tả về quy mô dự án Các ảnh hưởng đến thu hồi đất và các tài sản trên đất
- Các chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất
- Chính sách đền bù, hỗ trợ, tái định cư của Dự án
- Kế hoạch thực hiện (kế hoạch thực hiện các biện pháp giảm thiểu; kế hoạch xây lắp; kế hoạch đền bù, hỗ trợ, tái định cư; phục hồi thu nhập)

- Cơ chế giải quyết thắc mắc, khiếu nại

2. Đại diện Chủ đầu tư đã cung cấp cho những người tham gia cuộc họp tham vấn các tài liệu sau:

- a. Tổng tiến độ thi công của dự án.....
- b.
- c.
- d.



III. KẾT QUẢ THAM VẤN:

3.1. Ý kiến về quy mô dự án.....

Đa phần người dân đồng thuận với chủ trương và quy mô thiết kế của dự án.....

3.2. Ý kiến về mức độ ảnh hưởng thu hồi đất và tài sản trên đất của dự án

Ảnh hưởng đến đất trồng cây lâu năm, đất nông nghiệp.....

Cây trồng gồm có cây cà phê, cây lúa.....

Đa phần ảnh hưởng không đáng kể.....

3.3. Ý kiến về chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất

Khi có dự án, chủ đầu tư cần tự sớm trả phần bồi thường chính sách cũng và những phương án khả thi để giảm thiểu tới đa những tác động và ảnh hưởng khi thu hồi đất.....

3.4. Ý kiến về chính sách đền bù, hỗ trợ, tái định cư của Dự án

3.4.1. Sự hợp lệ của các tài sản được đền bù:

Hợp lệ với qui định pháp luật hiện hành.....

3.4.2. Đơn giá đền bù cho đất đai và tài sản trên đất:

Thực hiện theo chính sách của dự án và hợp qui định của UBND Tỉnh Đắk Lắk.....

3.4.3. Các khoản hỗ trợ và mức hỗ trợ của các khoản hỗ trợ:

Thu nhập của người định cư của UBND Tỉnh

3.4.4. Các phương án tái định cư và hỗ trợ tái định cư:

không có hỗ trợ nào đi, ảnh hưởng phần di chuyển tái định cư

3.4.5. Các hoạt động phục hồi thu nhập:

Đến bà hỗ trợ thu nhập với kịp thời cho người bị ảnh hưởng để phục hồi sinh kế với thu nhập một cách nhanh nhất

3.5. Ý kiến về kế hoạch thực hiện đền bù, hỗ trợ, tái định cư, phục hồi thu nhập, và thu hồi đất

- Phù hợp với qui định chung của dự án

- Phù hợp với chính sách qui định của pháp luật Việt Nam

3.6. Ý kiến về cơ chế giải quyết thắc mắc, khiếu nại.

không có thắc mắc và khiếu nại

Cuộc họp kết thúc lúc 15h 50....giờ cùng ngày.

Người lập biên bản



Đại diện Chủ đầu tư

(Ký tên)

KT GIÁM ĐỐC
PHÓ GIÁM ĐỐC
Nguyễn Khắc Dân

Đại diện Tư vấn

(Ký tên)

NGUYỄN XUÂN NHƯ
NGUYỄN XUÂN NHƯ

Đại diện chính quyền

(Ký tên)

CHỦ TỊCH
PHẠM LÂN






Đại diện cộng đồng

(Ký tên)

NGUYỄN QUỐC THÀNH

Updated Resettlement Plan

Danh sách các thành viên tham dự cuộc họp tham vấn cộng đồng

Stt	Họ và Tên	Chức danh/ đơn vị	Địa chỉ	Dân tộc	Giới		Chữ ký
					Na m	Nữ	
1	Vũ Văn Hùng	PC.T. UBND TP	0903.988.898		X		
2	Phạm Tấn	CT. UBND P. Phú Tam	0905.219.779		X		
3	Nguyễn Quốc Thanh	Tổ trưởng TD Phố	0906.337.954		X		
4	Vũ Thị Hiền	Đội Hội Phụ Nữ	0986.625.314			X	
5	Lê Xuân Sặc	ĐD-hộ dân			X		
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Updated Resettlement Plan

DỰ ÁN CẤP NƯỚC THÀNH PHỐ BUÔN MA THUỘT VÀ 03 HUYỆN PHỤ CẬN

Tiêu dự án: Cấp nước Tp. Buôn Ma Thuột và 03 thị trấn: Thị trấn Ea Kar, huyện Ea Kar, thị trấn Buôn Đôn, huyện Buôn Đôn; thị trấn Krông Năng, huyện Krông Năng thuộc chương trình phát triển ngành nước năm 2011-2012

BIÊN BẢN THAM VẤN

V/v: Bãi Thưởng ở Tại Định Cư

Ngày tháng năm

I. THÀNH PHẦN THAM DỰ

Số người tham dự: gồm

Đại diện chủ đầu tư: Ban QLDA cấp nước

1. Nguyễn Đình Lát

2. Lê Sỹ Tâm

3. Nguyễn Văn Lát

Đại diện Tư vấn

1. Nguyễn Xuân Nhân

2.

3.

Đại diện chính quyền và cộng đồng:

1. Hoàng Minh Lúa

2. Nguyễn Hoàng Thành

3.

Và (số lượng) đại diện các hộ gia đình tham gia cuộc họp. Danh sách đại diện các hộ tham gia cuộc họp tham vấn được đính kèm theo biên bản này.

II. THỜI GIAN, ĐỊA ĐIỂM:

Từ đến; Ngày tháng năm 2107

Tại: UBND xã Hòa Khánh

III. NỘI DUNG THAM VẤN:

1. Đại diện Chủ đầu tư cung cấp các thông tin cho người tham dự cuộc họp tham vấn, bao gồm:

- Mô tả về quy mô dự án Các ảnh hưởng đến thu hồi đất và các tài sản trên đất
- Các chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất
- Chính sách đền bù, hỗ trợ, tái định cư của Dự án
- Kế hoạch thực hiện (kế hoạch thực hiện các biện pháp giảm thiểu; kế hoạch xây lắp; kế hoạch đền bù, hỗ trợ, tái định cư; phục hồi thu nhập)

- Cơ chế giải quyết thắc mắc, khiếu nại

2. Đại diện Chủ đầu tư đã cung cấp cho những người tham gia cuộc họp tham vấn các tài liệu sau:

a. Thông tin về bản dự án

b.

c.

d.

III. KẾT QUẢ THAM VẤN:

3.1. Ý kiến về quy mô dự án

Đồng Thuận nhất với các đối chủ trương của dự án

3.2. Ý kiến về mức độ ảnh hưởng thu hồi đất và tài sản trên đất của dự án

Tuyệt đối đồng ý trong hành lang giao thông nên
ảnh hưởng không đáng kể

3.3. Ý kiến về chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất

Đề nghị nhà đầu tư bồi thường thỏa đáng

3.4. Ý kiến về chính sách đền bù, hỗ trợ, tái định cư của Dự án

3.4.1. Sự hợp lệ của các tài sản được đền bù:

Phù hợp với qui định của pháp luật Việt Nam

3.4.2. Đơn giá đền bù cho đất đai và tài sản trên đất:

Theo giá thị trường về chính sách của dự án



Updated Resettlement Plan

3.4.3. Các khoản hỗ trợ và mức hỗ trợ của các khoản hỗ trợ:

..... Theo chính sách chi trả

3.4.4. Các phương án tái định cư và hỗ trợ tái định cư:

..... Theo phương án mà chủ đầu tư đã lập

3.4.5. Các hoạt động phục hồi thu nhập:

..... Tuyển dụng ảnh hưởng không đáng kể tới thu nhập
và sinh kế của người dân

3.5. Ý kiến về kế hoạch thực hiện đền bù, hỗ trợ, tái định cư, phục hồi thu nhập, và thu hồi đất


..... Đề nghị được thông báo và nắm bắt trước các
phương án bồi thường của dự án

3.6. Ý kiến về cơ chế giải quyết thắc mắc, khiếu nại.

..... Đề nghị được giải thích đầy đủ và rõ ràng những
thắc mắc và khiếu nại của người bị ảnh hưởng

Cuộc họp kết thúc lúc giờ cùng ngày.

Người lập biên bản


Nguyễn Xuân Nãi

Đại diện Chủ đầu tư

(Ký tên)

Đại diện Tư vấn

(Ký tên)

Đại diện chính quyền

(Ký tên)

Đại diện cộng đồng

(Ký tên)



Ký, Giám đốc

Hồ Giám đốc

Nguyễn Khắc Dân

(Ký tên)

Nguyễn Xuân Nãi



Ký, Chủ tịch

Nguyễn Hoàng Thành

Nguyễn Hoàng Thành

Updated Resettlement Plan

Danh sách các thành viên tham dự cuộc họp tham vấn cộng đồng

Stt	Họ và Tên	Chức danh/ đơn vị	Địa chỉ	Dân tộc	Giới		Chữ ký
					Na m	Nữ	
1	Hoàng Minh Lư	CT UBND	Xã Hòa Khánh	Kinh	x		
2	Nguyễn Hoàng Thành	PT UBND	xã Hòa Khánh	Kinh	Nam		
3	Hoàng Thế Khương	CT HM	"	Kinh	Nam		
4	Đào Thị Thanh	PT HT C.C.B	"	Kinh	"		
5	Nguyễn Ngọc Vinh	Trưởng thôn	T. Hòa Khánh	Kinh	"		
6	Nguyễn Tiến	Trưởng thôn	"	Kinh	"		
7	Đoàn Thị Sửu	CT - HPN	"	Kinh		Nữ	
8	Ngô Thị Kim Ly	PCT - PN	"	Kinh		"	
9	Huỳnh Bá Phú	Trưởng thôn	T. 17. Hòa Khánh	Kinh	"		
10	Ngô Xuân Vũ	Trưởng thôn	T. 18. Hòa Khánh	Kinh	"		
11	Trần Dũng	T. 1	Thôn 4	Kinh	x		
12	Nguyễn Văn Ngọc	T. 2	Thôn 19	Kinh	"		
13	Nguyễn Văn Khôi	Trưởng thôn	Bùn Khôi	Đào	H		
14	Vũ Xuân Thành	Trưởng thôn	Thôn 6	Kinh	N		
15	Nguyễn Thị Ngọc	CH PN Thôn 19	T. 19	Kinh		N	
16	Nguyễn TT. Xuân	CH Thôn	Thôn II	Kinh		N	
17	Đào Thị Thanh Nhung	CH Thôn 13	"	Kinh		Nữ	
18	Võng Thị Lan	CH T Thôn 18	Hòa Khánh	Hoa		Nữ	
19	Sỹ Thị Thu Hiền	CH T Thôn 4	Hòa Khánh	Kinh		"	
20	Trần Thị Kiều	CH T Thôn 6	Hòa Khánh	"		"	
21	Ngô Thị Kim Thanh	CH T Thôn 9	Hòa Khánh	Kinh		"	
22	Trần Thị Hương	CH T Thôn 20	Hòa Khánh	Kinh		"	
23	Phạm Văn Hồng	T. 2 Thôn 22	Hòa Khánh	Kinh	N		
24	Huỳnh Tấn Tiến	T. 12	Hòa Khánh	Kinh	N		
25	Lê Văn Quang	T. 10	Hòa Khánh	Kinh	N		
26	Trần Văn Đức	T. 9	Hòa Khánh	Đào	N		
27	Nguyễn Văn Tân	T. 13. Hòa Khánh	Kinh	N			
28	Nguyễn Thanh Đăng	T. 2. Hòa Khánh	"	"			
29	Nguyễn Thị Lệ Hằng	T. 8 Hòa Khánh	"	"			
30	Trần Thanh Tuấn	BT Đoàn TN	"	"	x		
31	Vũ Văn Long	C. Hội NCT	"	"	x		
32	Nguyễn Văn Dũng	Thôn 16	"	"	x		

DỰ ÁN CẤP NƯỚC THÀNH PHỐ BUÔN MA THUẬT VÀ 03 HUYỆN PHỤ CẬN

Tiểu dự án: Cấp nước Tp. Buôn Ma Thuật và 03 thị trấn: Thị trấn Ea Kar, huyện Ea Kar; thị trấn Buôn Đôn, huyện Buôn Đôn; thị trấn Krông Năng, huyện Krông Năng thuộc chương trình phát triển ngành nước năm 2011-2012

BIÊN BẢN THAM VẤN

V/v: Bồi thường và Tái định cư.....

Ngày tháng năm

I. THÀNH PHẦN THAM DỰ

Số người tham dự:..... gồm

Đại diện chủ đầu tư: Ban QLDA cấp nước

1. Nguyễn Đình Việt.....

2. Lê Sỹ Tâm.....

3. Nguyễn Hữu Nh.....

Đại diện Tư vấn

1. Nguyễn Xuân Nhân.....

2.

3.

Đại diện chính quyền và cộng đồng:

1. Nguyễn Xuân Thắng.....

2. Phạm Quang Đình.....

3.

Và.....(số lượng) đại diện các hộ gia đình tham gia cuộc họp. Danh sách đại diện các hộ tham gia cuộc họp tham vấn được đính kèm theo biên bản này.

II. THỜI GIAN, ĐỊA ĐIỂM:

Từ.....đến.....; Ngày.....thángnăm 2107

Tại: VBNĐ phường Khánh Xuân.....

III. NỘI DUNG THAM VẤN:

1. Đại diện Chủ đầu tư cung cấp các thông tin cho người tham dự cuộc họp tham vấn, bao gồm:

- Mô tả về quy mô dự án Các ảnh hưởng đến thu hồi đất và các tài sản trên đất
- Các chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất
- Chính sách đền bù, hỗ trợ, tái định cư của Dự án
- Kế hoạch thực hiện (kế hoạch thực hiện các biện pháp giảm thiểu; kế hoạch xây lắp; kế hoạch đền bù, hỗ trợ, tái định cư; phục hồi thu nhập)

- Cơ chế giải quyết thắc mắc, khiếu nại

2. Đại diện Chủ đầu tư đã cung cấp cho những người tham gia cuộc họp tham vấn các tài liệu sau:

a. Thông tin... cơ bản... của dự án...

b.

c.

d.

III. KẾT QUẢ THAM VẤN:

3.1. Ý kiến về quy mô dự án.....

..... Đồng thuận nhất trí với chủ trương của dự án

3.2. Ý kiến về mức độ ảnh hưởng thu hồi đất và tài sản trên đất của dự án

..... không đáng kể vì trước ông đi thuê hành lang giao thông

3.3. Ý kiến về chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất

..... Đề nghị tạo điều kiện cho người bị ảnh hưởng nhận được bồi thường, hỗ trợ tái định cư và thỏa đáng

3.4. Ý kiến về chính sách đền bù, hỗ trợ, tái định cư của Dự án

3.4.1. Sự hợp lệ của các tài sản được đền bù:

..... Phù hợp với chính sách và pháp luật hiện hành

3.4.2. Đơn giá đền bù cho đất đai và tài sản trên đất:

..... Theo giá thị trường tại thời điểm thu hồi

3.4.3. Các khoản hỗ trợ và mức hỗ trợ của các khoản hỗ trợ:

Theo chính sách dự án.

3.4.4. Các phương án tái định cư và hỗ trợ tái định cư:

Không ảnh hưởng đáng kể tới nhà của không phải di dời nhà của.

3.4.5. Các hoạt động phục hồi thu nhập:

Affect hưởng không đáng kể tới thu nhập và sinh kế của người dân.

3.5. Ý kiến về kế hoạch thực hiện đền bù, hỗ trợ, tái định cư, phục hồi thu nhập, và thu hồi đất


Đề nghị chủ đầu tư thực hiện đền bù các nghĩa vụ đền bù và tái định cư phải được báo trước kế hoạch phướng án đền bù tái định cư cho người dân được biết.

3.6. Ý kiến về cơ chế giải quyết thắc mắc, khiếu nại.

Đề nghị được cấp thích ứng trả lời rõ ràng những thắc mắc, khiếu nại của người bị ảnh hưởng.

Cuộc họp kết thúc lúcgiờ cùng ngày.

Người lập biên bản


Nguyễn Văn Lưu.

Đại diện Chủ đầu tư

(Ký tên)

Đại diện Tư vấn

(Ký tên)

Đại diện chính quyền

(Ký tên)

Đại diện cộng đồng

(Ký tên)



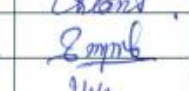
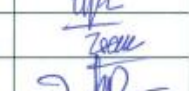
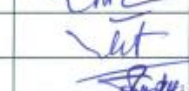
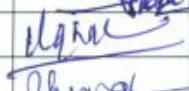
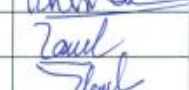








Nguyễn Xuân Nhàn




Nguyễn Xuân Thắng

Updated Resettlement Plan

Danh sách các thành viên tham dự cuộc họp tham vấn cộng đồng

Stt	Họ và Tên	Chức danh/ đơn vị	Địa chỉ	Dân tộc	Giới		Chữ ký
					Na m	Nữ	
1	Nguyễn Xuân Thắng	PCT Phường	3. Khánh Xuân	Kinh	x		
2	Phạm Quang Vinh	PCT MT	Phước Xuân	Kinh	x		
3	Lê Đức Giang	Tổ trưởng TDP	TDP 12	Kinh	x		
4	Nguyễn Chí Cảnh	CHS	TDP 3	Kinh		x	
5	Trần Ngọc Niê	PN		Ê-Đê		x	
6	Đào Kim Uyên	PN	TDP 10	Thái		x	
7	Nguyễn Thị Kim Huyền	PN TDP 7	TDP 7	Kinh		x	
8	Nguyễn Thị Hằng	PN		Kinh		x	
9	Nguyễn Thị Kim Thảo	PN	TDP 9	Kinh		x	
10	Đinh Đức Tru	TDP 5	TDP 5	Kinh	x		
11	Trần Cao Hải	TDP I	TDP I	Kinh	x		
12	Nguyễn T. Mai	PN	TDP 8	Kinh		x	
13	Nguyễn Thị Lệ Bào	PN	TDP 5	Kinh		x	
14	Nguyễn Thị Lanh	PN	TDP 11	Kinh		x	
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DỰ ÁN CẤP NƯỚC THÀNH PHỐ BUÔN MA THUỘT VÀ 03 HUYỆN PHỤ CẬN

Tiểu dự án: Cấp nước Tp. Buôn Ma Thuột và 03 thị trấn: Thị trấn Ea Kar, huyện Ea Kar; thị trấn Buôn Đôn, huyện Buôn Đôn; thị trấn Krông Năng, huyện Krông Năng thuộc chương trình phát triển ngành nước năm 2011-2012

BIÊN BẢN THAM VẤN

V/v: *Bồi thường và Tái định cư*

Ngày tháng năm

I. THÀNH PHẦN THAM DỰ

Số người tham dự:..... gồm

Đại diện chủ đầu tư: Ban QLDA cấp nước

1. *Nguyễn Thị Ngọc Yến*
2. *Nguyễn Hữu Chí*
3. *Hồ Anh Lương*

Đại diện Tư vấn

1. *Nguyễn Xuân Phan*
2. *Trần Minh Phương*
3.

Đại diện chính quyền và cộng đồng:

1. *Hoàng Nghĩa Hòa*
2. *Đường Ngọc Chinh*
3. *H' Sơ Ra Mố*

Và...*06*...(số lượng) đại diện các hộ gia đình tham gia cuộc họp. Danh sách đại diện các hộ tham gia cuộc họp tham vấn được đính kèm theo biên bản này.

II. THỜI GIAN, ĐỊA ĐIỂM:

Từ.....đến.....; Ngày.....thángnăm 2107

Tại: *UBND Thị trấn Krông Năng*

III. NỘI DUNG THAM VẤN:

1. Đại diện Chủ đầu tư cung cấp các thông tin cho người tham dự cuộc họp tham vấn, bao gồm:

- Mô tả về quy mô dự án Các ảnh hưởng đến thu hồi đất và các tài sản trên đất
- Các chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất
- Chính sách đền bù, hỗ trợ, tái định cư của Dự án
- Kế hoạch thực hiện (kế hoạch thực hiện các biện pháp giảm thiểu; kế hoạch xây lắp; kế hoạch đền bù, hỗ trợ, tái định cư; phục hồi thu nhập)

- Cơ chế giải quyết thắc mắc, khiếu nại

2. Đại diện Chủ đầu tư đã cung cấp cho những người tham gia cuộc họp tham vấn các tài liệu sau:

- a. Thông tin chung của dự án.....
- b.....
- c.....
- d.....

III. KẾT QUẢ THAM VẤN:

3.1. Ý kiến về quy mô dự án.....

Đồng Thuận với chủ trương của dự án.....

3.2. Ý kiến về mức độ ảnh hưởng thu hồi đất và tài sản trên đất của dự án

Đất thổ chức nhà nước.....

3.3. Ý kiến về chính sách, biện pháp giảm thiểu các tác động thu hồi đất và các tài sản trên đất

Đất thổ chức nhà nước.....

3.4. Ý kiến về chính sách đền bù, hỗ trợ, tái định cư của Dự án

3.4.1. Sự hợp lệ của các tài sản được đền bù:

Hợp lệ với qui định pháp luật Việt Nam.....

3.4.2. Đơn giá đền bù cho đất đai và tài sản trên đất:

Đất thổ chức nhà nước.....

3.4.3. Các khoản hỗ trợ và mức hỗ trợ của các khoản hỗ trợ:

Đất thuộc tổ chức nhà nước

3.4.4. Các phương án tái định cư và hỗ trợ tái định cư:

Đất thuộc tổ chức nhà nước

3.4.5. Các hoạt động phục hồi thu nhập:

Đất thuộc tổ chức nhà nước

3.5. Ý kiến về kế hoạch thực hiện đền bù, hỗ trợ, tái định cư, phục hồi thu nhập, và thu hồi đất

Đất thuộc tổ chức nhà nước

3.6. Ý kiến về cơ chế giải quyết thắc mắc, khiếu nại.

Đất thuộc tổ chức nhà nước

Cuộc họp kết thúc lúcgiờ cùng ngày.

Người lập biên bản

Nguyễn Tuấn Vũ

Đại diện Chủ đầu tư

(Ký tên)



KT. GIÁM ĐỐC
PHÓ GIÁM ĐỐC
Nguyễn Khắc Dân

Đại diện Tư vấn

(Ký tên)

Nguyễn Xuân Mạnh

Đại diện chính quyền

(Ký tên)



Hoàng Nghĩa Hòa

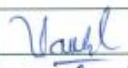
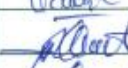

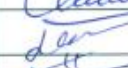




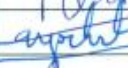
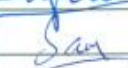
Đại diện cộng đồng

(Ký tên)

Trương Văn An

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Danh sách các thành viên tham dự cuộc họp tham vấn cộng đồng

Stt	Họ và Tên	Chức danh/ đơn vị	Địa chỉ	Dân tộc	Giới		Chữ ký
					Nam	Nữ	
1	Trương Văn An	TT TDP2	TDP2	Kinh	nam		
2	H' So ra n' lo	p' ch' h' p' n' t'	UBNDT'	Êđê		nữ	
3	Trần Văn Hà	p' c' t' u' b' n' o' i'	UBNDT'	Ơc' i'	Nam		
4	Lê Văn Lợi	Đại diện	TDP5	Kinh	nam		
5	Lê Hồng Tiến	Hộ gia đình	TDP5	Thái	nam		
6	Hoàng Trần	QZ TDP5	TDP5	Kinh	nam		
7	Phạm Văn Cường	TDP4 T'	TDP4	Kinh	nam		
8	Nguyễn Văn Kháng	TDP3	TDP3	Kinh	Nam		
9	Đặng Ngọc Chính	Chủ tịch	Ủy ban	Kinh	Nam		
10	Nguyễn Thị Sơn	Hộ gia đình	TDP2	Kinh		Nữ	
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							

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Annex 4 : SES and DMS Form

PART 1: IDENTIFICATION AND GENERAL HOUSEHOLD INFORMATION

1.1	Name of Sub-component	1.	2.	3.
		4.	5.	6.
1.2	Name of district/commune/			
1.3	Name of Respondent			
1.4	Age of Respondent	(a) 18 to 24	(b) 25 to 34	(c) 35 to 44
		(e) 55 to 64	(f) over 65	
1.5	Sex	1 - Male		2 - Female
1.6	Civil Status	1 - Single	2 - Married	3 - Widow
		4 – other, please specify		
1.7	Position of Respondent	1	Head of household	
		2	Spouse of head of household	
		3	Other, please describe (how is respondent related to Head of HH)	
1.8	Information on Households Members		Male	Female
				Total
	People in household who work			
	School age children (6-15 years)			
	School age children who attend school			
	People older than 15 years who are literate			

PART 2: HOUSEHOLD LIVING CONDITIONS

2.1	Source of drinking/cooking water	1. Rain water 2. Traditional shallow well 3. Deep well	4. Public tap 5. Piped water 6. Canal, river pond	7. Other specify
2.2	Source of washing/bathing water	1. Rain water 2. Traditional shallow well 3. Deep well	4. Public tap 5. Piped water 6. Canal, river pond	7. Other specify
2.3	How do you consider the quality of water (from well, public tap or piped water)?	1. Good	2. Acceptable	3. Not good Explain why
2.4	What type of sanitation facility do you have	1. Pit latrine 2. Fish pond toilet 3. Public water-seal toilet	4. Toilet in house with septic tank 5. Toilet in house with septic tank led to sewage	6. Toilet in house Led directly to water bodies 7. No Toilet
2.5	What is your main source of energy for lighting?	1. Electricity from public network 2. Electricity from private network	3. Private generator 4. Gas/kerozene 5. Cylinder gas 6. Batteries	7. Other specify
2.6	What is your main source of energy for cooking?	1. Electricity from public network 2. Electricity from private network	3. Private generator 4. Gas/kerozene 5. Cylinder gas 6. Wood	7. Other specify
2.7	If you are connected to the public network do you	1. Every week 2. Every month	3. Rarely 4. Never	

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	experience cut of power			
2.8	Do you own one or several of these assets?	1. Bicycle 2. Motorbike 3. Car 4. TV 5. CD/DVD player	6. Generator 7. Water pump 8. Rice cooker 9. Mobile phone 10. Desk phone	11. Refrigerator 12. Computer 13. Sewing Machine 14. Truck
2.9	What are the common sicknesses within households during wet and dry season?			

PART 3: HOUSEHOLD INCOME SOURCES AND EXPENDITURES

3.1	What is the household main source of income?	1. Agriculture 2. Fish / shrimp raising 3. Trading – retail/wholesale 4. Services (café, tailor, hairdresser..._	5. Wages / salary from private sector 6. Wages / salary from government 7. Manual / daily labor 8. Lease / rental of property	9. Government pension 10. Financial support from relatives Computer 11. Other 12. Truck
3.2	What is the household secondary source of income?	1. Agriculture 2. Fish / shrimp raising 3. Trading – retail/wholesale 4. Services (café, tailor, hairdresser..._	5. Wages / salary from private sector 6. Wages / salary from government 7. Manual / daily labor 8. Lease / rental of property	9. Government pension 10. Financial support from relatives Computer 11. Other 12. Truck
3.3	Which HH members are responsible for primary source of income	1. HH head only 2. HH head and spouse	3. Adult children only 4. HH head, spouse and adult children	5. Others
3.4	Average monthly household income from main source of income			VND/month
3.5	Average monthly household income from all source of income			VND/month

PART 4: AFFECTED LAND HOLDINGS

2.1 Affected Land		Land areas		Land occupancy status (m2)		
		Total land holdings (m ²)	Affected Area (m ²)	LURC / can be legalized	Lease / temporary right	No right / illegal
		1	2	3	4	5
4.1.1	Residential					
4.1.2	Agricultural					
4.1.3	Fish / shrimp pond					
4.1.4	Garden					
4.1.5	Forest					
4.1.6	Other (specify)					

PART 5: AFFECTED PRINCIPAL AND SECONDARY STRUCTURES

5.1 Principal Structures		Total area (m ²)	Affected area (m ²)	House category	Actual use of structure	Does AP rent structure?		How is structure affected?	
						Yes	Monthly Rent (VND)	Totally	Partially
		1	2	3	4	5	6	7	8
5.1.1	Main structure								

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House category: 1- Category 1 = Villa
 2- Category 2 = Concrete floors, construction material and equipment are high quality
 3- Category 3 = Concrete floors, average quality for material and equipment
 4- Category 4 = Brick wall, wooden frame with tile or tole roof
 5- Temporary = Bamboo and wooden frame with tole or nipa palm roof

Actual use of structure: 1- Housing only
 2- Commercial only
 3- Combined living/commercial
 4- Community use (school, etc.)
 5- Industrial, commercial and/or storage
 6- Other: (specify)

5.2 Secondary structures: list only affected secondary structures (temporary commercial kiosk, separate kitchen, separate toilet, animal sheds, wells, fence, grave, etc.)

	Secondary Structure Type	Affected portion:			Construction material
		m ²	M	No.	
		2	3	4	
5.2.1					
5.2.2					
5.2.3					
5.2.4					
5.2.5					
5.2.6					

Construction material: 1. Bamboo
 2. Wood
 3. Brick
 4. Concrete
 5. Steel
 6. Others (clarify)

PART 6: ANNUAL CROPS AND AQUACULTURE

List all affected crops (rice, upland crops, vegetables, shrimp, fish)

	Type of crop	Affected area (m ²)	Notes
6.1	Rice		
6.2	Other annual crops		
6.3	Vegetables		
6.4	Fishery		

PART 7: PERENNIAL CROPS AND TREES (FRUIT TREES, TIMBER TREES)

List all affected perennial crops, fruit trees & timber trees by using groups 1 to 5

	Group of perennial crop or tree*	Affected Quantity		
		No.	M ²	
	1	2	3	
7.1				1- Coconut, mango, star-apple
7.2				2- Longan, orange, mandarin, pomelo, custard-apple, seri
7.3				3- Guava, cashew, pepper, blue-dragon
7.4				4- Papaya, banana, others
7.5				5- Timber trees (acacia, eucalyptus)

PART 8: LOSS OF BUSINESS AND OTHER INCOME

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	Type of business*	Tax status of business		Number of employees		Average monthly net income (VND)
		Registered	Non-registered	Full-time	Seasonal	
	1	2	3	4	5	6
8.1						

*Type of business: 1- Small shop/kiosk 5- Warehouse
 2- Retail store 6- Ice factory
 3- Services (e.g., barber) 7- Shrimp hatchery / farm
 4- Gas station, garage 8- Other:.....

8.4	If your business is affected by land acquisition, what will be the impacts?	1- Minor: Shift back on remaining land and rebuild; little/no loss of income
		2- Medium: Shift back on remaining land and rebuild; loss of income estimated at months
		3- Major: Relocate to new site; rebuild completely; loss of income estimated at months

PART 9: COMPENSATION AND RESETTLEMENT OPTIONS

9.1	If your <u>agricultural or fish/shrimp pond land</u> or other productive land is affected, what are your preferences for compensation?	1- I want to buy replacement land of same category and equal area and/or productivity if available
		2- I want cash compensation equal to market rates for similar land
		3- Not yet decided
9.2	Do you have sufficient <u>remaining residential or non-agricultural land</u> to rebuild your affected structures?	1- Yes
		2- No
9.3	If you cannot rebuild structures on remaining land, what are your preferences for relocation?	1- I want to relocate myself to other land that I own
		2- I want to relocate myself to new land
		3- I want to relocate to a group resettlement site, if available
		4- I want to relocate to an individual resettlement site allocated by the commune
9.4	Do you have any comments?	1. Yes,.....
		2. No

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ANNEX 5: PHOTOGRAPH OF COMMUNITY CONSULTATION MEETING

