Resettlement Plan

RESETTLEMENT SITE EXPANSION - PHASE II

April 2009
RESETTLEMENT PLAN

RESETTLEMENT SITE EXPANSION – PHASE II

THE CLIENT
CAN THO URBAN UPGRAдинG PROJECT MANAGEMENT UNIT

THE CONSULTANT
THANG LONG INFRASTRUCTURE DEVELOPMENT JSC.
# TABLE OF CONTENTS

SUMMARY ......................................................................................................................... 8

I. PROJECT OVERVIEW .................................................................................................... 10
   1.1 Introduction ............................................................................................................. 10
   1.2 The Resettlement Site, Phase 2 ................................................................................ 11
   1.3 Census .................................................................................................................... 11

II. MITIGATION MEASURES ............................................................................................. 12
   2.1 Principles ................................................................................................................ 12
   2.2 Mitigation Measures ............................................................................................... 12

III. LAND/ASSET ACQUISITION IMPACTS ..................................................................... 13
   3.1 Scope of Land/Asset Acquisition ........................................................................... 13
   3.2 Socio-economic Study ........................................................................................... 15

IV. POLICY FRAMEWORK AND ENTITLEMENTS ............................................................... 19
   4.1 Policy Framework ................................................................................................... 19
   4.1.1 Legal Framework ............................................................................................... 19
   4.1.2 Policy Framework for the resettlement site, phase 2 ....................................... 20
   4.2 Criteria for Eligibility and Compensation ............................................................ 20

V. RESETTLEMENT SITE .................................................................................................... 22
   5.1 Analysis of Resettlement Demands ....................................................................... 22
   5.2 Community Consultation ....................................................................................... 22
   5.3 Resettlement Arrangement .................................................................................... 27

VI. REHABILITATION PROGRAMME .................................................................................. 28
   6.1 Demand Analysis ..................................................................................................... 28
   6.2 Proposed Programme ............................................................................................. 28

VII. INSTITUTIONAL ARRANGEMENT .............................................................................. 30
   7.1 Institutional Framework .......................................................................................... 30
   7.2 Relevent Agency Responsibility ............................................................................ 30
   7.2.1 Management Agency ........................................................................................ 30
   7.2.2 Implementation Agency .................................................................................... 31
   7.3 Coordination Mechanism ...................................................................................... 32

VIII. IMPLEMENTATION SCHEDULE .............................................................................. 34
   8.1 Main Activities ....................................................................................................... 34
   8.2 Implementation Steps ............................................................................................ 34

IX. CONSULTATION AND PARTICIPATION ................................................................... 35
   9.1 Objective and Policy ............................................................................................... 35
   9.2 Consultation and Participation Process .................................................................. 35
**RESETTLEMENT PLAN**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.2.1</td>
<td>Consultation during project preparation</td>
<td>39353533</td>
</tr>
<tr>
<td>9.2.2</td>
<td>Consultation during project implementation</td>
<td>40363634</td>
</tr>
<tr>
<td>9.2.3</td>
<td>Information Publicization</td>
<td>41373735</td>
</tr>
<tr>
<td>X.</td>
<td>GRIEVANCE REDRES</td>
<td>42383836</td>
</tr>
<tr>
<td>10.1</td>
<td>Grievances</td>
<td>42383836</td>
</tr>
<tr>
<td>10.2</td>
<td>The Grievance Mechanism</td>
<td>42383836</td>
</tr>
<tr>
<td>XI.</td>
<td>MONITORING AND EVALUATION</td>
<td>43393937</td>
</tr>
<tr>
<td>11.1</td>
<td>Internal Monitoring</td>
<td>43393937</td>
</tr>
<tr>
<td>11.2</td>
<td>External Monitoring</td>
<td>43393937</td>
</tr>
<tr>
<td>XII.</td>
<td>COST ESTIMATION</td>
<td>45414140</td>
</tr>
<tr>
<td>12.1</td>
<td>Cost for Compensation/Assistances</td>
<td>45414140</td>
</tr>
<tr>
<td>12.1.1</td>
<td>Unit Price</td>
<td>45414140</td>
</tr>
<tr>
<td>12.1.2</td>
<td>Cost Estimation</td>
<td>46424240</td>
</tr>
<tr>
<td>12.2</td>
<td>Adjust Compensation Rate</td>
<td>46424240</td>
</tr>
</tbody>
</table>
**ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DED</td>
<td>Detailed Engineering Design</td>
</tr>
<tr>
<td>DMS</td>
<td>Detailed Measurement and Survey</td>
</tr>
<tr>
<td>DPs</td>
<td>Displaced Persons</td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>FS</td>
<td>Feasibility Study</td>
</tr>
<tr>
<td>CT-UUP</td>
<td>Can Tho Urban Upgrading Project</td>
</tr>
<tr>
<td>LIA</td>
<td>Low Income Area</td>
</tr>
<tr>
<td>PC</td>
<td>People's Committee</td>
</tr>
<tr>
<td>PMU</td>
<td>Project Management Unit</td>
</tr>
<tr>
<td>RP</td>
<td>Resettlement Plan</td>
</tr>
<tr>
<td>RPF</td>
<td>Resettlement Policy Framework</td>
</tr>
<tr>
<td>SES</td>
<td>Socio-economic Survey</td>
</tr>
<tr>
<td>TOR</td>
<td>Terms of Reference</td>
</tr>
<tr>
<td>VUUP</td>
<td>Vietnam Urban Upgrading Project</td>
</tr>
<tr>
<td>WB</td>
<td>World Bank</td>
</tr>
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*Can Tho Urban Upgrading Project - Resettlement Site Expansion - Phase 2*  
*Infra-Thanglong*
DEFINITION OF TERMS

Involuntary Resettlement (IR): (According to definition of Policy OP 4.12 of World Bank): is unavoidable resettlement losses resulted by a development project in which affected people have no option but to rebuild their lives, incomes and asset bases elsewhere.

Resettlement Plan (RP) is a time-bound action plan with resettlement strategy, land acquisition, resettlement compensation, principles, objectives, impact, entitlement, socio-economic survey, policy framework, legal framework, mitigation measures, construction of resettlement areas, compensation costs, allowances, implementation plans of compensation, resettlement implementation arrangement and livelihood restoration after resettlement as well as monitoring and evaluation of plan implementation.

Displaced Persons (DPs) may be an individual, a household, a firm or group who is affected by revocation of land or any assets on the land where a project is carried out.

Compensation means payment in cash or in kind to replace losses of land, housing, income, and other assets caused by land revocation to get project done.

Entitlement defines a right to receive compensation and other assistance funds in resettlement and living rehabilitation program.

Replacement Cost is the method of evaluation of assets that helps determining the amount sufficient to replace for lost assets and relating transaction costs.

(i) For agricultural land, it is the market price of land having equal productive potential or locating in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

(ii) For land in urban areas, it is the pre-displacement market value of equivalent area and using purpose, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

(iii) For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality equal to or better than those of the affected; or materials used to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.

To determine the replacement cost, depreciation of asset and the value of salvage materials are calculated, benefits derived from the project are deducted from the valuation of an affected asset.

Census is a data collection technique of completing enumeration of all DPs and their assets through household questionnaire. Census’s objectives are (i) to prepare a complete inventory of DPs and their assets as a basis for compensation, (ii) to identify non-entitled persons, and (iii) to minimize impact of later influx of "outsiders" to project area.

Socio-economic Survey is carried out in order to prepare profile of DPs and to prepare Resettlement Plan (RP). Estimated forty percent (40%) of DPs population is surveyed through household questionnaire. The survey result is used (i) to assess incomes, identify productive activities, and plan for income restoration, (ii) to develop relocation options, and (iii) to develop social preparation phase for vulnerable groups.
RESETTLEMENT PLAN

**Cut-off date** determine eligibility for entitlement. This could also be the date the project area was delineated, before the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.

**Vulnerable Group** is defined as the indigenous people, ethnic minorities, the poor, women, children, the old, the disabled, and other socially/economically vulnerable groups who would be adversely affected from a project.

**Grievance Redress** procedures set out the time frame and mechanism for resolutions of complaints about resettlement from DPs. Grievance redress can be provided through informally constituted local committees with representation from key stakeholder groups. Grievances can also be addressed through formal channels; unresolved grievances will be dealt with at progressively higher levels.
SUMMARY

Introduction

The Resettlement Plan for resettlement site, phase 2 has been prepared supplementary to the resettlement plan, phase 1. The resettlement plan 1 consists of: socio-economic results, land/assets inventory and measurement; specific methodology for replacement cost survey (unit price); actual unit price and criteria, entitlements for any impact defined through survey, census; description of resettlement sites, income restoration and/or rehabilitation programme; cost estimation... However, due to difficulties in compensation/settlement and resettlement arrangement while project appraisal (year 2003), land acquisition and compensation in phase 1 implemented for 10.7 ha/15.4 ha and construction implementation from IDA on the area of 10.7 ha.

Impact on Land/Assets Acquisition

There are 320 household which their land/assets are affected by the project (DPs), in which about 68.5% DPs should be relocated and there is no impact on natural conservation, pagoda, temple, or any sensitive area.

Total land acquisition for phase 1&2 are of 59,790.20 m$^2$. Of which, mapping and census have been made for 50,141.50 m$^2$ including (i) Residential Land: 12,684.71 m$^2$, (ii) Agricultural Land: 37,456.79 m$^2$ and (iii) Others: 9,648.70 m$^2$

Mitigation Measures

During socio-economic survey and consultation, the consultant took many measures to minimize the project impacts (through set up proper resettlement and compensation options and make residents consensus to the project), including promulgation and community meetings for introducing the resettlement site phase 2, updated legal policy on compensation and resettlement on principle, resettlement policy framework and any changes/supplementary on GoV’s policy...

Policy Framework and Entitlement

The basic principle applied for the preparation of the resettlement plan is that: Displaced persons (DPs) have to be assisted with their best to improve the living standards, their income making and productivity or at least, to keep their living standards prior to project commencement. Lacking of legal basis of land usage does not bar DPs to have the entitlements of compensation and/or allowance for economic restoration. Affected structures have to be compensated based on the “replacement cost”. The Resettlement Plan is compliant with RPF approved by GoV through Letter 1513/CP-NN dated November 14th 2003. The RPF is basis policy framework for the project’s compensation and resettlement operation.

Resettlement Site

The project resettlement site, phase 1 has been constructed in Village Thoi Nhut, An Khanh Ward with square of about 10,700 m$^2$ out of assigned about 10,540 m$^2$, then supplement to 16,685 m$^2$. The resettlement plan is designed as land plot with each plot square of 40 m$^2$ and 60 m$^2$. The resettlement site - phase 2 with area of 59,790.20 has been approved by WB to keep investing and now under preparation phase.

1 The land owner has been checked and to be considered as residential land so far.

Can Tho Urban Upgrading Project - Resettlement Site Expansion - Phase 2
Infra-Thanhlong
RESETTLEMENT PLAN

Income Rehabilitation Programme
The Rehabilitation Programme is one of important activities in the implementation process of resettlement and compensation. The project will propose some activities as (i) Revolving Fund as in Project Component 5 and (ii) indebted the resettlement land and (iii) other policies assist DPs who lost their agricultural land severely (over 25%).

Institutional Arrangement
Compensation and Resettlement operation will be under management and monitoring of Social Policy Department and Compensation and Resettlement Committee (DRC) at district level will directly implement. In the implementation process, the close cooperation among site staffs, DRC, Project Management Unit, commune officers and residential groups as well as coordination with resettlement specialists of the project in process of resettlement and compensation are needed.

Implementation Schedule
Resettlement Plan will be implemented along with the construction works and the DPs will be compensated and relocated since June 2009.

Consultation and Participation
The entitlement policy in this Resettlement Plan have been prepared with the close co-operation of local authorities, NGOs, and DPs to promote their participation in the preparation and the implementation of resettlement plan (RP). The local authorities, NGOs, and about over 320 relocated DPs were consulted through meetings, community consultation, in-depth interviews.

Monitoring and Evaluation
The implementation of the Resettlement Plan will be monitored and examined internally by PMU’s staff. At the same time, an Independent Monitoring Agency will be employed to monitor the implementation of resettlement plan and evaluate the DP’s living standards after resettlement implementation.

Grievance Redress
In the implementation process of resettlement plan, the grievances will be settled according to those approved in the RPF. The complaints of all DPs will be solved fairly and quickly by the authorities at the various levels and/or project staffs without any administrative fees for the grievance redress.

Cost Estimation
Total estimated cost of resettlement plan is 46,772,416,628 VND. This cost includes compensation cost of land and the project affected architectures, the income rehabilitation programs, the transition assistances, the monitoring, evaluation and administrative management and contingency.
I. PROJECT OVERVIEW

1.1 Introduction

The resettlement area of Vietnam Urban Upgrading Project - Can Tho sub-project (hereinafter mentioned as Resettlement site) is developed in order to provide resettlement arrangement for households affected by project performance of Component 1 – Tertiary infrastructure upgrading and Component 2 – Primary and Secondary Infrastructure upgrading.

Resettlement area is established based on detail master plan – scale 1:500 approved by PC’s Can Tho city stipulated in related legal documents, including (i) Decision 2551/QD-UB dated 28th July, 2003 on approval of detail master plan – scale 1:500 of resettlement area specified block #1A and 1C in Thoi Nhut hamlet, An Khanh ward (previously defined as An Binh commune) of Can Tho city and (ii) Decision 4148/QD-CT.UB dated 18th November, 2003 on approval of sectoral project No 2 – Developing resettlement site of Can Tho urban upgrading sub-project with the total square of 154,135 m². Can Tho city’s PC have also issued Decision 4383/QD-UB dated 05th December, 2003 on land acquisition for implementation of sectoral project No 2 in order to provide land for developing resettlement site of Cantho urban upgrading sub-project with the total acquired land of 15.4 ha (or 154,000 m² approximately).

As stated in master plan, administrative boundary of Resettlement site is shared with Medical-Pharmacy College by National road No 7A with the ROW of 26m from the north, and with Cultural Park of Urban area of Road 20 by National Road No 24 with the ROW of 15m from the East. The construction and operation of resettlement site will face up with many difficulties because these adjacent project sites will not be executed at the same time. To overcome these obstacles, Cantho PC issued Decision No 2438/QD-UB dated 10th August, 2004 on land acquisition for developing National Road No 7A and 24 with the total acquired land of 12,856 m² that will be included in Can Tho urban upgrading project as requested by PMU of Cantho Urban Upgrading sub-project. Based on these two decisions, the total area of Resettlement Site is 166,856 m².

For gradually solving difficulties related to source of fund and assuring project performance implemented as approved schedule as well as committing to follow principle and objectives of WB policy (as defined in OD 4.30), President of Cantho’s PC issued Formal letter 3327/UB dated 23th August 2004 on investment phasing of sectoral project No 2 stated that the investment on sectoral project No 2 will be divided into 2 phase..

According to Decision No 4148/QD-CT.UB dated November 18th 2003 on approval of the project sectoral 2: Construction of the resettlement site for Can Tho Urban Upgrading Project

- Total investment cost: 67,721,657,900 VND
- Works: 42,897,143,000 VND
- Reimbursement: 18,668,000,000 VND
- Contingency: 6,156,514,000 VND

So far, the resettlement site, phase 1 has completed basically including 866 land plots, in which there are 170 plot of 60 m2 and 666 plots of 40m2. The land plots which have been handed over to relocated DPs in phase 1 are 480 plots (348 plots of 40m2/plot; 132 plots of 60m2/plot). They have built their new house and living stably.
One Resettlement Action Plan (RAP) for phase 1 of project was prepared and submitted on December 2003 by Joint Venture of Martin Associates P/L (Australia) and Dương Thanh Water and Environment (Vietnam) and approved by Cantho city’s PC extracted from formal letter 312/UB dated 13rd February, 2004. This report identified social impact and resettlement issues generated from project execution as well as developed policy framework of WB and Vietnamese Government. During RAP preparation process, one wide-spread community consultation programme was conducted in 2000.

After implementation process of phase 1, it could be said that the identified impacts is suitable with practical performance and that the approved policy framework is fully applied in phase 2. Thus, the RAP of phase 2 (namely Additional RAP) will focuses on supplementing data and information related to project affect households as well as updating legal policy newly promulgated and enforced.

1.2 The Resettlement Site, Phase 2

The resettlement site, phase 2 is the rest of resettlement site for the Can Tho urban upgrading project as in Decision No. 4148/QD-CT.UB dated November 18th 2003 stipulated by Can Tho PC on approval of Project Sectoral 2: Construction of Resettlement Site for Can Tho Urban Upgrading Project and Detail Master-Plan – rated 1/500 for resettlement site in plot No.1A and 1C in Thoi Nhut village, An Binh commune (now changed to An Khanh ward), Can Tho City. Total land acquisition for the resettlement site, phase 2 is 59,790.20 m². The resettlement plan is to provide options of compensation, assistances and resettlement for DPs.

1.3. Census

During the period from October 2008 to March 2009, the resettlement consultants conducted a socio-economic survey and inventory of all affected land/ assets with closed co-ordination amongst Infa-Thanglong, PMU staff and ward PC, village representatives in the project area. Accordingly, the DPs were socio-economic investigated with 320 DPs, of which over 220 were surveyed socio-economically and 68-53 relocated DPs were consulted on resettlement demands.

Socio-economic survey results as well as census results on affected assets are shown in next parts on the report.
II. MITIGATION MEASURES

2.1 Principles

The first principle in the policy framework agreed by WB is "to avoiding or mitigating impacts on resettlement and taking of land". In case it is not feasible to avoid settlement, mitigation measures and/or reasonable compensation/assistances should be applied for DPs to improve or at least to maintain the DPs pre-Project living standards.

Impacts on land acquisition is unavoidable due to the necessity of land acquisition for improving infrastructure, gradually upgrade the urban living condition in LIAs. Improving technical infrastructure, raising living standards and living environment in LIAs.

2.2 Mitigation Measures

Many meetings have been held amongst consultant, community representatives and DPs prior to the resettlement plan preparation aimed to mitigate the impacts on land/assets acquisition though mobilizing innovative ideas from community participation and/or setting up rehabilitation programme suitable to specific social economic condition.

While socio-economic survey and community consultation, many mitigations measures have been carried out (mitigated through preparation of suitable compensation and resettlement plan and DP's consensus to project), in which including (i) leaflet; (ii) community meeting to introduce the project information and community role in resettlement plan's preparation and implementation and (iii) community consultation on current livelihood and their expectation on income restoration after resettlement implementation.

The explicitly and publicization on project information as well as such income restoration preparation will help the household's consensus to project and promptly fall in line with new living condition.
III. LAND/ASSET ACQUISITION IMPACTS

3.1 Scope of Land/Asset Acquisition

**General Information:** The RP describe the social impact on land/asset acquisition due to construction of resettlement site, phase 2. According to technical design, the main impacts are consisting of:

- Land acquisition to 320 households, of which (i) 68-53 households who affected with residential land and house; (ii) 153 households who affected residential/agricultural land and (iii) 99 households whose their land owner is unidentified and (iv) 15 households whose house was built illegally after the project’s cut off date;

- Numbers of DPs who have to relocate their houses are 68-53 households;

- There is no case of business/income loss.

- Temporary affects to households who are living in/nearby the project area

- Environment impact due to noise and air pollution during construction time.

- Temporary affect to transportation for both walk and vehicle while construction time.

The DPs will be compensated in compliant with RPF approved by GoV and WB as well as those of other current legal policy of GoV and Can Tho’s PC.

**Affected Area:** Zone 4, An Khanh Ward, Ninh Kieu District, Can Tho City

**The Project Displace Persons (DPs):** based on field dataset, there are over about 320 households to be affected by the project, in which:

(i) Fifty three (Totally 68-53) households are with affected of with residential land/house and need to be relocated; in which 53 households are legal and 15 others are illegal (house construction on agricultural land) and/or state owned land which is not entitled to compensate/resettlement but assisted on case by case basis to ensure they have a place to leave.

(ii) One hundred and fifty three (Totally 252) households with fully affects of agricultural land; (i) Amongst 153) households are affected with agricultural land DPs are defined, in which 10 DPs with agricultural land affected over 800m2, 03 DPs with mainly land generated-based income;

(iii) There are about Ninety nine (99) DPs households are not identified (which their current living address is not defined), because the land owners are living in other areas in the province, out of project area. Some of the affected lands are considered as residential land.

(iv) Fifty (15) households are built their house illegally after the project’s cut off date, which is not entitled to compensate but to be assisted on case by case basis to ensure they have a place to leave.

In addition to above mentioned permanent affects, there are also some temporary affect to population living along the roads/canal/ditches during construction time. These impacts are mostly limitation of access to business while the project construction and transportation barrier, narrowed transport...

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2 Their house was built after the project's cut off date.
Scope of Land Acquisition: Total land acquired are 59,790 m², in which, some impact are described as bellowed separately:
Table 1 – Summary of Land Acquisition Impacts

<table>
<thead>
<tr>
<th>No</th>
<th>Category</th>
<th>Res. Land with House</th>
<th>Agri Land</th>
<th>Unidentified Land Owners</th>
<th>Illegal Houses Total</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>An Khanh Ward</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Displace</td>
<td>6853</td>
<td>153</td>
<td>099</td>
<td>224/15</td>
<td>99320</td>
</tr>
<tr>
<td></td>
<td>Households, Person (DPs)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Affected Areas (m²)</td>
<td>129,88684.741</td>
<td>37,456.79</td>
<td>9,648,709</td>
<td>2,798.10</td>
<td>59,7909.6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(w2)^{50.14}±50</td>
<td></td>
<td></td>
<td></td>
<td>48.70</td>
</tr>
</tbody>
</table>

House/Architectures: Based on asset inventory, there are 5368 houses to be affected fully, in which, most of them are concrete ones:

✓ House with no upstairs which house frame, foundation made by reinforce concrete, bricked wall: 43 houses
✓ House with no upstairs which house frame made by reinforce concrete, (foundation is not reinforce concrete), bricked wall: 24 house
✓ Temporary house: wooden frame, roof and wall made of leaf: 01 house

Other impacts: In addition to above impact besides, there are also power meter, water supply meter, fruit tree and bonsai affected by the project.

Culture/Religious Works: there is no culture/religious work to be affected.

Project Displaced Persons (DPs): As information surveyed, there are 320 DPs, in which 68 DPs with residential land and house affected, 153 of fully agricultural land and 99 unidentified land owners. Furthermore, temporary impacts also are on the households who are living along the road during construction time, which are mostly on small business due to transport barrier and space limit during construction time...

3.2 Socio-economic Study.

The socio-economic information in the project area were fully surveyed in RP report phase 1 and approved in official letter No 312/UB date 13/02/2003 issued by Can Tho’s PC. In the phase 2, the socio-economic survey is also updated through meeting and discussed with local authority, DPs and household who do business of real estate...The socio-economic information is surveyed from October 2008 to March 2009, which describes as following:

---

3 This land will be compensated as legal land.
3.2.1 Socio-economic Condition

Totally there are 221 DPs who affected by the resettlement site -phase 2 and other 99 DPs (or called land owners) who are not identified, because the land owners are living in another areas. Of 221 DPs, there are 68-53 cases what that are affected land and house in the project area and to be relocated.

Household Size: There are totally 221 DPs with 995 persons; average person per household is 4.5. Mostly there are 4-6 members in the family, even 7-11 members and there is basically no single household.

Education: about 76% household completed primary and secondary education, 20% completed university/master and about only 4% are uncompleted the primary/secondary education and basically there is no illiteracy in the project area.

Occupation: about 80% are officer for state/private company, 10% self service and the remaining are agricultural producers.

Income: According to secondary information on project DPs, mostly their income is around 1-3 mil. VND/month/HH (occupy 51.47%), but all DPs state that the income is not stabilized due to their temporary occupation and their average expenditure are as same as their income, mean 1-3 mil. VND month/HH (occupy 44.12%).

3.2.2 Status of Land/Housing

Land Status: the affected area which are surveyed and mapping are 50,141.50 m²/59,790.70 m², in which: residential land 12,684.71 m²; agricultural land 37,456.79 m²; the rest of 9,648.70 m² which land owner is not determined but considered as residential land due to some information provided. About original of land, almost the land is agricultural, then some households make do business of the land, making the land plot then sell, the selling is so complicated and with so many owners. The land buyer is almost one who come from outside for living purpose, some households transferred the land using purpose, from agriculture to residential purpose.

Socio-economic information: about 320 DPs, in which 221 DPs are determined including 68-53 with residential land/houses affected; and 153 households affected on agricultural land only, the unidentified land owners are 99 and (these DPs occupy 9,648 m²). The PMU has kept informing 2-3 times on newspaper, television to find the owners and 15 illegal DPs who built their house after the project’s cut off date.

Land/House Ownership: for 68-53 cases affected land and houses and actually they are demand for arranging living area, of houses, of which 08 DPs whose land is originated in the area and 60-45 households built their house in the hired land which built in the inherited land but LURC is not transferred or land transferred but not registered.

Among 252/329/153 DPs who affected agricultural land, there are 10 DPs who affected agricultural land are quite significant (05 DPs with affected squares of 800 m² - 1,900 m², 04 DPs with squares of 2,300 m² - 2,700 m² and 01 DP with squares of over 4,060 m²), the remaining is with squares from 60 m² to 400 m² (some house has been built illegal in such land). Within above 10 DPs, there are 04 DPs with house affected, 06 DPs with spare house and 03/10 DPs whose income generated from their land, the remaining is almost with planting tree for wood, fruit and other trees.

3.2.3 Social Infrastructure

As for social infrastructure, there are 01 health station, 01 hospital, 02 kindergartens, 01 market and 01 public telephone station.
RESETTLEMENT PLAN

As for technical infrastructure: there are 49.09% population using piped water, 50.9% using well and a little one using water from their neighbors. About electricity, 62.96% population using power meter and 37.04% using from their neighbors.

It is noted that there is lack of water supply, lack of solid waste collected. The households there use well-water (80m depth) for daily activities. They already build septic tank, however there is not a sewage system outside to connect with. The market in phase 1 is already built up and implemented. However, because of inefficient traffic roads between the market and other community areas that makes the price is expensive and not much people go to do their business there. The Medical station, the kindergarten, primary school, wastewater treatment plant are implemented and used and partly meet the resettles demand. However, the kindergarten now is overload; when phase 2 finish there is need to widen the kindergarten.

Due to flood-tide, the planning area is flood in the rainy season and it makes the bad condition and impact seriously to the living environment there. In short, all the people who live there really desire the project will be approved and implemented soon then they can move in as soon as possible.
IV. POLICY FRAMEWORK AND ENTITLEMENTS

4.1 Policy Framework

4.1.1 Legal Framework

The resettlement plan is prepared based on the GoV, Can Tho PC's legal policy and WB's regulations on involuntary resettlement. The legal framework is shown as bellowed:

GoV and Can Tho PC's legal policy

Recently, the GoV has issued legal documents that are better on DP's entitlement. The law and other legal documents that stipulated to the compensation and resettlement, include:

- Revised Land Law on 26th November 2003;
- Government’s Decree No. 181/2004/ND-CP issued on 29th October 2004 regarding guidance on implementation of the Land Law in 2003;
- Government’s Decree No. 197/2004/ND-CP issued on 3rd November 2004 on compensation, assistance and resettlement when land is acquired by the State;
- Ministry of Finance (MOF)'s Circular No. 116/2004/TT-BTC issued on 7th December 2004 regarding guidance on implementation of Decree No.197/2004/ND-CP;
- MOF’s Circular No. Circular No. 69/2006/TT-BTC on amendments and additions to MOF’s Circular No. 116/2004/TT-BTC issued on 7th December 2004 regarding guidance on implementation of Decree No.197/2004/ND-CP on compensation, assistance and resettlement when land is acquired by the State;
- Government’s Decree No. 188/2004/ND-CP issued on 16th November 2004 regarding methods of determining land prices and price frame of land of different categories;
- MOF’s Circular No. 114/2004/TT-BTC issued on 26th November 2004 regarding guidance on implementation of Decree No. 188/ND-CP;
- Government’s Decree No. 198/2004/ND-CP issued on 3rd December 2004 on collection of land use levies;
- MOF’s Circular No. 117/2004/TT-BTC issued on 7th December 2004 regarding guidance on implementation of Decree No. 198/2004/ND-CP;
- Government’s Decree No. 17/2006/ND-CP issued on 27th January 2006 on amendments and additions to some articles of decrees on implementation of the Land Law and Decree No. 187/2004/ND – CP on changing state-owned company into joint stock company;
- Government’s Decree No. 84/2007ND-CP issued on 25th May 2007 regarding additional regulations on granting land using certificate, land acquisition, implementation of land using, procedures for compensation, assistance and resettlement when the State retrieves land and settle complaints on land;
RESEITLMENT PLAN

regarding additional regulations on granting land using certificate, land acquisition, implementation of land using, procedures for compensation, assistance and resettlement when the State retrieves land and settles complaints on land;


- Circular No. 05/BXD/DT issued on 9th February 1993 regarding house classification;

- Decision No. 91/2008/QD-UBND dated 22nd September 2008 regarding issuance of regulations on compensation, assistance and resettlement when land is acquired by the State in Can Tho city

- Decision No. 49/2007/QD-UBND dated 28th December 2007 regarding promulgation of prices of all land types in year 2008 in Can Tho city

- Other related documents.

The Worldbank’s social safeguards:

Apart from Vietnamese Government’s policies, this RP is also prepared in compliance with the following documents:

- Guideline for implementation of resettlement Plan for Vietnam Urban Upgrading Project;
- Guideline of World Bank on Involuntary Resettlement Safeguard Policy;

4.1.2 Policy Framework for the resettlement site, phase 2

This RP is submitted based on regulations of Resettlement Policy Framework of the Project, regulations of Vietnamese Government and guideline of World Bank on Involuntary Resettlement Safeguard Policy. However, in RPF which was approved by Vietnamese Government on 14th November 2003, there are many changes in some policies and guideline of both Vietnamese Government and the Sponsor. The updated documents are basically in compliant with RPF’s regulation, even better for ensuring the DPs’s income and livelihood rehabilitation.

4.2 Criteria for Eligibility and Compensation

4.2.1 Project Principles

Basic principles applied are compliant with the RPF and mainly expressed as following:

(a) All Project Affected Persons (DPs) will be compensated and/or rehabilitated disregarding land tenure status.

(b) Resettlement, rehabilitation and compensation programs should improve, or at minimum maintain the DPs pre-Project living standards and warrant their participation in Project benefits.

(c) Resettlement and land acquisition will be minimized as much as possible, by exploring all feasible alternatives.
(d) Compensation and rehabilitation will be provided as a substitution, or replacement cost paid without depreciation.

(e) The DPs will be provided full assistance for transportation and will be given a relocation allowance in addition to the compensation at replacement costs of their houses, lands and other properties.

4.2.2. Compensation Modes

All DPs living in the Project area before the cut-off date, which is established as the date that the planned components was publicly announced, are entitled to compensation for their losses and/or to rehabilitation assistance. Lack of legal rights or titles do not make them ineligible for entitlements.

The DPs will be compensated based on the criteria of eligibility defined later in this Section.

The DPs will be compensated at full replacement and substitution costs, and relocated or resettled in consultation with them. The preliminary compensation rates for replacement and substitution cost will be proposed to the DPs to give them an opportunity to compare them with the prevailing market rates.

All fees and taxes on land and/or house transfers will be waived or otherwise fees and taxes would be included in a compensation packet for land and/or house. The Provincial/City authorities gave preferential treatment to DPs reconstructing their houses on their own, and to obtain the necessary property titles and official certificates. Land will be compensated in cash or land for land according to DPs' choice.

DPs who want “land for land” will be rehabilitated by providing them with land plots or apartments in a new residential area in the resettlement site-phase 1. The resettlement area will be planned and designed properly. All infrastructures will be provided such as paved roads, sidewalks, drainage and water supply, and main lines for electricity and telephone.

DPs who want “cash for land” will be compensated at the replacement cost, plus a cost for fees and taxes, to be used for their own purchase of replacement land/housing.

Compensation in cash for all residential, other construction structures and business bases will be paid at the replacement cost of these structures, without any depreciation of the structure and without deduction for salvageable materials. The DPs will be provided full assistance for transportation of personal belongings, materials for house dismantlement, and will be given a relocation allowance in addition to the compensation at replacement costs of their houses, lands and other properties for replacement price as mentioned. The rehabilitation transition period will be minimized by providing cash compensation at least 1 month prior to the expected start-up date of the Project construction.

For DPs relocating in a resettlement site, payment of compensation and relocation activities, including construction of houses at the relocation site, will be completed at least 30 days prior to the start of the civil works. Compensation and rehabilitation assistance must be completed at least 30 days prior to the taking of the assets for non-relocating (partly affected) DPs and 60 days for self-relocating DPs.

Resettlement plans will be implemented in consultation with the DPs. In the resettlement area, community infrastructure and services will be built and improved, so that the DPs will have access to these services. Effective and timely design, planning and implementation of resettlement and rehabilitation measures will be conducted to avoid unnecessary delays and consequent inconveniences to the DPs.
RESETTLEMENT PLAN

Institutional arrangements will be made for internal and external monitoring of all important resettlement activities.

Financial and institutional services will be arranged for loans and other activities associated with resettlement. The method of loan repayment, installment period and amounts should be acceptable to the DPs. The installment amounts and the schedule of payments for substitution housing and/or land will be within the repayment capacities of families. The capacity to pay will be established before the DPs and the financial institutions make formal agreements.

4.2.3 The cut off date

Cut-off date for compensation and assistance for the RP under this Policy Framework is the date on which the planned project or planned specific components (affected areas) of the project was publicly announced by relevant local authorities. All people moving into the project area after the cut-off date are non-eligible DPs. They will not receive any compensation and will be requested to vacate their premises prior to project implementation. In order to facilitate this, the Project will put at their disposal the necessary transportation means for their relocation. According to the project census, cut-off date of this project will be was 1st July 2004 August 2003, on which the survey was completed and announced to the local community. Accordingly, there are 15 households whose houses have been built but have not enough legal conditions to receive any compensation and/ or support based on case by case basis the CPC will consider assistance if needed to help these DPs to have a place to leave to be assisted of from the project. It's noted that all their land will be compensated as legal land.

4.2.4 Entitlements Matrix

According to policy mentioned in RPF, the DPs are entitled to be compensated/ assisted and resettlement as following:

Affected Residential Land and be relocated Households: according to survey information, there are 68-53 houses affected and to be relocated, in which 53 ones are legal which entitled to be compensated and 15 ones are illegal (their houses were built after the cut-off date) which will be considered on case by case basis entitled to be assisted if needed to ensure they have a place to leave in accordance with RPF.

In addition to the above mentioned compensation/assistances, they are also—the legal/ legalizable relocated DP’s will be entitled to be provided with land plot in the resettlement site.

About illegal relocated DP’s, they are entitled to be provided with land plot if (i) their house was illegally built on agricultural land those of inheritance for generations and (ii) they have nowhere to live at the time being but the affected land is just House Renting Allowance: During transition period, all relocated DP’s will be provided with house renting allowance of VND 1,000,000 for each household per month until the resettlement site or apartments are ready for them to move in.

Affected Agricultural Land over 25%: there are 03 DP’s who lost over 25% of their agricultural land (affected area are about 1,000m² to 4,200m²). In addition to compensation payment, they are also entitled to be assisted Livelihood Allowance within 03 months, if not relocated and 06 months if relocated. The assistance will be made by cash and equivalent to 30 kg of rice/person/month. Furthermore, they are also received training allowance of 3,000,000 VND/labor.
Among above 1.03-he DPs whose lost agricultural land, there is one (01) DP which their agricultural land lost over 25% are also entitled to be provided land plot in the resettlement site. In addition, if the land plots in the resettlement site are also available and 3,000 m². They are entitled to receive a land plot (150m²) and if required they will be relocated. DPs are also entitled to buy more land plot in the resettlement site with an area ratio of 5% area affected, of which exceeds 3,000 m² agricultural land, affected, but maximum to 150 m² residential land assigned in the resettlement site are maximum to 150 m².

Table 2: Criteria for land plot assignment in the resettlement site

<table>
<thead>
<tr>
<th>Agricultural Land Acquired over 25%</th>
<th>Assignment of land plot in resettlement site</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 500 m² to 1,000 m²</td>
<td>60 m²</td>
</tr>
<tr>
<td>From 1,000 m² to 2,000 m²</td>
<td>From 60 m² to 100 m²</td>
</tr>
<tr>
<td>From 2,000 m² to 3,000 m²</td>
<td>From 100 m² to 130 m²</td>
</tr>
<tr>
<td>Over 3,000 m²</td>
<td>From 130 m² to 150 m²</td>
</tr>
</tbody>
</table>

Illegal Cases (or Non-legal cases): there are 15 cases whose houses were built after the cut-off date will not be compensated but considered on case by case basis to be assisted if needed to ensure they have a place to leave. However, their land will be compensated as for the legal land. They will be considered for buying land plot in the resettlement site if receive land plot in the resettlement site to benefit entitled to buy a land plot if (i) their house was illegally built on either residential or inherited agricultural land those of inheritance for generations and (ii) they have nowhere to live.

In summary, Furthermore, they are also received training allowance of 3,000,000 VND/labor.

Beside the project specific policy, the project DPs will be entitled to be compensated and assisted as mentioned in RPT-Entitlement Matrix below.
## Table 23 – Entitlement Matrix

<table>
<thead>
<tr>
<th>Type of entitlement</th>
<th>Definition of entitled Person</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Loss of land</td>
<td>(a) Legal/legalizable user of Project affected land.</td>
<td>DP are entitled to compensation at 100% of replacement cost of lost land at market value. Or DP receive a land plot in the resettlement area plus cash adjustment. Or DP buy an apartment with cash compensation received and pay the difference in installments for 10-20 years with low interest.</td>
</tr>
<tr>
<td></td>
<td>(b) Non-legal user without land use right</td>
<td>DP are entitled to cash compensation and or rehabilitation assistance for land at 60% of replacement cost of land lost. Or DP buy an apartment with cash compensation received and pay the difference in installments for 10-20 years with low interest, if needed.</td>
</tr>
<tr>
<td></td>
<td>(c) User of land under dispute</td>
<td>DP are entitled to cash compensation and or rehabilitation assistance for land at from 60% to 100% of the replacement cost of the land lost. DP may not be eligible for immediate compensation until the dispute is resolved (amount will be deposited in an escrow account).</td>
</tr>
<tr>
<td>2. Loss of houses and structures</td>
<td>(a) Legal/legalizable and non-legal owner of affected houses and structures</td>
<td>DP are entitled to compensation and or rehabilitation assistance at 100% substitution cost of the affected house and structure in materials, cash or a combination of the two. No deduction will be made for depreciation or salvageable materials.</td>
</tr>
<tr>
<td>3. Loss of rented Government structures and land</td>
<td>(a) Legal and legalizable renters of Project affected houses and land</td>
<td>DP are entitled to the following compensation choices: DP choosing the relocation option are entitled to rent a house with equal rented floor area, the same standard of building and facilities and at an equal rent rate as the house lost. DP choosing the self-relocation option are entitled to cash assistance in an amount equal to 60% of the substitution costs of the rented floor area plus 60% of the replacement costs of the rented land area. Self-relocating DP who are sharing a rented house are entitled to cash in an amount equal to 60% of the substitution cost of the rented floor area plus 60% of the replacement cost of the shared rented land.</td>
</tr>
<tr>
<td></td>
<td>(b) Legal and legalizable renters of affected upgraded house</td>
<td>DP are entitled to compensate the cost of upgraded house.</td>
</tr>
<tr>
<td></td>
<td>(c) Legal and legalizable affected additional structures build in rented house</td>
<td>DP are entitled to compensate the cost of the additional structures built in rented house.</td>
</tr>
<tr>
<td>4. Business’ losses</td>
<td>(a) All eligible owners of affected big business</td>
<td>DP are entitled to cash compensation at 30% of the yearly turnover of business lost based on the average monthly turnover declared for the latest year paid to the tax Department</td>
</tr>
</tbody>
</table>
### RESettlement PLAN

<table>
<thead>
<tr>
<th>Type of entitlement</th>
<th>Definition of entitled Person</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) All eligible owners of affected small business</td>
<td></td>
<td>DPs are entitled to cash compensation of 1,000,000 VND per month per family having small business lost for two months.</td>
</tr>
<tr>
<td>(c) All eligible owners of affected trees and crops</td>
<td></td>
<td>DPs are entitled to cash compensation at 100% of substitution cost of lost fruit bearing trees or lost trees of commercial value and at market price for crops.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Utilities' losses</th>
<th>(a) All eligible owners of affected privately owned utility lines and meters</th>
<th>DPs are entitled to compensation at 100% of the replacement costs in cash as follows: DPs are also entitled to assistance to have these lost utilities installed on time at the relocated site.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) All eligible owners of affected public utilities</td>
<td></td>
<td>DPs are entitled to compensation at 100% of the replacement costs as follows: All cost for relocation and rehabilitation of affected public utilities OR Cash compensation at 100% of the substitution cost of public utilities lost.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. Transition assistance and Allowance</th>
<th>(a) All eligible relocated DPs</th>
<th>Relocated DPs are entitled to transition assistance by cash in an amount of maximum of 5,000,000 VND/DP at most depend on DP have to relocate in or out of their provinces/cities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) All eligible relocated DPs</td>
<td></td>
<td>Relocated DPs are entitled to a livelihood cash allowance within six (06) months equaling to 30 kg of rice for 01 person per month: 180,000 VND per month for 6 months for each DP. All relocated DPs will be provided with house renting allowance of VND 1,000,000 for each household per month until the resettlement site or apartments are ready for them to move in.</td>
</tr>
</tbody>
</table>

| 7. Relocated DPs. Loss of jobs | All relocated DPs, legal and legalizable DPs losing jobs | DPs are entitled to training allowance of 500,000 VND per month per DP for six months. DPs are entitled to assistance to seek new job. OR DPs are entitled to training for new skills; this provision will be accompanied by a cash subsidy of 500,000 VND per month per DP for six months. |

| 8. Bonus | Eligible DPs moving out of the Project area on time | DPs are entitled to a cash bonus of 5,000,000 VND/DPAF. |

| 9. Social subsidy | For DPs having social subsidization from the GOV | These DPs will be assisted 1,000,000/household |

<p>| 10. Loss of agricultural land over 25% | User who lost agricultural land over 25% | DPs are entitled to be assisted Livelihood Allowance within 03 months, if not relocated and 06 months if relocated. The assistance will be made by cash and equivalent to 30 kg of rice/person/month. DPs are also received training allowance of 3,000,000 VND/labor The DPs whose agricultural land lost over 25% are entitled to be provided land plot in the resettlement site. |</p>
<table>
<thead>
<tr>
<th>Type of entitlement</th>
<th>Definition of entitled Person</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Illegal Case (15 HHs)</td>
<td>User who have houses/asset built after the project’s cut off date</td>
<td>Their land will be compensated as for the legal land. They will be considered for buying land plot in the resettlement site. For those who have residential land affected will be entitled to buy a land plot if (i) their house was illegally built on either residential or inherited agricultural land those of inheritance for generations and (ii) they have nowhere to live. Their houses/structures are not compensated but considered on case by case basis to be assisted if needed to ensure their living rehabilitation.</td>
</tr>
</tbody>
</table>
V. RESURRECTION SITE

5.1 Analysis of Resettlement Demands

The project resettlement site is constructed in phase 1 at Thoi Nhut village, An Khanh Ward with total squares of 10.7 ha out of assigned 10.54 ha, then supplementary to 16.685 ha and the resettlement site is designed as mode of land plot which each plot is about 40m2-6-m2. The resettlement site, phase 2 with total squares of 5.980 ha has been approved by WB for keep investing which is under preparation phase.

According to project design, proposed 320 households will be affected by the project and there are totally 471-170 relocated DPs, in which (i) 68-53 households are affected with residential land/house; (ii) 02-03 DPs whose agricultural land affected severely in addition to 01/03 DPs with their agricultural land affected over 3.000 m2 which will be entitled to receive additional 01 land plot and (iii) about 99 unidentified DPs whose land are proposed to be residential land so far, and 15 illegal cases who are expected to buy a land plot. As the household’s opinion; they want to resettle on site in the proposed resettlement site.

5.2 Community Consultation

Resettlement options based on community consultation are shown as bellowed:

1. Firstly, due to master plan of the resettlement site in An Khanh Ward (formerly An Binh ward) were studied and approved in year 2003, the population here have been wondered so far that when the project do and that how their living condition is? Therefore, while the community meeting held, the local population was very enthusiasm and responsible.

2. Secondly, the local population expressed their consensus to the project when consulted. That the resettlement site construction will help them improve living environment – from suburb ward to a new urban centre

3. Thirdly, the population anticipate the project progress to speed up for stabilizing their living condition, decreasing their temporary residence while project construction implementation.

Furthermore, the population also raises many questions on unit price, assistance policy for urban poor...which are considered and solved in the next parts

5.3 Resettlement Arrangement

There are 343 land plots available in the resettlement site – phase 1 now and to be provided to the project relocated DPs and as the project implementation schedule, the project construction will be commenced in September 2009... According to the relocated DP’s demand that be resettled on site and based on project policy, the relocated DPs will be entitled to be provided or buy land plots of 40 m2/plot with infrastructure works available in the resettlement site – phase 1. The relocated DPs whose residential land is legal and of inheritance (for many generations) will be provided land plot of 60 m2/plot at resettlement site – phase 1 which 36 ones available so far.
# RESETTLEMENT PLAN

## Table 34: Resettlement Arrangement

<table>
<thead>
<tr>
<th>No</th>
<th>Category</th>
<th>Types of Land Plot</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Availability</td>
<td>40 m2</td>
<td>60m2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>307</td>
<td>36</td>
</tr>
<tr>
<td>2</td>
<td>Demands (by types of land/assets affected)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>+ Residential Land</td>
<td>1612</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>+ Agricultural Land</td>
<td>5944</td>
<td>69</td>
</tr>
<tr>
<td></td>
<td>+ Unidentified Land Owners</td>
<td>43</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>+ Illegal cases</td>
<td>99</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15</td>
<td>0</td>
</tr>
</tbody>
</table>
VII. REHABILITATION PROGRAMME

6.1 Demand Analysis

Though consulting with DPs that their expectation/demands in case of land acquisition are (i) to be indebted the resettlement land if relocated and (ii) to be assisted if agricultural land lost severely.

6.2 Proposed Programme

Relocated DPs: The above demands are suitable with project policy, so the relocated DPs who have enough conditions for resettlement but cannot afford to pay any land lot or a flat in the resettlement sites, if required, they shall allow to be indebted the resettlement land. The relocated DPs pay the difference in installments for 10-20 years with low interest.

Affected Agricultural Land over 25%: there are 03 DPs who lost over 25% of their agricultural land. In addition to compensation payment, they are also entitled to be assisted Livelihood Allowance within 03 months, if not relocated and 06 months if relocated. The assistance will be made by cash and equivalent to 30 kg of rice/person/month. Furthermore, they are also received training allowance of 3,000,000 VND/labor.

there are 03 DPs who lost over 25% of their agricultural land (affected area are about 1,000m² to 4,200m²). In addition to compensation payment, they are entitled to be assisted Livelihood Allowance within 03 months, if not relocated and 06 months if relocated. The assistance will be made by cash and equivalent to 30 kg of rice/person/month.

Among above 03 The DPs whose agricultural land lost over 25% are entitled to be provided land plot in the resettlement site. In addition, if the land plots in the resettlement site are also available and if requires, the relocated DPs are also entitled to buy more land plot in the resettlement site with area ratio of 5% area affected, of which exceed to 3,000 m² agricultural lands affected, but residential land assigned in the resettlement site are maximum to 150m².

DPs who lost agricultural land, there is one (01) DP which their agricultural land lost over 3,000m². They are entitled to receive a land plot (150m²) and if required, they are also entitled to buy more land plot in the resettlement site with area ratio of 5% area excess to 3,000m² agricultural land affected, but maximum to 150m². Furthermore, they are also received training allowance of 3,000,000 VND/labor.

Business Loss: There is no case of business/income affected by the project.
VII. INSTITUTIONAL ARRANGEMENT

7.1 Institutional Framework

Agencies involved in land acquisition and resettlement activities include:

1. Can Tho People’s Committee;
2. Can The Urban Upgrading Project Management Unit (PMU)
3. Ninh Kieu District’s PC (DPC)
4. Committee of Compensation and Resettlement of Ninh Kieu Districts (DRC)
5. An Khanh ward’s PC
6. Representatives of residential community (DPs);
7. And other relevant agencies...

7.2 Relevant Agency Responsibility

7.2.1 Management Agency

Resettlement action implementation will relates to authorities at city level, district/precinct level and ward/commune level; however, Can Tho’s PC city shall take the main role.

One DRC which was established in districts shall be responsible to check, measure and prepare compensation plan for projects in Ninh Kieu district area. This RP shall be legal basis for compensation and resettlement activities subject to the project implementation.

Can Tho City’s PC

Can Tho’s PC city is the agency with strongest power at city level. The PC shall assign PCs of districts level to organize implementation land acquisition to hand over land to the project owner. The City’s PC shall be responsible to:

- Appraise and approve RPs after obtaining WB’s approval for final draft versions;
- Approval of project land acquisition;
- Instruct cooperation of related agencies and authorities of city to implement compensation and resettlement following the approved RP;
- Provide sufficient budgets for resettlement activities;
- Ensure that resettlement activities of sub-components are implemented in compliance with approved RPF and RP. Ensure that objectives of RP will be implemented after mistakes are found out through internal monitoring or independent monitoring during process of RP implementation.
- Approve compensation unit price, assistance and allowance rates and assistance policies for DPs and vulnerable groups following approved RPF and RP.
- Give instruction for resettlement house source distribution and selling price of the project.
Ninh Kieu District PC

Ninh Kieu District PC is responsible for establishing and instruct DRC to:
- Issue decision on land acquisition and provide plot to each relocated DPs;
- Final decision on unit price, assistance and allowance rates and assistance policies for DPs and vulnerable groups following approved RPF and RP

7.2.2 Implementation Agency

Can Tho Urban Upgrading Project Management Unit

Can Tho Urban Upgrading Project management Unit (PMU) is the agency which shall take responsibilities for RP implementation of Project, including:

- On behalf of PC of City to implement and monitor RP activities in the project scale, under management of City’s PC. Sign contract with Committee of Compensation and Land Acquisition of districts to execute land acquisition and land recovery;
- Prepare procedures on land acquisition and related legal documents in order to commence the project in accordance with RPF and Vietnam’s Laws;
- Implement procedures to provide compensation capital for Committee of Compensation and Land Acquisition at district level;
- Coordinate with relevant agencies to determine resettlement house source for DPC;
- Prepare, coordinate and generally monitor resettlement programmes;
- Update and/or prepare RPs in accordance with approved RP and PF, then submit to the City’s PC and World Bank for approval prior to implementation of approved RP;
- Popularize DPCs to implement activities relating land acquisition and resettlement to ensure the compliance with policies and guideline on RP of the project;
- Establish procedures/model process on information strategy and organize consultation such as monthly notice to communities on project activities. Coordinate with other component and other agencies engaged in RP, implement and monitor RP;
- Check and consult City’s PC on compensation price of land and other assets, coordinate with relevant agencies of province based on principles of this RPF;
- Coordinate and monitor resettlement actions in the project area;
- Guide and monitor process of detailed measurement and check, complete compensation options, prepare comprehensive tables of compensation to submit to authorities for approval;
- Establish liaison regime to ensure suitable technical and logistical assistance for agencies in charge of compensation and resettlement implementation (resettlement boundary);
- Establish standard for database on DPs of each component as well as for the whole project;
- Establish procedures on internal monitoring implementation to supervise the compliance with project policies;
RESETTLEMENT PLAN

- Establish procedures on monitoring coordination between the contractor and local community and ensure quick determination and compensation for impacts on public and private assets during construction;
- Select, monitor and implement following commendations of independent monitoring agency;
- Establish procedures for quickly implementing necessary adjustment methods and settling grievance redress;
- Land acquisition and hand over land to construction units;
- Closely coordinate with independent monitoring agency; and
- Periodically report to WB on resettlement actions.

Compensation and Resettlement Committee at District level (DRC)
The DRC shall be responsible to:

- Establish and implement RP of the project;
- Prepare master plan on compensation of the project;
- Prepare detailed compensation option of each project;
- Employ consultancy unit to determine land compensation price for calculation of compensation and assistance for households whose land is acquired;
- Take responsibility for land checking and recovery, complete compensation coupons, prepare comprehensive tables on compensation to submit them to authorities for approval and directly give compensation amount to DPs after receiving compensation capital;
- Prepare RP and procedures on land to arrange resettlement for DPs;
- Settle grievance redress of DPs on compensation policies and rights;
- Instruct PCs of wards in implementation of land acquisition as well as resettlement actions;
- Pay special attention to demands and desires of sensitive group (ethnic groups) and sensitive persons (children, old persons, hosts who are females/singles)
- Close coordination with Independent Monitoring Agency

People’s Committees at ward level (WPC)
The WPC shall be responsible to:

- Assign commune staff to support resettlement actions implementation in that wards/communes;
- Support other agencies and organizations, including PMU to promulgate information and conduct meetings with community and consult DPs; conduct meetings to popularize land recovery policies of the project, notice master plan and detailed compensation option;
RESETTLEMENT PLAN

- Support other agencies and organizations, including PMU to survey the persons of households, replacement cost/price, detailed measurements and other resettlement activities;
- Participate in activities relating to land recovery and distribution, resettlement, assistance for restoration and other social development supports;
- Support DPs in activities relating to resettlement and living standard restoration. Inform DPs on compensation schedule and monitor compensation implementation. Sign compensation records with DPs;
- Check list of poor persons and handicapped persons who are affected by the project;
- Ensure to sufficiently implement settlement regime of grievance redress for DPs. Make records complaints and keep in files. Support and consult DPs to quickly settle grievance redress; and.
- Collect legal documents on affected house and other assets of possessors. Prepare reports on verifying land source and using time of DPs to create basis for compensation and resettlement committee to calculate compensation price for DPs.

7.3 Coordination Mechanism

Can Tho People's Committee

City's Appraisal Council on compensation
1. Vice Director of MOF: Chairman
2. DONRE: Vice Chairman
3. Ministry of Construction
4. Some other departments
5. PC of District/ward with project

Department of Finance
1. Chairman/Vice Chairman (Chairman of Council)
2. Departments of District/ward
3. Representatives of PMU
4. Representatives of PC
5. Representatives of affected households

Compensation Council of district/ward level project

PMU
Repre. of PMU at district level
Measurement, price application

Committee of compensation and land acquisition of district/

Support District council to prepare general option, compensation option and compensation payment

Households
VIII. IMPLEMENTATION SCHEDULE

8.1 Main Activities

The project includes components and main activities, in which includes methods that ensure participation of DPs in project implementation. In ensuring a successful project, main activities need include an implementation plan with obvious time. This helps to evaluate the implementation progress of the project. In the beginning of project, a plan need to be designed and lasted during implementation and complement stage. In the RP, main contents need to be implemented from the beginning to the end of the project which is mentioned in paragraph as bellowed.

8.2 Implementation Steps

Compensation and resettlement procedures are based on Government’s Decree 84/2007ND-CP of 25th May 2007 and Decision 91/2008/QD-UBND dated 22th September 2008 by Can Tho city’s PC regarding promulgation of regulations on compensation, assistance and resettlement when land is acquired by the State in Can Tho city; Decision No. 49/2007/QD-UBND dated 28th December 2007 regarding promulgation of prices of all land types in year 2008 in Can Tho city. Based on above legal basis and with organization structure and coordination among concerning agencies as mentioned above, basic compensation and resettlement activities will be implemented following below steps:

Step 1: Determination and announcement of land acquisition policy

Determination and announcement of land acquisition policy are based on appraisal document of land use demand of Department of Natural Resources submitting to Can Tho’s PC for approval. The Can Tho’s PC issued documents of land use acquisition policy or document of investment location acceptance.

The Ninh Kieu DPCs is responsible for steering open release of land recovery policy, regulations on land recovery, compensation, assistance and resettlement when the land is acquired by the State for purposes of national defense, public benefit and economic development.

An Khanh ward’s PCs is responsible for posting openly land recovery policy at headquarter of ward’s and at position of residential activities zone where there is land use acquisition policy, announcing publicly on mass media at commune level (where there is radio speaker system).

Step 2: Preparation of cadastral documents for acquired land

Based on land use acquisition policy of Can Tho City’s PC, Department of Natural Resources and Environment direct land use right registration offices and its levels to prepare for cadastral documents.

Adjust cadastral map suitably to the current status and abstract of cadastral map with places that already have official cadastral map or abstract of cadastral map for places that haven’t got official cadastral map;

Correct and make copy cadastral documents (cadastral books) to submit to CRC;

Make a list of acquired land plets with contents: number of pages, number sign of plot, name of land user, square of plot with the same use purpose, land use purpose.
RESETTLEMENT PLAN

Step 3: Prepare, appraise and approve general option on compensation, assistance and resettlement

DRCs (with participation of the Client’s representatives) prepare general option on compensation, assistance and resettlement (hereafter called general option) based on data and documents supplied by Department of National Resources and Environment and one (01) copy to Department of Finance for appraisal. General option has main contents as follows:

a. Basis for option preparation;

b. Synthetic statistics on square of all land types, land level for agricultural land, number of map pages, number of plots; estimated value of assets on land;

c. Synthetic statistics on number of HHs, people, laborers in land acquisition area, in which clearly specify number of job-changed laborers, number of DPs;

d. Estimation of compensation, assistance rate; estimate location, area of resettlement site or resettled house, means of resettlement;

e. Estimation of supporting measures to resolve employment and job-changed training plan;

f. List of works, works of GOV, institutions, religious agencies, DPs community and estimation of location to relocate;

g. Number of relocated graves and estimation of location to relocate;

h. Cost estimation to realize the option;

i. Financial source to realize the option;

j. Implementation progress rate.

Within fifteen (15) days since the receiving date of general option, district/ward’s Department of Finance coordinates with Department of Natural Resources and Environment and concerned parties to appraise the option and submit it to Chairman of District/ward’s PC for approval.

Within seven (07) days since the receiving date of Department of Finance’s submittal, Chairman of District/ward’s PC is responsible for consideration and signing approval decision for the general option.

Step 4: Land acquisition announcement

After general option is approved, DRCs are responsible to inform land users about land acquisition reasons, estimations on the rate of compensation; assistance and resettlement; measures on changing jobs and job settlement; displacement time and assignment of acquired land stated in general option.

Land users have right to based on regulations of law to comment, submit or request DRCs to give explanation for the above-said contents.

Step 5: Decision on land acquisition

Based on approval decision of City’s PC for the project and written instructions of City’s PC on land acquisition for project implementation, district’s PC issues decision on land acquisition in project affected area after twenty (20) days since the receiving date of official decision.

Step 6: Grievance redress settlement for land acquisition decision
In land acquisition implementation, if there is any complaints from residents, Ward's PC will collect their opinions and letters of complaint and send them to higher competent agencies for consideration.

If there is no decision on grievance redress settlement, land acquisition will be still continued. In case competent agencies settle complaints with decision that land acquisition in the past is illegal, implementation of land acquisition shall be stopped; governmental agencies who issued a land acquisition decision shall make decision on cancellation of that land acquisition decision and compensate for losses (if any) caused by land acquisition decision. In case competent agencies settle complaints with decision that land acquisition in the past is legal, acquired land users shall obey the land acquisition decision.

**Step 7: Inventory and detailed list of affected assets**

The organization in charge of compensation; assistance and resettlement is responsible for delivering leaflet, inventory guideline to DPs to prepare compensation, allowance and resettlement option.

DPs enumerate square, land category, position of land, number, quality of current assets on acquired land, number of persons, number of labors,... propose resettlement desires (if any) and send them to agencies in charge of compensation, allowances and resettlement.

**Step 8: Prepare compensation and resettlement option**

The organization in charge of compensation; assistance and resettlement shall take application of price for compensation and assistance option based on table of detailed compensation quantity of DPs, minutes of inventory, documents on land origin, list of person statistics, social policy households and price unit, compensation and assistance policies for DPs.

Compensation and assistance option shall present sufficiently quantity, numbers, type, price unit, ratio, remaining quality (for affected assets calculated for depreciation calculation) of assets attached to compensated land of DPs and other basis for calculation.

**Step 9: Approval of compensation option**

After completing compensation option based on DPs' contribution opinions, agencies in charge of compensation submit continent authorities for appraisal and approval.

**Step 10: Open Publicize compensation and allowance—option allowance option**

After compensation and resettlement option is approved by authorized agencies, agencies in charge of compensation and resettlement implementation agency is responsible to open compensation and allowance option, including plan and time for payment of compensation and allowance, plan and time for removal and relocation for the purpose of land acquisition.

**Step 11: Implement payment for compensation, allowance and resettlement**

In 15 days since the approval date of compensation and assistance option, concerned agencies shall be responsible to give payment for compensation and allowance for DPs.

In case of resettlement, CRC is responsible to compensate, acquire land, hand over houses or land, land use right certificate, and house possess certificate for DPs prior to land acquisition. In case there is an agreement between CRC and DPs on receiving dwelling-houses and dwelling-land after land acquisition, it is required to implement following written agreement with signatures of both parties.

**Step 12: Land acquisition and recovery Clearance**

The PCs of all levels co-ordinate with public organization to campaign DPs to implement well the decision on land acquisition, receiving compensation and allowance based on
RESETTLEMENT PLAN

approved option, relocate on-ground architectural objects and assets, and hand over land following required schedule.

Along with steps mentioned above, after obtaining approval for detailed design, PMU should mobilize by employment of resettlement experts to support the project and independent monitoring agency to independently monitor the compensation and resettlement implementation of the project. Resettlement consultancy expert shall be responsible to support PMU to internally monitor the implementation of the agency in charge of compensation and assistance and independent monitoring agency shall periodically monitor the implementation of compensation and land acquisition of the project.

The Implementation schedule is shown in the bellowed table.
## Table 5: Compensation and Resettlement Schedule

<table>
<thead>
<tr>
<th>Activities/ Time</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Project Implementation Plan</td>
<td></td>
<td></td>
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<tr>
<td>(1) Approval of Pre-F/S report</td>
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<tr>
<td>(2) Detailed Engineering Design (DED)</td>
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<tr>
<td>(4) Submission of DED</td>
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<tr>
<td>(5) Tendering</td>
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<tr>
<td>(6) Construction</td>
<td></td>
<td></td>
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<tr>
<td>II. Process of Compensation, Assistance and Resettlement</td>
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<td></td>
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<tr>
<td>(1) Define and Publicize Land Acquisition Policy</td>
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<tr>
<td>(2) Preparation of Cadastral Documents for Acquired Land</td>
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<tr>
<td>(3) Preparation, Appraisal and Approval of RAP Report</td>
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<tr>
<td>(4) Promulgate Project Policy Framework</td>
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<td>(5) Notice on Land Acquisition</td>
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<td>(6) Decision on Land Acquisition</td>
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<tr>
<td>(7) Establishment of CRC</td>
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<tr>
<td>(8) Inventory and Detailed Statistics of Affected land/ Assets</td>
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<tr>
<td>(9) Preparation of Compensation, Assistance and Resettlement Action</td>
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<tr>
<td>(10) Publicize Compensation Option</td>
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<tr>
<td>(11) Payment for Compensation Assurances</td>
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<tr>
<td>(12) Land Clearance</td>
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<tr>
<td>(13) Rehabilitation Program</td>
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<tr>
<td>(14) Internal/External Monitoring</td>
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</tbody>
</table>
IX. CONSULTATION AND PARTICIPATION

9.1 Objective and Policy

It is regulated in WB’s policy that DPs shall be informed and consulted carefully on resettlement and compensation options. Consultation for DPs is the starting point for resettlement activities. DPs may worry about losses of subsistence means and community or worry that they are not ready for complicated negotiation on interests. Participating in resettlement plan preparation and management brings opportunities for DPs to participate in decisions on what affected their life. Resettlement implementation without consultancy may lead to improper and ineffective strategy. Without consultancy, DPs may disagree the project and create social difficulties to remarkably prevent the project from objective completion and even make the project cost increased. Therefore, if there is consultation, original objection about project can be changed to constructive consultation.

For Vietnam, one next step in increasing democracy at basic level is Instruction No. 30-CT/TW of the Central Committee of the Vietnamese Communist Party in “Construction and implementation of basic democratic regime” and Decree No. 29/1998/ND-CP on this matter. The key of this legal document is the well-known sentence: “people know, people discuss people do, people check”

- Ordinance No. 34/2007/PL-UBTVQH11 point out matters which local authorities and community have opinions before authorized agencies make decision; including establishment of compensation and resettlement option relating to the project and work in ward/commune area.
- Article 39, clause 2, Land law 2003 request to open matters relating resettlement such as reasons, land recovery plan, relocation plan, general compensation plan, land acquisition for DPs.

9.2 Consultation and Participation Process

9.2.1 Consultation during project preparation

At beginning of project preparation, local authorities and heads of administrative agencies at all levels were informed about the proposed project, its objectives and implementation. They were carefully consulted and also actively participated in discussions on the development demands, priorities as well as their awareness about project objectives. Local authority were consulted on social impacts and measures which may be applied to minimize negative and implicit impacts and to improve benefits of local residents. Local authority was also consulted about agreement and their commitments in implementing policies in approved RPF.

From December 2007 to April 2008, a socio-economic survey and inventory/measurement of affected land/assets in large scale was conducted in Zone 4, An Khanh Ward.. Survey team conducted inventory of 100% households who are partly and/or fully affected by the project and socio-economic survey by 20% households in the project area. Besides, community consultations (discussed with project affected community group) were also carried out to collect qualitative information such as person status, income sources, desires on compensation rate, borrowing demands, etc.
9.2.2 *Consultation during project implementation*

During project implementation, PMUs shall, with supports of project consultants, undertake the following assignments:

- Provide information for DRCs through training seminars. Provide detailed information about policies of Project and implementation procedures;
- Publicize information and consult DPs during project implementation;
- Make comparison for publicized annual unit price and expected compensation price of the project; confirm land recovery scale and impacts on assets based on results of Detailed Measurement Survey (DMS) with consultation to DPs;
- PCs of districts will promulgate land recovery policies and invite households to participate in propagandization of the project on its legal basis;
- Each household will participate in measuring and checking assets as well as signing drawings on released house-land area with signatures, and list affected assets and losses;
- Households will participate in preliminary consideration of compensation option, deduction table, compensation amount for each household;
- Each household has the right to reflect and raise their questions about compensation calculation. Those questions shall be satisfactorily answered in order. Each household also has the right to raised matters relating to resettlement such as selling price, installment, procedures for granting possession DPs in new habitats, etc;
- After that, DRCs will put price into application, calculate compensation and complete compensation option for affected assets of DPs. PMU will present information on interests entitled to DPs in next consultation with households;
- Then, compensation option for affected shall clearly point out affected assets and compensation rights entitles to DPs and shall be signed by DPs to show their agreement with evaluation results. Any questions of DPs on contents of option shall be confirmed at this moment;
- Send letter/questions relating to resettlement options to DPs:
  - To inform them about resettlement option (clearly explain about consequence of each selected option), if any;
  - Request DPs to confirm their selections about resettlement option and their preliminary confirmation about location of resettlement area. Households whose land is fully affected will have a chance to visit expected resettlement area for selection;
  - Request DPs to clearly state services which they are using such as education/health care/market and approach distance of services.
- Consult DPs on their desires about assistance and restoration option. This part is entitled to persons who are seriously affected and sensitive persons. DRCs will inform DPs about option and right to receive technical support before requesting them to clearly present desires about restoration assistance.

**Community Meeting**

Prior to approval of detailed design, the Consultant will conduct community meeting at each affected ward to provide additional information to the DPs and create opportunities for them…
to participate in open discussion on detailed design, resettlement policies and its procedures. In specific conditions and reflection, ward PCs or residential groups will conduct meeting to provide information relating to the project, compensation policies, and confirmation of household’s land using status.

9.2.3 Information Publicization

Apart from officially informing to DPs and their community, the RPF and RP shall be available at authorities of city PC, districts’ PC, wards’ PC, project wards and Info Shop in Washington city and Vietnam Information Development Center (VDIC) in Hanoi.
X. GRIEVANCE REDRES

In order to enable DP’s complaints on any aspects of compensation and resettlement are settle suitably, in-time and making favorable condition for them to raise their problems, grievance redress will be established. It is important that all DPs are aware of the mechanism and the mechanism is publicized through mass media campaign.

10.1 Grievances

The DPs can provide their complaints on any aspects of compensation entitlements, unit price, land acquisition, resettlement and eligible for rehabilitation programme. The DP’s complaint can be show out by verbal or writing, but the grievance redress need to note in any meeting with the DPs in case of verbal complaint. The DPs should complaint with level of ward/district/city.

10.2 The Grievance Mechanism

Grievance redress or suggests which relates to any fields in RPF, including determining value of project affected assets shall be settled as following:

Step 1: If there is any individual have complaints or suggestion on any fields of compensation, land acquisition and resettlement programme, they may send their complaints in written to PCs of wards/communes which shall be responsible to solve grievance redress of DPs within 15 days.

Step 2: If any DPs disagree with settlement as mentioned in Step 1, they may send their complaints to DPC or district resettlement and compensation council or DRC shall consider to settle grievance redress and complaints of households.

Step 3: If any DPs disagree with settlement of DPC, they may send their complaints to City People’s committee (CPC) or CRC within 15 days since the receiving date of district’s decision. CPC or CRC shall settle grievance redress within 15 days since the receiving date of complaints.

Step 4: If DPs disagree with settlement of CPC or CRC, they may send their complaints to district People’s court within 15 days since the receiving date of settlement decision at Province/City level.

Those send complaints shall be released from administrative fee and legally assisted.
XI. MONITORING AND EVALUATION

11.1 Internal Monitoring

Implementation process of RP will be regularly monitored and checked by PMUs of City where the project is located with coordination with PC of district, PC of province and IDA.

Internal monitoring and checking shall:

a) Make clarification for information provided by DPs and evaluate damaged assets, review compensation, land acquisition and resettlement based on regulations of RPF and RP.

b) Monitor whether manpower in charge of RP implement in accordance with design and planning or not.

c) Make clarification for capital sources for project implementation, provide PMU information, for example, capital is use timely and for right purposes as requested and approval in RP or not.

d) Archive all complaints and settlement options and ensure that grievance redress is solved following regulated time as mentioned above.

11.2 External Monitoring

One independent monitoring agency or one independent consultancy will implement regular monitoring or evaluation of RP implementation. This agency may be research center or institute or non-governmental organization (NGO), or independent monitoring agencies with experienced and qualified staff following TOW approved by WB.

In addition, in order to verify information collected through PMU’s internal monitoring reports, independent monitoring agency will contact and interview about 20% of DPs in each Province/City, independent monitoring will started 6 months after RP commencement in order to:

a) Determine if procedures on participation and receiving compensation amount of DPs are implemented in accordance with PRF and RP or not;

b) Evaluate if objective of PF is to improve or at least ensure the living standards of DPs as they had prior to project implementation or not;

c) Collect quality evaluation information on socio-economic impacts during project implementation on DPs;

d) Request adjustments in RP implementation depending on certain cases in order to achieve objectives of this PF.

Objective of external monitoring and evaluation

The external and evaluation aims to review the implementation and evaluation outputs of resettlement objectives, change of living standard and livelihood, economic restoration and social base of DPs, effectiveness, impact and entitlement of DPs, demand and minimize measures, and study experiences in setting up and planning for policies in the future.

Approach and Methodology

- General approach used for monitoring operation and evaluating impacts in order to ensure participation of concerning agencies especially woman group and venerable group. Monitoring tools include: quantities and qualitative methods.
- Survey households basing on representative sample, not based on gender and vulnerable group in order to collect data on basic indicators of entitlement delivery, effectiveness, impacts and sustainability.

- Focus group discussion (FGD) need allow monitoring organizations to consult fields of concerning agencies (local authority, resettlement staff, community leaders and most important is DPs).

- Important interview: Choose well - experienced local authority, worker and individual in implementation of resettlement.

- Community meetings: organize community meetings at resettlement site to collect data on implementation of resettlement.

- Directly observation: observe at site on implementation of resettlement, interview group and individual in order to examine data.

- Unofficial/ interview: survey unofficially DPs, native people, worker, resettlement and organization without using sample.

- For special issues, use depth-interview DPs and native people of different group to evaluate resettlement's impacts.
XII. COST ESTIMATION

12.1 Cost for Compensation/Assistances

12.1.1 Unit Price

**Residential Land:** the unit price for Thoi Nhut area (Zone 1) is based on Decision 49/2007/QĐ-UB with unit price of 882,000d/m²

**Agricultural Land:** the project is located in a ward of An Khanh, based on Item 1, Article 43 Decree 84/2007/NĐ-CP and document letter No. 4075/BTNMT-DD dated October 18th 2007 issued by MONRE on responding to Can Tho’s DONRE, specific agricultural land are calculated as bellowed:

Perennial land (garden land): 882,000 x 36% + 126,000 = 390,600d/m²

Annual agricultural land (paddy) and aquaculture: 882,000 x 30% + 108,000 = 372,600d/m²

**Unit price for house/architecture and other assistances:**

The unit price for house/architecture is applied based on Decision No. 91/2008/QĐ-UBND dated 22nd September 2008 regarding issuance of regulations on compensation, assistance and resettlement when land is acquired by the State in Can Tho city and Official Letter 1513/CP-NN issued by PM dated November 04th 2003 on approval of the project RPF, the unit prices are proposed as following.

<table>
<thead>
<tr>
<th>Table 3-6 – Proposed Unit Price</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No</strong></td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>1</td>
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</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
</tbody>
</table>
12.1.2 Cost Estimation

After calculation for all land/assets affected by the project as well as estimate cost for compensation and resettlement, summary of compensation/resettlement cost are described as bellowed:

Table 47: Summary of compensation and resettlement

<table>
<thead>
<tr>
<th>Cost Category</th>
<th>Amounts (VND)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Compensation Rate</td>
<td>28,946,695.374</td>
</tr>
<tr>
<td>- Cost for residential land</td>
<td>20,394,148.770</td>
</tr>
<tr>
<td>- Cost for agricultural land</td>
<td>8,552,546.604</td>
</tr>
<tr>
<td>Cost for house/architectures</td>
<td>10,953,209.433</td>
</tr>
<tr>
<td>Cost for crop</td>
<td>837,742,400</td>
</tr>
<tr>
<td>Allowances</td>
<td>954,154.000</td>
</tr>
<tr>
<td>Management Fee</td>
<td>1,436,220.000</td>
</tr>
<tr>
<td>Contingency (10%)</td>
<td>4,121,472.421</td>
</tr>
<tr>
<td>Total of Compensation and Assitances</td>
<td>46,772,416.628</td>
</tr>
</tbody>
</table>

12.2 Adjust Resettlement Rate

Estimated cost for compensation, assistance and resettlement of the project is calculated following price rate in 2009 and will be updated during preparation of project compensation plan. Compensation and assistance rate for livelihood restoration will be annually updated based on replacement cost and actual inflation rate. The Can Tho PMU and CRC-DRC will define this rate and submit it to relevant agencies for review in order to adjust total compensation rate at the implementation time. If the compensation rate issued by PC have differences as compared with replacement cost at the compensation implementation, the PMU will request the PC to review and adjust the price suitably.

4 See List of DPs and their Entitlements