ABBREVIATED

RESETTLEMENT ACTION PLAN

SUB-PROJECT: REPAIR, UPGRADE THACH BAN RESERVOIR - DUY XUYEN DISTRICT - QUANG NAM PROVINCE

PROJECT: VIETNAM – MANAGING NATURAL HAZARD
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PROJECT: VIETNAM – MANAGING NATURAL HAZARD

REPRESENTATIVE OF OWNER
CENTRAL PROJECT OFFICE - CPO DIRECTOR

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DUONG HONG SON
HANOI, 9/2011

CURRENCY EQUIVALENTS

Unit = Viet Nam Dong (VND)
1 VND = 0,00004878048 $
1 $ = 20.500 VND

ABBREVIATIONS

AH = Affected Household
CARB = Compensation, Assistance and Resettlement Board
CPMU = Central Project Management Unit
DOF = Department Of Finance
DONRE = Department Of Natural Resources and Environment
DMS = Detailed Monitoring Survey
DPC = District People’s Committee
DRC = District Resettlement Committees
EA = Executive Agency
EOL = Excess Of Loss
FHH = Female Headed Household
GoVN = Government of VietNam
HH = HouseHold
IMO = Independent Monitoring Organization
LURC = Land Use Right Certificate
MARD = Ministry of Agriculture and Rural Development
MOLISA = Ministry of Labour, Invalids and Social Affairs
NGO = Non Government Organization
PAP = Project Affected People
PC = People’s Committee
PPC = Provincial People’s Committee
PPMU = Provincial Project Management Unit
RCS = Replacement Cost Survey
RPF = Resettlement Policy Framework
RT = Resettlement Team
WB = World Bank

NOTE

(i) The fiscal year of Vietnam government ended on December 31st every year.
The previous fiscal year represents the calendar year in which the fiscal year end, for example, fiscal year 2000 ended on December 31st, 2000.

(ii) In this report, “$” means United States Dollars (USD).
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<td><strong>Affected People</strong></td>
<td>refers to individuals or businesses that are directly affected socially and economically by Bank-assisted investment project caused by the involuntary taking of land and other assets that results in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. The involuntary taking of land includes the exercise of possession when the proprietor has allowed and benefited from others' occupation of the area. In addition, displaced person is one for whom involuntary restriction of access to legally designated parks and protected areas that result in adverse impacts on livelihoods also; this category of displaced person would be unlikely in the urban area, however.</td>
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<td><strong>Compensation</strong></td>
<td>Means payment in cash or in kind for an asset to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market value, plus any transaction costs such as administrative charges, taxes, registration and titling costs.</td>
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<td><strong>Cut-off-date</strong></td>
<td>The date of completion of inventory of losses during preparation of the RAP. Displaced Persons and local communities will be informed of the cut-off date for each project component, and that anyone moving into the Project Area after that date will not be entitled to compensation and assistance under the Project.</td>
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<td><strong>Eligibility</strong></td>
<td>means any person who at the cut-off-date was located within the area affected by the project, its sub-components, or other subproject parts thereof, and would have their: (i) standards of living adversely affected, (ii) rights, titles, or claim in any land (agricultural, grazing or forest), house or structure (be it residential, commercial permanent or temporary), or (iii) production assets such as business, occupation, place of work, residence, or habitat, or (iv) access to assets adversely affected (e.g. fishing rights). Eligibility is irrespective of: (a) formal legal rights to land, or (b) customary claim to land or asset, or (c) having no recognizable legal right or claim to the land they are occupying.</td>
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<td><strong>Entitlement</strong></td>
<td>Refers to a range of measures comprising compensation, income restoration support, transfer assistance, relocation support and income substitution to help the PAPs restore their economic and</td>
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<td><strong>Land acquisition</strong></td>
<td>- Refers to the process whereby an individual, HH, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.</td>
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<td><strong>Project impact</strong></td>
<td>- Means any consequence immediately related to the taking of a parcel of land or to restrictions in the use of legally designated parks or protected areas. People directly affected by land acquisition may lose their home, farmland, property, business, or other means of livelihood. In other words, they lose their ownership, occupancy, or use rights, because of land acquisition or restriction of access.</td>
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<td><strong>Rehabilitation</strong></td>
<td>- Means assistance provided to project PAPs due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.</td>
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<td><strong>Relocation</strong></td>
<td>- This is the physical relocation of a PAP from the project area.</td>
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<td><strong>Replacement cost</strong></td>
<td>- is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, 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. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or 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. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost,</td>
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compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided.

Resettlement - in Bank terminology, covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to its usual meaning-physical relocation. Resettlement can, depending on the case, include (a) acquisition of land and physical structures on the land, including businesses; (b) physical relocation; and (c) economic rehabilitation of displaced persons (DPs), to improve (or at least restore) incomes and living standards.

Resettlement Plan - Means the time-bound action plan with budget setting out resettlement and compensation strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation. Resettlement plan should be prepared and approved prior to loan appraisal for the Project.

Severely affected households - This refers to affected HHs who will (i) lose 20% (10% for the poor and vulnerable households) or more of their total productive land and assets, and/or their total income sources due to the Project; and/or (ii) have to relocate.

Severe resettlement effects - Means 200 people or more will experience major impacts, which are defined as being physically displaced from housing and/or losing 20% (10% for the poor and vulnerable households) or more of their productive assets and income generating.

Vulnerable groups - distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) women headed household (widow, disabled husband) with dependents, (ii) disable or the elderly alone, (iii) poor people (living below the state poverty threshold), (iv) the landless, and (v) ethnic minority groups.
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**Purpose of abbreviated resettlement action plan preparation**

When the impact of the project is minor, indicating through the fact that (i) no people are physically displaced and less than 20% (10 percent for the poor and vulnerable group) of their productive assets are lost, or (ii) less than 200 people are affected; an abbreviated RAP will be prepared. The abbreviated RAP requires less information as compared to the RAP.

Based on the design documents of the sub-project and meetings of information exchange between CPO and sub-project management unit, departments and sub-project design units in Quang Nam province; estimated total area of temporary affected land will be 2ha, belonging to 7 HHs in Duy Thu commune; there will be total of 3162 trees need to be acquired for the sub-project implementation.

Reviewing the requirements for the preparation of full RAP and abbreviated RAP, the abbreviated RAP for this sub-project will be prepared and the guidelines during RAP update procedures aim to minimize the negative impacts on local people as well as ensure the requirements of the donors in the implementation of the sub-project.
executive summary

- **Purpose of sub-project:**

To prevent from flood, inundation and minimize the negative effects of natural disasters, so protect life and property of local people in the downstream of this construction.

Ensure the active delivery of water irrigation for the entire of beneficiaries’ area, improve crop yields, thereby improve the living standards of local people and ensure food security.

Optimize arable land use; avoid the anti-wastefulness of agricultural land.

Improve the environment of the reservoir and the sub-project area; contribute to the green landscape.

Improve productivity and scale of aquaculture sector, combining eco-tourism for the sustainable development.

Contribute to the rural transportation; facilitate the economic development, especially in the rainy season.

- **Land Acquisition Scope and Impact:**

The implementation of sub-project “Repair, Upgrade Thach Ban reservoir, Duy Xuyen district, Quang Nam province” will have to acquire temporarily forestry land and number of trees in the sub-project area, for that reason it will have temporarily affect to 07 HHs in Duy Thu commune, Duy Xuyen district, Quang Nam province. All trees (3261 acacia trees) associated on the temporary land acquired, including possibly some borrow pit, quarries, disposal sites shall be compensated at replacement costs.

The implementation of the sub-project will not require any relocation and will not affect to any architectural structures. The survey results indicate that 100% of PAPs are Kinh person, there is no ethnic minority in the sub-project communes as well as adjacent communes. In the upstream and downstream area, there is also no presence of ethnic minority.

The repairing and upgrading Thach Ban reservoir will not bring the negative impacts to the local residents from both upstream and downstream toward. Otherwise, they are beneficiaries from this sub-project.

- **Legal basis:**

The legal and policy framework for compensation, resettlement and rehabilitation under the Project is defined by the relevant laws and regulations of the Government of Vietnam and the WB policies. In case of discrepancies between the Borrower’s laws, regulations, and procedures and WB's policies and requirements, WB's policies and requirements will prevail, consistent with Decree No. 131/2006/ND-CP which provides that in case of “discrepancy between any provision in an international treaty on Official Development Assistance, to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence” (Article 2, Item 5).
• **Entitlements of the AHs:**  
The project entitlements developed and presented in the Resettlement plan (as per the entitlement matrix below) correspond to the impacts identified during the census and inventory of losses and socio economic survey (SES). It should be noted that these entitlements may be enhanced, as necessary, following the conduct of DMS and consultation with AHs to ensure that losses are restored, if not improved.

• **Information disclosure, Public consultation and Grievance Redress**  
The public consultation meetings, the discussions at village / hamlet with affected HHs and local authorities had been conducted during the resettlement planning. Policies of the project and the options for relocation, income restoration had been discussed in these meetings. The relating issues, the proposal of affected HHs had been highlighted and included in the resettlement plan. Grievance redress mechanism would be designed to ensure that all inquiries or complaints from affected HHs will be resolved properly and promptly. The PAPs will be aware of their rights through the notice and documents in the consultations, surveys, and at the time of payment of compensation. The primary information in the draft resettlement plan will be announced to the PAPs prior to the appraisal of WB.

• **Institutional arrangements**  
Ministry of Agriculture and Rural Development (MARD), the host agency and the Central Project Office (CPO) will coordinate for the smooth implementation of this RAP. MARD will coordinate with Quang Nam PC and directing the Department of Agriculture and Rural Development (DARD) of Quang Nam province to ensure that the compensation and assistance be made as to the provisions of this RAP. CARB of Quang Nam province and sub-project districts along with representatives of AHs will be organized to supervise the compensation process. During the implementation, external monitoring agency will monitor to ensure the compensation and assistance in accordance with the approved RAP.

• **Compensation and resettlement strategies**  
The main purpose of the sub-project is to repair and upgrade Thach Ban reservoir based on original existing reservoir; therefore there is no relocation.

• **Summary of cost estimate**  
Total estimated costs are rounded of **264,272,000** VND equivalent to $12,891.30. Total cost for compensation, assistance, and resettlement will be updated at the time of compensation payments.
I. Introduction

1.1 Introduction of the project and sub-project

1.1.1 Vietnam Natural Hazard Management Project (WB5)

Vietnam is one of 10 countries in the world that usually suffer severe consequences of natural disasters. The common disasters include typhoons, tropical storms, floods, landslides, and droughts, of which typhoons and floods are by far the most frequent and severe. Every year, natural disasters cause significant economic, social, and environmental damages, directly hindering the country from sustainable socio-economic development. Particularly, the Central Region, which is a narrow land strip along the coastlines on the eastern side of Truong Son mountain range and has a complex terrain sloping towards the East Sea, suffers the most frequent influence of typhoons, tropical storms, and floods (counting for 65%). Storms often happen repeatedly in a short time, even two or three storms of high intensity occur in one month, and floods appear quickly and strong, resulting in serious damages.

Natural disasters are factors that directly impede sustainable socio-economic development and booster poverty. With profound awareness of human casualties and material losses caused by natural disasters, the Government of Vietnam has considered natural disaster management and mitigation as one of important activity of the sustainable development process. In 2007, the Government developed “National Strategies for Natural Disaster Prevention and Mitigation to 2020” which include tasks of ensuring safety for dyke systems and improving anti-storm capacity of embankment system in all provinces of the Northern region and the Central coastal region, reinforcing and enhancing sea dykes in the whole country, ensuring safety of reservoirs, particular those near dense population areas and sensitive areas in economic, politic, and cultural terms, as well as near important works relating to national security and defense.

Vietnam Natural Hazard Management Project (WB5) is one of the projects invested by the Government to support the implementation of the aforesaid national Strategy. The project is partially funded by the World Bank's loan and carried out in 10 provinces in the central region, including Thanh Hoa, Nghe An, Ha Tinh, Quang Binh, Quang Tri, Da Nang, Quang Nam, Quang Ngai, Binh Dinh, and Ninh Thuan.

- **The general objective of the project**

Enhance prevention, response and mitigation possibilities at all levels. Strengthen institutional capacity and management for disaster to respond to disaster risk; improve weather forecasting and early warning capabilities to mitigate the negative impact of natural disasters for selected provinces in Vietnam

- **Detail objectives of project:**

Short-term objectives of the Project are (i) strengthening capacity of natural disaster risk management agencies at the national, provincial, and district levels to improve plan preparation and risk mitigation; (ii) enhancing early natural disaster forecast and warning systems; (iii) building capacity at communal and village levels to support development of
Plans of safe villages and safe communes”; (iv) mitigating natural disaster risks at highly prioritized areas through arrangement of effective structural measures and investments in construction of small and medium-scale infrastructure; (v) improving capacity of project management and implementation, environmental and social management in integrated management of natural disasters.

Long-term objectives of the Project are (i) increasing the capacity of natural disasters prevention, response, and mitigation at the national, provincial, district, and communal levels in Vietnam; reinforcing the preparedness for community-based disaster management; improving weather forecast and early warning capacity; and mitigating negative disaster impacts on selected provinces in Vietnam; (ii) improving the Natural Disaster Management system in Vietnam in accordance with the national strategy, providing disaster mitigation measures and climate change solutions for Vietnam. Reinforcing natural disaster management capacity and institution to better meet short-term and long-term demands of the most vulnerable areas to mitigate human, economic, and financial losses when natural disasters happen. Besides, the project will focus on strengthening capacity at the national, regional, and provincial levels in early prediction and warning.

- **Project Components:**

  The project is designed with five main components to achieve following outcomes:
  - Improved instructional management of natural disasters at all levels.
  - Improved early forecast and warning systems.
  - Upgraded prevention and mitigation infrastructure for natural disaster damages in the project provinces.
  - Promoted the community-based natural disaster management program of Vietnam.
  - Enhanced project organization, management, and implementation skills.

  **Component 1: Institutional Strengthening**

  This component will strengthen institutional capacities for Disaster Risk Mitigation (DRM) planning at national and provincial levels. It will help prepare a national DRM database to track the progress of actions taken, strengthen the capacity of the newly formed Central of Disaster Prevention and Mitigation (CDPM); improve/extend provincial level integrated disaster risk management planning, support provincial disaster mapping and zoning, support dam safety database management, support further work on disaster-resilient building code design based on different geographical regions; strengthen disaster management communications; and build co-operation mechanisms among national/ regional/ provincial/ district/ communal Disaster Management Centers to provide effective and consistent disaster prevention and response activities.

  **Component 2: Strengthening Weather Forecast and Hydro-meteorological-Originated Early Warning Systems**
Main activities of this component are to provide modern hydro-meteorological observation equipment and communication facilities, develop databases, and strengthen systems for the dissemination of forecasts and early warnings to different stakeholders.

Component 3: Community-Based Disaster Risk Management

This component will mainly support the Community-Based Disaster Risk Management Program (CBDRM). Provincial level Centers of Disaster Prevention and Mitigation (CDPM) will be established (or strengthened where already exist) and will provide support for district- and commune-level disaster prevention and mitigation activities, encompassing planning and mitigation strategy development. Support will be provided for disaster prevention and mitigation training at community levels as well as for small-scale priority investments, especially for flood and drought mitigation. Training will be provided for communities for disaster prevention and response measures through training activities on campaigns and dissemination of knowledge about storm/flood prevention and disaster mitigation; capabilities of on-site disaster response will also be enhanced for local organizations and individuals in hazard-prone areas.

Component 4: Support for Priority Disaster Risk Mitigation Investment

The project will be implemented in 10 coastal provinces of the central region. Main activities of this component are to support the Government in implementing significant structural measures proposed in the Implementation Plan of the National Strategy for Natural Disaster Prevention, Response, and Mitigation to 2020. A river basin approach was used to identify and prioritize investment subprojects within the selected basins in the Central Region. The structural measures will mitigate risks posed by floods, landslides, and major storms.

The project provinces have proposed investment items to be implemented in the project, including reinforcing, improving, and upgrading degraded dikes, embankments, dams, and rescue paths in order to enhance the ability of preventing natural disasters, ensuring safety for production, assets, and lives of the local people in the river basins in 10 provinces of the Central Region.

Component 5: Project Management

This component would provide support for project management activities including preparation, implementation and monitoring of social and environmental safeguard policies, fiduciary and financial management, etc. It also will support the development of an M&E system for the project.

- **Project Impacts**

**Positive Impacts**

Through the proposed investment items such as improving and upgrading reservoirs, reinforcing dams, river embankments and dikes, the project will bring about pragmatic benefits for the country and communities. Specifically: (i) strengthening disaster management and response capacity for levels, sectors, and communities; (ii) mitigating risks caused by loose safety of reservoirs and dikes; (iii) protecting approximately 900,000 people (more than
210,000 households) and nearly 50 thousand of hectares of productive land will not be exposed to annual floods and droughts; (iv) dealing with the lack of irrigative water, domestic water, and improving living standards for local people in the project areas; and (v) improving the ecoenvironment and local transportation, contributing to socio-economic development and creating landscapes for the project areas.

**Negative Impacts**

To upgrade and improve existing works such as dykes, revetments, reservoirs, dams and rescue roads which were constructed long time ago and being deteriorated seriously, land acquisition and negative impacts on production of the local households in the works sites are unavoidable. However, these impacts are marginal because selection of works and alternative technical design comply with the project requirements, aiming at minimizing land acquisition and assets of the local people. According to the preliminary assessment (conducted by the Project Preparation Team of the Ministry of Agricultural and Rural Development), approximately 3,000 rural households (equivalent to about 12,900 people) are to be affected as a result of all sub-projects to be implemented throughout the project life. Most impacts are related to loss of agricultural land, with limited physical relocation required and loss of businesses given the nature of subprojects (rehabilitation of existing structures). According to the census surveys done for six first-year subprojects, approximately 1,294 households (with about 5,525 persons) would be affected by six subprojects, of which about 3.2% of these households are severely affected as a result of loss of more than 20% (10% for poor and vulnerable households) of their agricultural land, 3 relocated HHs, 8 business HHs, and 81 female headed households. The total area of land permanently affected at these six subprojects is 26.12 ha, of which residential land is 1.8ha, agricultural land - 19.23ha, aquaculture land – 3.56 ha, forest land – 0.0 ha and garden land – 1.44ha; total temporarily affected land area is 55.89 ha, including possibly some borrow pit, quarries, disposal sites. The number of grave affected is 22, concentrated in Binh Dinh province (18 graves). There are no ethnic minority households are affected as a result of the six first-year subprojects. The exact number of PAPs and assets affected by subprojects will be identified after completion of DMS of each subproject.

1.1.2 **Introduction of the sub-project**

Sub-project “Repair, Upgrade Thach Ban reservoir, Duy Xuyen district, Quang Nam province” is part of Component 4 “Support for Priority Disaster Risk Mitigation Investment” and is one of 06 sub-projects to be implemented in the first year.
**Table 1: Summary of project’s sub-projects**

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<th>District/Province</th>
<th>Note</th>
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<th>PAPs</th>
<th>Relocated Ahs</th>
<th>Relocation of graves</th>
<th>VAHs</th>
<th>Severely AHs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Maintain, upgrade and treat the key parts of the left dyke of Cau Chay river</td>
<td>Yen Dinh/Thanh Hoa</td>
<td>RAP</td>
<td>697 permanent + 84 and 07 CPCs temporary</td>
<td>3114</td>
<td>0</td>
<td>3</td>
<td>43</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>Upgrade dike site of Luong Yen Khai</td>
<td>Thanh Chuong/Nghe An</td>
<td>RAP</td>
<td>83 permanent + 0 temporary</td>
<td>466</td>
<td>0</td>
<td>0</td>
<td>38</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>Bridge combining with overflow connecting rescue roads</td>
<td>Nghi Loc and Vinh/Nghe An</td>
<td>A-RAP</td>
<td>0 permanent + 5 temporary</td>
<td>24</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>Upgrade dike site Phuc – Long – Nhuong</td>
<td>Cam Xuyen/Ha Tinh</td>
<td>RAP</td>
<td>335 permanent + 0 temporary</td>
<td>1570</td>
<td>3</td>
<td>1</td>
<td>83</td>
<td>21</td>
</tr>
<tr>
<td>5</td>
<td>Repair, upgrade Thach Ban reservoir</td>
<td>Duy Xuyen/Quang Nam</td>
<td>A-RAP</td>
<td>0 permanent + 7 temporary</td>
<td>32</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>Upgrade anti–erosion embankment of Kone river for safety</td>
<td>An Nhon and Tuy Phuoc/Binh Dinh</td>
<td>RAP</td>
<td>73 permanent (include 10 temporary)</td>
<td>319</td>
<td>0</td>
<td>18</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>08 District + 5 Province</strong></td>
<td><strong>04 RAP + 02 A-RAP</strong></td>
<td><strong>1188 permanent + 106 temporary</strong></td>
<td><strong>5525</strong></td>
<td><strong>3</strong></td>
<td><strong>22</strong></td>
<td><strong>173</strong></td>
<td><strong>41</strong></td>
</tr>
</tbody>
</table>

**Note:** AHs = Ancestors, PAPs = Permanent Ancestors, VAHs = Very Ancestors, Relocated Ahs = Relocated Ancestors.
• Geographical location of sub-project:

Thach Ban reservoir is located in Duy Phu commune, Duy Xuyen district, Quang Nam province, at a Northward distance of 50 km from Tam Ky city. The reservoir is surrounded by high mountains from the West to the East, Loi Giang and Hon Nghe mountain peaks in the West, Hon Chau and Ky Vi mountain peaks in the South, Da Beo mountain peaks in the East-South and East and:

- Bordering Duy Son and Duy Hoa communes in the East
- Bordering Duy Thu and Que Trung communes (Que Son district) in the West
- Bordering Que Loc and Que Trung communes (Que Son district) in the South
- Bordering Duy Tan commune in the North.

Position of reservoir foundation center:

X coordinates: 830585,15; Y coordinates: 1746482,41.
Northern latitude: 15°46’30”. Eastern longitude: 108°05’06”.

• Detail objectives of sub-project:

The main objective of the sub-project is to propose the repairing and upgrading measures of Thach Ban reservoir construction, based on hydrology documents and flow calculations, to ensure the flood prevention and reduce the impacts of natural disaster which destabilize the sub-project construction, threaten the lives, property and infrastructure in the downstream areas.

- The sub-project will reduce the vulnerability due to the external factors such as drought, floods and erosion, flood control issues will be enhanced, protect more than 10,000
people in two communes (Duy Phu, Duy Thu), protect infrastructure such as houses of citizens, clinics, post offices, markets, kindergartens, primary schools, secondary schools, inter-village transportation system and electricity.

- The sub-project will facilitate the development of agricultural production, solve the employment problem for a number of unemployed workers and increase labor productivity and crop production, develop aquaculture, supply consumption water, improve life quality of people living in downstream areas, thus contribute to promoting local socio-economic.

- The upgrading of the reservoir will have the effect of raising the groundwater level in sub-project area, creating favorable conditions for plant growth, green environment, and regulating the local climate.

In addition, the sub-project also contributes to create favorable conditions for the transportation of local people as well as the rescue during the rainy season. When the sub-project construction is finished, it will help to reduce the flood damage and overcome water shortage in dry season, preventing upstream floods while cutting flood and mitigating downstream floods, minimize the flood damage to human and property and facilitate convenient transportation in sub-project area, especially during rainstorms.

- **Scale of sub-project:**

  The sub-project will be implemented in Duy Phu and Duy Thu communes, Duy Xuyen district, Quang Nam province.

  Construction grade: grade III

  Project’s components:

  - Repairing and upgrading of roofs and the top side of the main dam and the dam with erosion, subsidence and absorption through the two dam shoulders when the water level rises.
  
  - Demolition of spill surface of old bottom which has been heavily damaged, rebuilding the bottom slab, spill wall, overflow wall, spill bridge; spill ramp and spray tip.
  
  - Break out all the old damaged culverts, newly build on the old route with structures from upstream to culverts tower are reinforced concrete box culverts; from the culverts tower back to downstream is concrete-wrapped steel, available downstream damper valve.
  
  - Dredging of the headrace canal of drain upstream $L = 400m$.
  
  - Repair and upgrading 500m long after the drain.
  
  - Fixing and upgrading management house.

  Design frequency:

  - Design frequency of calculated discharge: $P = 1\%$
  
  - Frequency of monitoring: $P = 0.2\%$
- Design frequency of water flow conduction: $P = 10\%$
- Frequency of irrigation: $P = 85\%$
- Lifetime of sub-project: $T = 75$ years.

The main items of the sub-project are: reservoir, main dam, auxiliary dams, overflow flood discharge, diversion canal system and other work items on canal.

### 1.2 Mitigation measures of adverse impacts

With the aim of mitigating the impacts of land acquisition and resettlement, many efforts have been conducted in the periods of sub-project proposal and basic design.

+ Adjust the materials gathering place and the construction site to consistent with the construction measures; minimize the impact to production activities and daily life of local residents.

+ The land clearance work will only have minor impact, therefore Land clearance committee will coordinate with the PC of communes in sub-project area to negotiate with AHs about implementation progress, ensuring the sub-project progress.

+ After construction is completed, the occupied land shall be restored by the sub-project to mitigate the effect on the local areas.

+ The Contractor shall ensure that land excavation works in the temporary land use area will not cause any erosion and sliding to adjacent areas, in order to minimize the potential impacts to productive land of nearby household. Also, the contractor will have to plant trees on the excavated land to control surface runoff during rainfall.

### 1.3 Purposes of Resettlement Action Plan (RAP)

The main objective of RAP is to ensure proper procedures are adhered to in the mitigation of the adverse impacts that might occur during the sub-project implementation in order to ensure that the AHs along the construction site will not be affected by the adverse impacts of the sub-project. The RAP is prepared to ensure that the losses of AHs that will be incurred along the construction site will be addressed and that they are assisted to develop their social and economic potential. This will enable them to restore their living standards and income. RAP ensures that the AHs are not worse off than they were before the project came to place and this will be put in place where consideration will be put on women, vulnerable groups, disabled and children who are usually the most affected in such situations.

The RAP is developed based on the RPF to meet the policy of involuntary resettlement of the WB and the management policy of the province and State. RAP determines the number of AHs, the level and quality of their influence, measures to minimize impacts and policies on compensation and assistance.

- RAP includes:
- Guideline policy and procedures of land acquisition, compensation and strategy to ensure the rehabilitation of live and the career of the AHs;

- Identify the AHs who will be affected by the negative impacts of this sub-project, they will be compensated at full replacement cost and will be assisted for livelihood restoration;

- Disclose the project information and potential impacts to local communities in sub-project areas, and explain the Resettlement Policy of WB and the Government of Vietnam to local communities.

- Acknowledge the opinions and expectations of AHs and report to the Project owner.

- A plan in which the AHs can engage to all phases of the sub-project, consisting of grievance redress mechanism.

- Budget for the implementation of compensation and assistance allowance for livelihood restoration and administration levies.

The RAP will be updated following the completion of detailed design and DMS, at that time it will identify exactly the scale and level of this sub-project impacts.

II. SOCIO-ECONOMIC INFORMATION AND SUB-PROJECT IMPACTS

2.1 Socio-economic information of affected households

The sub-project will be crossing through 2 communes in Duy Xuyen district: Duy Phu and Duy Thu. The total area of Duy Phu commune is 3842 ha with population of 4160 people. Duy Thu commune has a total of nearly 1293 ha with 4295 people. The survey results indicate that 100% of PAPs are Kinh, there is no ethnic minority in the sub-project communes as well as adjacent communes. In the upstream and downstream area, there is also no presence of ethnic minority.

Total of AHs and PAPs is 7 and 32 respectively. The average household size of AHs is 4.57 person per household. Amongst the AHs, there are 0 poor HH and 0 FHH, and 0 HH vulnerable group.

The major occupation, also the primary income sources of all AHs is agriculture. The life of AHs totally depends on agricultural production; only a few AHs have small livestock but its contribution to the total income of these AHs is insignificant.

Based on the results of socio-economic surveys, the annual average income of AHs ranges from 18-24 million VND, equivalent to 1.5-2 million VND/month. There are 02 AHs who have the monthly average income over 2 million VND.

Health care services: the sub-project area is equipped with health stations, centers to ensure health examination. However, when being ask about going periodical medical
examinations, all AHs said they are not volunteer for examinations, they only looked to the medical centers when they are sick or in need of medical certification. The remaining AHs make periodical health checks for their elder lies.

Water resources for daily use and drinking of PAPs are mainly from well water, rainwater.

Regarding the use of electricity, all households are using the national grid.
All AHs have legal LURC.

2.2 Sub-project impacts

The impact presented in this RAP is an estimation based on basic engineering design. Detailed impact (household level), including impact on ethnic minorities, will be assessed and updated properly and sufficiently in RAP when survey assessment is done during Detailed Measurement Survey (when the project is implemented and exact scope of impact become clearly known). It is also noted that Replacement Cost Survey (RCS) will be done for all sub-projects to ensure compensation/assistance to affected households are done at replacement costs as per RPF. The RT will work closely with provincial PMUs and their consultants to support them in doing RCS and updating/preparing RAPs properly.

- Effects on land and structures

Based on EOL results, there are 7 AHs who will have temporary loss of forestry land in Duy Thu commune with total area of 2ha. There is no HH who will loss more than 10% of their productive land.

Temporary land use, including possibly some borrow pit, quarries, disposal sites will have impacts to the structure of land in the affected area, events such as erosion or sliding will be occurred during heavy rain which will sweep soil and land to the adjacent residential areas. As such, it will impact to the productive land of nearby household and potentially impact to the production activities of other households, disturbing the socio-economic living conditions in the local area.

After a construction contract has been awarded, the area of temporary occupation land including possibly some borrow pit, quarries, disposal sites will be addressed and the compensation price will be negotiated between the construction contractor and AHs, but will not be lower than the price issued by Quang Nam PPC at the time of temporary occupation.

Temporary occupation land, including possibly some borrow pit, quarries, disposal sites will not be compensated at the compensation cost for permanent acquisition land; however an assistance fund will be available to:

i. Recovering the original conditions of temporary land occupation (as the price for leveling, clean up the discharged grease oil and washing) and return the original condition to land which is temporarily affected land area.

ii. Compensation for loss of production during the time of temporary occupation. The compensation cost will be equivalent to the average yield of annual crops (this average yield
is considered and decided by the authority competent) multiplied by the average number of harvest season (during the temporary time of land occupation, this land area is still be cultivated) and the market price of the output products.

Temporary land use for the purpose of sub-project implementation, including possibly some borrow pit, quarries, disposal sites will not cause any effect to houses and secondary structures such as kitchens, toilets, wells, breeding facilities and other structures of AHs.

- **Effects on trees, crop, business**

  There will be 3162 acacia trees need to be cleared for the purpose of this sub-project. The compensation for affected trees will be based on replacement cost.

  The implementation of this sub-project will not cause any affect on business activities of local AHs (amongst 7 AHs, there is no business one). However, it will have impacts to the income of AHs because one part of their productive land (forestry land) will be affected, however these impacts are considered minor since the main income of AHs coming from rice cultivation or wage slave.

- **Effects on society and environment**

  The implementation of the sub-project will not require any relocation and will not affect to any architectural structures, grave and historical/cultural heritage.

  The repairing and upgrading Thach Ban reservoir will not bring the negative impacts to the local residents from both upstream and downstream toward. Otherwise, they are beneficiaries from this sub-project.

  Temporary land use, including possibly some borrow pit, quarries, disposal sites will have impacts to the structure of land in the affected area, events such as erosion or sliding will be occurred during heavy rain which will sweep soil and land to the adjacent residential areas. As such, it will impact to the productive land of nearby household and potentially impact to the production activities of other households, disturbing the socio-economic living conditions in the local area.

**III. POLICY FRAMEWORK AND ENTITLEMENTS**

**3.1 Legal documents on land acquisition and resettlement**

RPF was adopted to guide the formulation and implementation of resettlement plans for all sub-projects requiring land acquisition. The overall objectives of the project is to ensure that all PAPs are able to maintain and, preferably, improve their pre sub-project living standards and income-earning capacity through compensation and assistance, to restore life to all types of assets and their affected land (permanent and temporary land loss and the property on land).

The RPF is designed based on the laws and regulations of the Government of Vietnam and policies for involuntary resettlement of the WB.
3.1.1 Laws and principle policies of the Government of Vietnam

The Constitution of the Socialist Republic of Vietnam (1992) confirms the right of citizens to own and protect the ownership of a house. In addition, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation and resettlement. The principal documents include:

- Land law passed by the National Assembly on 26 November 2003.
- Decree 197/2004/ND-CP of the Government, dated 03 December 2004, on compensation, assistance and resettlement when the State acquires the land. This is arguably the key piece of legislation which replaces Decree 22/CP dated 24 April 1998 which previously provided the primary basis for compensation and resettlement activities.
- Decree 84/2007/ND-CP, on 25th May 2007 on supplementary regulations on granting land use certificate, orders and procedures for compensation, assistance and resettlement when the State acquires land and settling complaints on land.

- Ordinance 34/2007/PL-UBTVQH11 of the National Assembly, dated 20 April 2007 on implementation of democracy in communes, wards, and townships, regulating issues for public announcement, which including public announcement of “investment projects and works and priority, implementation progress, compensation plans, assistance for land clearance and resettlement relating to project and works in communes”.

Other laws, decrees and regulations relevant to land management, land acquisition and resettlement include the Construction Law 16/2003/QH11, dated on 26 November 2003, on construction activities, rights and obligations of organization and individual investing in civil works construction and construction activities; Decree 105/2009/ND-CP of the Government, dated 11 November 2009 on the sanctioning for administrative violations in land issues; Decree No. 12/2009/ND-CP dated 12/2/2009 on the management of construction investment projects and replacing Decree 16/2005/ND-CP and Decree 112/2006/ND-CP on management of construction investment projects; Decree 131/2006/ND-CP, on the management and use of Official Development Assistance (ODA), and Decree 70/2001/ND-CP, on detailed regulations of marriage and family Law implementation, stipulates that all documents registering family assets and land use rights must be in the names of both husband and wife; Decisions of project provinces relating to compensation and resettlement in provincial territory will be also applied for each relevant sub-project.

Laws, decrees and decisions relevant to public disclosure of information include Land Law No. 13/2003/QH11, Article 39, requiring disclosure of information to affected people prior to recovery of agricultural and non-agricultural lands of a minimum of 90 and 180 days, respectively.

Decrees relevant to protection and preservation of cultural property include Decree No. 186/2004/ND-CP requiring that sites currently recognized for cultural and historical preservation and that are situated within the boundaries of waterway safety corridors, should be kept intact according to current legal regulations.

The Central Project Office of MARD is responsible for ensuring effective implementation of the RPF in close consultation with other line agencies and the PPCs and DPCs in the project provinces and districts.

Further to the general policy framework of the Government of Vietnam, Quang Nam province also issues the legislation for the application of the Governmental Decrees and the guideline circulars of the agencies and departments about land acquisition and clearance. The following Decision issued the regulations on compensation and assistance for land acquisition in Quang Nam province:

- Decision No 20/2011/QD-UBND issued on July, 28th 2011 by Quang Nam PPC, on amendment and supplement of land price in 2011 for Bac Tra My, Nui Thanh, Dai Loc, Duy Xuyen and Thang Binh communes (issued together with Decision No

- Decision No 23/2010/ QD-UBND issued on September, 30th 2010 by Quang Nam PPC, regulation on compensation, assistance and resettlement when the Government of Vietnam acquired land in the territory of Quang Nam province.

3.1.2 World Bank Policy on Involuntary Resettlement

- The WB’s Operational Policy 4.12: Involuntary Resettlement and OP 4.10: Indigenous Peoples are triggered for this Project. The policies describe objectives and guidelines to be followed in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas and when indigenous peoples or ethnic minority are involved (For this sub-project, as mentioned above, there is no presence of ethnic minorities therefore OP 4.10 will not be taken into consideration). The OP 4.12 aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement. The policy prescribes compensation and other resettlement measures to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

- For the preparation and implementation of project activities involving land acquisition, compensation and resettlement, the WB’s policy requires close consultation with the affected population to define the appropriate mitigation of the potential negative impacts addressing gender, and other vulnerable group issues. The policy also specifies the need for information disclosure to the PAPs, monitoring and evaluation of compensation and resettlement implementation.

3.1.3 Key differences between the Government and WB’s Policy

In recent years, the Government of Vietnam has issued various circulars and decrees relating to compensation and resettlement to ensure the PAPs’ rights and entitlements and to narrow gaps between the resettlement policy of Vietnam and social safeguard policies of donors such as WB and ADB. However, it is required to identify any existing gaps between Vietnam’s policy and WB’s policy and recommend solutions for resolving them during project implementation. Table 2 provides some differences between the resettlement policy of Vietnam and social safeguard policies of the WB.

Table 2: Basic differences between Vietnam resettlement policy and the WB’s involuntary resettlement policy (OP4.12)

<table>
<thead>
<tr>
<th>Viet Nam policy on resettlement</th>
<th>World Bank Policy on Involuntary resettlement</th>
<th>Policy applied for the Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation prices: The compensation rates for land shall be determined by the PPC in accordance with the</td>
<td>Land compensation should be based on full replacement cost at current market values. A replacement cost survey</td>
<td>At the time of land acquisition implementation, District Resettlement Committees carry out</td>
</tr>
</tbody>
</table>
Viet Nam policy on resettlement | World Bank Policy on Involuntary resettlement | Policy applied for the Project
--- | --- | ---
Government regulations for the type of land which has been used for at the time of land acquisition. *If land* compensation price is lower than actual transfer price at normal market conditions in locality. PPC is responsible for determining the land compensation price which is suitable to the actual price. | should be conducted at the time of land acquisition. | replacement cost survey to ensure that compensation rates for all categories of loss will be equivalent to replacement cost at current market values.

**Compensation for house/structure on ineligible land:**
Houses and other structures on land that are not eligible for compensation as regulation of law but at the construction time, not violating planning, land use plans announced by the authorities or constructing in line with planning or land use plans and not violating the right of way will be not compensated but assisted at maximum 100% of compensation norms.

**Only registered businesses are eligible for assistance.**

**AP’s losing more than 30 percent of productive land (outside resident area) will be entitled to assistance in living stabilization and vocational training/job creation.**

**No provision for external monitoring.**

| Compensation for house/structure on ineligible land: | All affected houses and structures, irrespective of land tenure status, should be compensated at the full replacement cost. | Houses and structures on affected land that is non-eligible for compensation but at the construction time, not violating the land use planning announced by the local authorities or not violating the right of way will be compensated at 100% of replacement cost of new houses and structures without any deductions for depreciation of salvageable materials. |
| Only registered businesses are eligible for assistance. | All affected businesses are eligible for assistance regardless they are registered or not. | All affected businesses are eligible for assistance, whether they are registered or not. |
| AP’s losing more than 30 percent of productive land (outside resident area) will be entitled to assistance in living stabilization and vocational training/job creation. | To households that have land-based livelihoods, when they have 20% or more of their total productive land area/ income-generated assets acquired, they are considered as being severely affected and entitled to restoration assistance. | PAPs losing 20% (10% for the poor and vulnerable households) or more of their total productive land area will be entitled to “land-for-land” compensation or cash compensation at replacement costs, whichever the PAPs prefer and available land fund of the commune. Apart from compensation for acquired land, assistance for subsistence and vocational training/job creation will also be provided. |
| No provision for external monitoring. | External monitoring of the resettlement process by an independent monitoring agency should be recruited | |
3.2 Compensation and resettlement policy

3.2.1 General principles

In general, the Land Law 2003 and Decree 197/2004/ND-CP, Decree 17/2006/ND-CP amending and supplementing some articles of Decree 181/2004/ND-CP and Decree 197/2004/ND-CP, Decree 84/2007/ND-CP orders and procedures of compensation implementation, and Decree 69/2009/ND-CP providing additional guidelines on land use, compensation, support and resettlement satisfy most of principles and objectives of the World Bank’s Policy on Involuntary resettlement. To ensure a fair compensation and adequate relocation, rehabilitation of the PAPs, the Government of Vietnam will approve and disclose the RPF for the project before project appraisal by the WB and will prepare RAPs for the next project cycle following the RPF guidance. The project resettlement policy needs to comply with following principles and objectives:

a. Acquisition of land and other assets will be minimized as much as possible.

b. A full RAP will be prepared for subproject with more than 200 PAPs and losing than 20% (10% for the poor and vulnerable households) of the total productive land holding/ income-generated assets or having to relocate based on technical guidelines in this RPF. On the contrary, an abbreviated RAP will be prepared in line with technical guidelines in this RPF.

c. All affected people and assets are identified in the project impacted areas as of the cut-off date will be entitled to compensation and restoration measures, those claimed after the cut-off date will not be entitled to compensation. Lack of legal rights to the assets lost will not bar the PAP from entitlement and rehabilitation measures.

d. Compensation and rehabilitation measures to be provided are: (1) cash compensation at replacements costs for lost assets; (2) agricultural land for land of equal productive capacity with full title and acceptable to the PAPs. In case of no land fund available, cash compensation at replacement costs will be provided; (3) replacement of residential and commercial land of equal size with full title and acceptable to the PAPs. In case of no land available, cash compensation at replacement costs will be provided; and (4) subsistence and livelihood restoration allowances.

e. Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the PAPs to meet their demands.

f. The compensation and rehabilitation activities will be satisfactorily completed before awarding of contract of civil works under each sub-project.
g. Compensation with “land for land” will be implemented in places where public land funds are available, if not, compensation will be made with cash at replacement costs. Sources of funds for compensation and restoration of the PAPs’ lives will be covered by the project counterpart fund.

h. RAP implementation will be monitored by the project executing agencies on going basis and periodically by the independent monitoring agency to ensure that design work, planning, consultation, and compensation are implemented effectively.

i. Land acquisition, compensation and relocation of PAPs cannot commence until the RAP has been reviewed and approved by the World Bank. All resettlement activities will be coordinated with the civil works schedule.

j. Compensation and rehabilitation assistance must be provided to each PAPs at least 30 days prior to the taking of assets for those who are not to be relocated and 60 days for those who will be relocated. Exceptions should be made in the case of vulnerable groups who may need more time.

k. Strategies will be adopted to engage women’s active participation in the planning and implementation of the resettlement program as well as other programs. The resettlement committees, resettlement specialists will be directly involved in all aspects of the development and implementation of the gender strategy, to ensure that these measures are adequately implemented.

3.2.2 Rights and Entitlements to Compensation

a) Rights

All PAPs who are identified in the project-impacted areas on the cut-off date of the Project will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to enhance, or at least restore, living standards, incomes and production capacity relative to pre-project levels. The cut-off date will be the final day of the detailed measurement survey (DMS) in each subprojects/investments. Those who encroach into the investment area after the cut-off date will not be entitled to compensation or any other assistance, if being affected.

b) Entitlements

Based on types of impacts, category of the PAPs and their entitlements, the RPF sets up specific entitlements to each type of PAPs satisfactorily in the entitlement matrix below. The Matrix will be applied for all subprojects under the VN-Haz project and for all PAPs, including households affected by land acquisition for construction of resettlement sites. DMS and social impact assessment will identify actual impacts and replacement cost surveys will be conducted to determine compensation rates to form the basis for preparing compensation plans for the PAPs.

3.2.3 Entitlement to compensation and resettlement

Table 3: Entitlement matrix
### 3.3 Compensation strategies

The CARB is responsible for payment of compensation and allowances to AHs. This will be done with assistance from commune and hamlet authorities. The procedures to be followed include:

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Implementation Issue</th>
<th>AHs</th>
</tr>
</thead>
</table>
| Temporary loss of land | Legal users or occupants | For agricultural land: (i) cash compensation at market prices for trees and crops on land affected and net incomes lost during the period of temporary use of land by the project; and (ii) restoration of the temporarily used land to its original status within one month after completion of construction. For residential land: (i) cash compensation at replacement costs for fixed assets affected by the project (e.g. works, structures); and (ii) restoration of the temporarily used land to its original status before handing back to the land owners. If the project could not restore the temporarily used land, DRCs would negotiate to PAPs and pay for costs for themselves restoring.  
• In case of contractors use temporary land for camping or putting materials, they should negotiate to PAPs about compensation and restoration after use.  | The construction supervision consultant and IMO will be responsible for monitoring reinstatement. | 07 AHs |
| Temporary loss of land | Illegal users or occupants | For agricultural land: compensation at market price for current affected crops.  
• For residential land: compensation for assets on the affected land and provision of transportation allowance. | | 0 AH |
| Crops and trees | Owner of crops and trees whether or not land is owned | If standing annual crops are ripening, cash compensation at market price equivalent to the highest production of crop over the last three years.  
• For perennial crops and trees, cash compensation at current market value based on type, age, and productive capacity.  
• For timber trees, cash compensation at current market value based on type, age and diameter at breast height (DBH) of trees. | DRCs should inform to PAPs at least 3 months before land acquisition. | 07 AHs |
(i) Following PPC approval of Compensation Plan, PPMU transfers funds to district treasury; the CARB withdraws funds for payment of compensation and allowances.

(ii) The CARB and local authorities notify AHs about the date, time and place as well as documentation required, for payment of compensation and allowances; compensation is paid in each commune. At least one week notice is given to AHs; notification is made by posting an announcement at commune and hamlet offices.

(iii) At the time of payment, the head of AHs signs a compensation document to acknowledge the amount and receipt of payment. Representatives of the PPMU, CARB and commune witness the payment.

(iv) In case PAPs are without/limit juridical actions, it is required a legal assistance and support from their representatives (family, relatives, social political organizations..) and/or judicial organs in receiving compensation amounts and their most effective management and operation guidance. For PAPs without juridical actions or PAPs in vulnerable groups, CARB will coordinate with CPC and other social organizations, such as Youth Communist League, Women’s Union and Farmer Association etc. in order to support relocation activities to ensure land clearance progress.

IV. LIVELIHOOD RESTORATION PROGRAMS

4.1 Objectives

Livelihood restoration program mean programs to assist them to improve or at least maintain their pre-project living standards, income earning capacity, and production levels.

The overall objective of the policy is to ensure that all people affected by the subproject are able to maintain and, preferably, improve their pre sub-project living standards and income-earning capacity through compensation for the loss of physical and non-physical assets and, as required, other assistance and rehabilitation measures.

4.2 Principles

According to RPF of this sub-project and Decisions of compensation, assistant and resettlement when Government of Vietnam acquire land in the territory of Quang Nam province, livelihood restoration measures will be provided for AHs who lose 20% or more of productive land (10% for vulnerable group). The suitable livelihood restoration programs will be designed and implemented with the AHs consultation during project implementation.

4.3 Proposed livelihood restoration program

After DMS and during sub-project implementation, if severely AHs are recognised then they will be provided with the livelihood restoration programs.

V. RESETTLEMENT ARRANGEMENT

Households that have to relocate will participate in identifying and selecting options to relocate on their existing plots (if possible for residence as per local regulations), or to move to plots provided by the district or to receive cash compensation and to make their own arrangements for relocation. In the case that any businesses have to relocate, they will be
assisted to find viable new sites. Severely AHs that lose 10% or more (with the poor and vulnerable households) and 20% or more of total productive landholding will be provided with replacement land or cash compensation, depending on their preference. Also, severely AHs will be provided with allowances for life and production stabilization. Appropriate livelihood restoration programs will be designed and implemented during project implementation in consultation with AHs during the project implementation process. PAPs will not be displaced until they are allocated land/houses in resettlement sites.

This reservoir upgrading and repairing works are based on the original existing reservoir, apart from the residential area; therefore there is no required relocation and resettlement.

VI. INFORMATION DISCLOSURE AND PUBLIC consultation

6.1. The WB’s Information Disclosure Policy (OP 17.50)

The World Bank’s Public Consultation and Information Disclosure Policy (OP 17.50) defines the requirements for giving public access to project information and documentation. It requires that during the planning and preparatory process, project beneficiaries and affected groups and local NGOs shall be consulted and the environment and social aspects of the project should be presented. This is critical for successful planning and implementation of the Project. The consultation throughout the design and implementation of investments must also be compliant with all other applicable safeguard policies of the Government of Vietnam and the World Bank. The policy also requires that relevant documents such as Environmental Studies, Social Assessment, Resettlement Policy Framework, and Resettlement Action Plans must be disclosed to PAPs and kept in places where interested people can access to easily.

6.2. Information disclosure

6.2.1 Information disclosure during RAP preparation

Information disclosure and public consultation were carried out during the preparation and implementation of the project to ensure all the AHs and stakeholders were informed promptly about the land acquisition, compensation and resettlement. This was also an opportunity for PAPs to engage and express their expectation regarding the sub-project implementation programs. Resettlement Consultants cooperated with representatives of district and commune PC of the sub-project area, leader of the village / hamlet organized meetings and public consultation, providing information and guidance to the next steps to ensure that AHs were provided with timely information.

In addition, the organizations and individuals involved in the acquisition of land and assets on land including representatives of social organizations such as the Peasants, Women Association and the Fatherland Front of affected communes in the sub-project area, participated in the meetings of information disclosure and public consultation about land acquisition, compensation and assistance of the sub-project.
The main contents of public consultant meetings were to:

(i) Disclose the general information and WB policies of Vietnam Natural Hazard Management project (WB5) and sub-project “Repair, Upgrade Thach Ban reservoir, Duy Xuyen district, Quang Nam province”.

(ii) Inform the project information and WB policies on resettlement, environment, policy of gender through village loudspeaker, project information leaflet;

(iii) Collect the information and opinions of local residents about the project implementation;

(iv) During the public consultant meeting, it was necessary to re-present all the information relating to project introduction and WB safeguard policy, to ask for opinions and feedback from local people about design, resettlement issues, desire and expectations of the people;

(v) Reply the answerable questions of local people about the project and safeguard policy;

(vi) Request CPCs and representatives of CPO, PMU to answer specific questions of local people about the project detail or local policies;

(vii) Record the opinions of people as well as representatives of CPCs and stakeholders into the Minutes of Meeting.

6.2.2 Information disclosure during RAP implementation

The purpose of information disclosure was to inform about affected issues, compensation and assistance to the affected HHs and community. There was an undeniable fact of limited social relations and communication with local authorities of the peasants; the concerning issues related policies were not frequently and directly discussed by the peasants.

The plan of information disclosure program was to:

(i) Ensure that the competent authorities as well as local representatives of those affected, were involved in planning and decision making. Project Management Unit worked closely with the Province People's Committee, district and communes/town in the project implementation process. The participation of the affected people during implementation were continued by requesting the district to invite representatives of the affected people to be themembers of district Compensation and resettlement Council/Board and to participate in resettlement activities (property evaluation, compensation, resettlement, and monitoring).

(ii) Share information on all items and activities expected of the project affected persons.

(iii) Collect information on needs and priority of those affected, as well as receive information about their reaction on policies and activities planned.
(iv) Ensure that those affected can be fully informed decisions directly affect the incomes and living standards, and they had the opportunity to participate in the activities and decisions about issues directly affecting them.

(v) Achieve coordination and participation of affected people and communities in activities necessary for planning and implementing resettlement.

(vi) Ensure transparency in all activities related to land acquisition, compensation, resettlement and restoration.

Calculation result of compensation, assistance and resettlement (based on entitlement matrix) was calculated for each AHs and delivered to the AHs. This result was be also held at the office of commune / ward / town PCs and was given to the head, deputy head of village / hamlet to disclose in the next meetings.

6.3 Public consultation

6.3.1 Consultation during RAP preparation

The first consultation was carried out in September 2011 with the main contents:

Inform to local authorities and the PAPs of the sub-project “Repair, Upgrade Thach Ban reservoir, Duy Xuyen district, Quang Nam province” in a democratic manner, completely and freedom.

Send the notice about the RAP implementation to local authorities at district/city and commune/ward/town level:

Investigate the information sheets at every AHs, including:

(i) Their opinions on sub-project “Repair, Upgrade Thach Ban reservoir, Duy Xuyen district, Quang Nam province”

(ii) The consequent influences to the people life in the sub-project area, the advantages and difficulties of resettlement, their idea of compensation and RP.

(iii) Investigate general information of officers and local authorities in the sub-project area.

(iv) The consequent influences to the people life in the sub-project area, infrastructure, the advantages and difficulties of resettlement.

Opinion on compensation, expected Resettlement Plan

The public consultation meetings were held in the communes of sub-project area in September, 2011.

The head of affected HHs participated in these meetings. There was a total of 94 participatory peoples, including more than 20% of female from Duy Phu and Duy Thu communes, Duy Xuyen district. In addition, the representatives of commune PC and local organizations for example the Peasants, the Fatherland Front, Women, and Youth also involved. The meetings discussed about the sub-project to propose alternative designs and collect public opinion on
these. A number of different design plans was brought out to consider and discuss. The communities with head of villages, representatives of social organizations, local authorities in sub-project area were informed about the objectives, purposes and results of the proposed sub-project, as well as key issues of compensation, land clearance, environmental impact, the construction route, etc.

Information disseminated in the meetings consists of (i) the scope and objectives of the sub-project based on regulation of the Project "Vietnam Natural Hazard Management"; (ii) the policies, principles, and procedures for land acquisition, compensation and resettlement; and (iii) resettlement impacts.

Main problems and opinions of the participants: All the participants agree with the sub-project implementation, the sub-project policy, and they look for the start of sub-project implementation that will create favourable conditions for local people in production and transportation development with goods circulation, cultural and economic exchange within and outside the area.

6.3.2. Consultation during RAP implementation

The purpose of the consultation meeting on resettlement action plan is organized in the process of RAP preparation is to provide information and consultation with the PAPs and other organizations and individuals concerned about:

(i) The results of estimated losses projected in the unit cost of compensation and benefits,

(ii) The procedures for paying compensation and resettlement activities and

(iii) Livelihood restoration plan for relocated households.

(iv) Collected adequate and exact comments of local affected persons, which can create opportunity for affected persons participate fully in resettlement plan preparation to ensure the democracy in development.

VII. grievance redress mechanism

7.1. World Bank’s Requirements

The WB’s involuntary resettlement policy requires each project to establish a mechanism for grievance settlement and determines responsibilities of the stakeholders for handling grievances raised by PAPs about compensation, allowances, and resettlement. This mechanism aims to ensure that all PAPs’ grievances are received and tackled with satisfactorily. Key principles of the grievance mechanism must ensure that:

(i) The basic rights and interests of PAPs are protected
(ii) PAPs have the rights to lodge grievances and get their grievances settled for free of charge.

(iii) The grievance procedure will be an important part of the conflict resolution mechanism that is community-based, involving ethnic minorities and representatives of other vulnerable groups.

At the beginning of the project implementation, Resettlement Committees need to popularize the grievance redress mechanism to AHs for their information and introduce grievance procedures to them. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively. The PAPs, if not satisfied about the project implementation and compensation, may raise their complaints orally or in writing to responsible people/agencies as regulated in this mechanism.

All PAPs’ complaints and grievances will be documented and stored at commune/district/provincial people’s committees where they are lodged to. Grievance documents and reports will be made public accessible. All costs associated with grievance handing process incurred by the claimant and/her/his representatives are to be free of charge.

7.2. Grievance redress mechanism

Grievances related to any aspect of the Project will be handled through negotiation aimed at achieving consensus. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort. PPMUs will shoulder all administrative and legal fees that might be incurred in the resolution of grievances and complaints.

First stage, at Duy Phu/Duy Thu Commune People’s Committee: An aggrieved affected household may bring his/her complaint before the receiving department of the Commune People’s Committee to be received and guided for necessary procedures. The CPC will meet personally with the aggrieved affected household and will have 5 days following the lodging of the complaint to resolve it (Note: in remote and mountainous areas, the complaint should be resolved within 15 days. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

Upon issuance of decision of CPC, the complainants can make an appeal within 30 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the DPC.

Second stage, at Duy Xuyen district level: Upon receipt of complaint from the household, the DPC will have 15 days following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles.

Upon issuance of decision of DPC, the complainants can make an appeal within 30 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the PPC.
Third Stage, at Quang Nam province level: Upon receipt of complaint from the household, the PPC will have 30 days (or 45 days in remote and mountainous areas) following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping file of all complaints.

Upon issuance of decision of PPC, the household can make an appeal within 45 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the court within 45 days.

Fourth stage, Quang Nam Court of Law Arbitrates: Should the complainant file his/her case to the court and the court rule in favor of the complainant, then Provincial government agency will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, the complainant will have to receive compensation as described in the approved compensation plan and obey all requirements of land clearance.

To assure that the mechanism described above is pragmatic and acceptable to PAPs, consultation with local authorities and affected communities about this mechanism is needed, particularly consultation with vulnerable groups.

VIII. INSTITUTIONAL ARRANGEMENT

8.1. Responsibility of Project owner

The Ministry of Agriculture and Rural Development (MARD), on behalf of the Government, is the project owner, has overall responsibility for the whole project. The Ministry of Natural Resources and Environment (MONRE) and the PPCs of the project provinces are the Employers of the sub-projects, has responsibility for investment decisions under sub-projects managed by the Ministry and the provinces. A Project Steering Committee (PSC) will be established, including representatives of the MARD, the MONRE, relevant Ministries and sectors, the PPCs of the project provinces, to be responsible for frequent monitoring and managing the Project during its implementation process.

The Central Project Office (CPO) in the MARD that is assigned by the Ministry to be the Project Owner will has overall responsibility for resettlement and land acquisition within the project, including:

- Co-operating with the PPCs to direct implementation of compensation and land clearance in compliance with the RPF requirements and in line with the construction progress.
- Training and strengthening capacity of the project executing agencies (the Provincial Project Management Units (PPMUs) and the District Resettlement Committees (DRCs)) on RPF and RAP implementation procedures.
- Co-operating with the PPMUs to carry out internal monitoring of compensation and resettlement within the whole project.
- Recruiting and co-ordinating the independent resettlement monitoring agency for the whole project.
- Reporting periodically on resettlement issues to the MARD and the WB.
8.2. Responsibility of People Committee

At provincial level:

Quang Nam PPC:

Quang Nam PPC bears overall responsibility for compensation and land clearance within the province. The PPC is responsible for:

- Approving RAP of their respective sub-project
- Assigning the Duy Xuyen DPC to approve compensation plans for works located in the district. In special cases where the PPC’s approval is needed for compensation plans, PPC directs relevant Departments and sectors such as the Department of Natural Resources and Environment, the Department of Planning and Investment, and the Department of Finance to together appraise compensation plans submitted by the DRCs so that advice will be provided for the PPCs’s approval of such plans in accordance with the Government’s regulations on compensation, allowances, and the WB’s involuntary resettlement policy (OP 4.12).

- Approving overall plan of land acquisition.
- Directing DPCs to implement compensation and land clearance.
- Providing adequate funds for compensation in a timely manner.
- Settling complaints and grievances of the PAPs timely and satisfactorily.

At Duy Xuyen district level:

Duy Xuyen District People’s Committees (DPCs) are responsible for:

- Establishing DRC and nominating one vice-chairman of the DPCs to be the head of the DRC. Members of the DRC consist of representatives of specialized departments such as Department of Agriculture, Department of Economy and Planning, Department of Industry and Commerce, Department of Finance, and Department of Natural Resources and Environment.

- DPC directly guides DRC and CPCs of affected communes to implement compensation and land clearance.
- Approving compensation plans submitted by DRCs as per assignment by the PPC.
- Settling complaints and grievances of the PAPs

At the commune level of Duy Phu and Duy Thu communes:

Commune People’s Committees (CPCs) in Duy Phu and Duy Thu communes are responsible for:

- Providing cadastral maps for Resettlement Committees and mobilizing their staff to be members of DMS teams.
- Co-operating with DRC in delivering information and organizing community consultation.
- Verifying origins of affected land and assets of PAPs.
• Settling PAPs’ queries relating to inventory of their assets.
• Assisting PAPs in restoring their livelihoods, incomes, and stabilizing their lives.

8.3. Responsibility of resettlement committees

_Quang Nam Provincial Resettlement Committees:_ Since the scope and level of the project impacts are insignificant, establishment of provincial resettlement committee is not needed.

_Quang Nam Provincial Project Management Units (PPMU)_ is responsible for implementing civil works components of the project: PPMU will manage compensation and land clearance of their respective sub-projects, encompassing:

• Signing contracts with DRC to carry out compensation and land clearance.
• Co-operating closely with Departments, agencies, sectors, and the project DPC in implementing resettlement and land clearance to ensure that the implementation of resettlement and land clearance is in line with the construction schedules.
• Monitoring internally implementation of compensation of the sub-project, preparing quarterly reports on implementation progress of compensation of the sub-project to CPO.

_Duy Xuyen District Resettlement Committees (DRCs)_ bears responsibility for implementation of compensation and land clearance for works located in their respective districts, including:

• Conducting replacement cost surveys in their districts.
• Co-operating with the CPCs to disseminate information and consult affected communities.
• Inventorying affected assets, preparing compensation plans to submit to DPCs/ PPCs for approval.
• Co-operating with PPMU and CPCs of affected communes to implement compensation and land clearance.
• Responding to PAPs’ queries and advise DPC in settling PAPs’ grievances.

IX. INTERNAL monitoring and evaluation

Implementation of the RAPs will be regularly supervised and monitored by the CPO and PPMUs. The findings and recommendations will be recorded by the PPMUs in quarterly reports on implementation progress of compensation and resettlement to submit to the CPO and the WB for review. Internal monitoring aims to:

a. Ensure payment of compensation to project affected people are provided based on DMS results and replacement costs of affected assets at the market prices at the compensation time.

b. Ensure resettlement activities are conducted according to the compensation policies as per agreed RPF and RAP for each sub-project.
c. Determine if the required transition and income restoration measures are provided on time.

d. Assess if income and livelihood restoration measures have been provided properly for income restoration by PAPs and propose remedial measures if objectives of restoring income of households have not been met.

e. Implementation of information disclosure and community consultation

f. Determine if complaint procedures are followed and propose solutions if there are pending issues.

g. Give priority to displaced persons’ concerns and needs, specially the poor and vulnerable households.

h. Conformity between relocation and land clearance and construction commencement to ensures that PAPs have been provided with compensation, allowance, and relocation satisfactorily before construction commencement.

Detail indicator of internal monitoring in below table.

**Table 4: Internal monitoring indicators**

<table>
<thead>
<tr>
<th>Type of monitoring</th>
<th>Basis for indicators</th>
</tr>
</thead>
</table>
| Budget and time    | • Have the personnel for compensation implementation been arranged sufficiently as per plans?  
• Has compensation been paid as per RAP?  
• Has the social preparation stage been implemented as per plans?  
• Has land been acquired and handed over timely for construction? |
| Delivery of PAPs’ entitlements | • Have all PAPs received their entitlements fully for quantities and types of damages as stipulated in the matrix of entitlements?  
• Have the PAPs received their payments on time?  
• Have the PAPs with temporary lose of land been compensated for?  
• Have all PAPs been provided with livelihood and income restoration allowances as per plans?  
• Can PAPs access to schools, medical care services, socio-cultural places and activities?  
• Have livelihood and income restoration activities been implemented as per agreed the RPF and RAPs? For example, numbers of PAPs that have been provided with vocational training and jobs, small-scale credits, income-supporting activities? |
| Consultation, Grievance, and Special Issues | • Has community consultation been carried out as plans? Have brochures of project information and entitlements of compensation been delivered?  
• How many PAPs know about their entitlements? How many PAPs receive such entitlements?  
• Do PAPs know about and use grievance mechanism as set up in the RPF? What are the outcomes?  
• Numbers of grievances and types of grievances (by genders, vulnerable groups)?  
• Numbers of settled grievances (by genders, vulnerable groups)?  
• Levels of awareness on entitlements  
• Levels of satisfaction on entitlements  
• Levels of awareness on grievance mechanism  
• Levels of satisfaction on grievance mechanism |
X. BUDGET AND COST ESTIMATE

10.1 Financial sources for all resettlement activities

All land acquisition, compensation and resettlement costs of the sub-project “Repair, Upgrade Thach Ban reservoir, Duy Xuyen district, Quang Nam province” will be taken from provincial counterpart funds of Quang Nam province.

10.2 Compensation and allowance cost estimate

Compensation rates will be established in each commune of the sub-project in accordance with replacement cost based on market prices taken at the time of RAP formulation. The rates are set up based on replacement cost survey to update replacement costs and methods to update rates as required when market prices change. Compensation rates will be approved by the PPCs for the project.

Updated replacement Cost Survey (RCS) will be done immediately after the results of Detailed Measurement Survey are completed. This aims to enable a comparison between proposed compensation tariffs (based on Provincial People’s Committee’s compensation regulations) and replacement costs (identified through the survey). The comparison aims to identify the differences in compensation tariff (between provincial rates and replacement cost survey results) and allow adjustment (to reflect replacement cost) and facilitate consultation and consensus among affected population. Prices will be updated to take into account price increase, especially if resettlement implementation is delayed.

Resettlement Consultant conducted replacement unit prices survey in the area of communes/towns affected by the sub-project, the survey was conducted in August, 2011. Replacement cost study and survey was conducted based on the following basic principles: (i) productive land (agricultural land, fish ponds, gardens, forests) is based on market prices reflecting the last sales in the locality and surrounding area; (ii) crops is valued equivalent to market value at the time of compensation, and (iii) perennial trees and fruit trees are compensated in cash according to market prices by tree kinds, tree diameter, or a value of output at the time of compensation;

Replacement Cost Survey was conducted through (i) study of the average revenue for agricultural industries (income generated from land) in the locality, (ii) interviews and surveys of project affected households and non-project affected households and (iii) observations and surveys in residential areas. Thereby, replacement unit price is proposed for the sub-project.

Currently, regulations on compensation unit price and allowances for land, trees, crops as well as architectural structures which were issued by Quang Nam People’s Committee are updated and published annually by Department of Finance, Department of Natural Resources and Environment, Department of Construction, and local authorities. Based on results of market price survey, Resettlement Consultant compared the market prices and regulated compensation unit prices in 2011 which are presented in the table below:
Replacement cost is the amount calculated before displacement of affected assets without deduction for taxes, costs of transaction as follows:

(i) Productive land: based on actual current market prices that reflect recent land sales in the area, and in the absence of such recent sales, based on productive value;

(ii) Residential land: based on actual current market prices that reflect recent land sales in the area, and in the absence of such recent sales, based on prices of recent sales in comparable locations with comparable attributes;

(iii) Houses and other related structures: based on actual current market prices of materials and labor without depreciation nor deduction for salvaged building materials;

(iv) Annual crops: equivalent to highest yield in the recent 3 years multiplied by actual current price at the time of compensation;

(v) Perennial crops: cash compensation at replacement cost which is equivalent to current market value given the type, age and productive value at the time of compensation.

(vi) Timber trees: cash compensation at replacement cost which is equivalent to current market value for each DBH, height and age at the time of compensation.

PPC of Quang Nam province issued the prices for valuation of affected land, works, structures, trees and crops. Evaluation of replacement price is implemented to compare with prices in the Decisions.

The RCS report will be shown in detail in the Appendix 1.

10.3 Total budget of estimated costs

Based on the report of replacement cost survey, the price for forestry land in Duy Thu commune is 90,000,000 VND/ha. The compensation cost for affected trees is 15750 VND/tree.

Contingency for price arising will be equivalent to 15% of total compensation cost.

The total compensation cost is presented in the table below:

<table>
<thead>
<tr>
<th>Type</th>
<th>Duy Thu commune</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forestry land</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ha</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Unit (VND)</td>
<td>90,000,000</td>
<td>180,000,000</td>
</tr>
<tr>
<td>Acacia tree</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tree</td>
<td>3162</td>
<td></td>
</tr>
<tr>
<td>Unit (VND)</td>
<td>15750</td>
<td>49,801.500</td>
</tr>
<tr>
<td>TOTAL 1</td>
<td>229,801,500</td>
<td></td>
</tr>
<tr>
<td>Contingency (15% x Total 1)</td>
<td></td>
<td>34,470,225</td>
</tr>
<tr>
<td>TOTAL</td>
<td>264,271,725</td>
<td></td>
</tr>
<tr>
<td>Round</td>
<td>264,272,000</td>
<td></td>
</tr>
</tbody>
</table>

Total compensation costs for land, crops and trees affected by land acquisition for project implementation in the 2 communes in Quang Nam province is of 264,272,000 VND, equivalent to $ 12,891.30. Cost will be rechecked at the time of compensation payments.
XI. IMPLEMENTATION SCHEDULE

11.1 Implementation activities

The steps of the project’s implementation are as follows:


- Decision No 23/2010/ QĐ-UBND issued on September, 30th 2010 by Quang Nam PPC, regulation on compensation, assistance and resettlement when the Government of Vietnam acquired land in the territory of Quang Nam province.

With the above legal bases and organizational structure, coordinating concerning sides as described above, the basic operation of the compensation and resettlement is carried out in the following steps:

Step 1: Location Introduction and land acquisition notice

The identification and land acquisition notice is based on the written evaluation letters of land use needs of the Department of Natural Resources and Environment submitted to Quang Nam People's Committee for approving and issuing land acquisition notices (including reasons land acquisition, area and location of land recovery on the basis of the existing cadastral or detailed approved construction planning; to assign the district’s people committees for land acquisition notification to the public, to guide compensation and assistance in the district level to perform inventory tasks, establish compensation plans). District’s people Committees is responsible for directing the widespread policy of land confiscation, the regulations on land acquisition, compensation assistance when recover of used land for national defense purposes, security, national interests, public interests and economic development.

Commune’s People's Committee responsible to post up a public notice about land acquisition policies in the commune’s People's Committee headquarters and in the points of living and residential areas where land is recovered, widely reported on radio system level (in places having radio system).

Step 2: Prepare cadastral for land acquisition site:
Based on documents on land acquisition of the municipal People's Committee, Department of Natural Resources and Environment shall direct the registration office for land use rights in same level to make the preparation of cadastral files.

Revision of the cadastral map to suit the current situation and make extracts of the cadastral map for places which have formal cadastral maps or conduct cadastral measurements for places with no formal cadastral maps;

Complete and make extract from cadastral (land register) to send to the DRC;

Make a list of parcels of land to be recovered with the following contents: number of maps, land parcel numbers, names, land use area of the parcel of land has the same purpose, the purpose of land use.

**Step 3: Planning, evaluating and approving the general plan on compensation, assistance and resettlement**

The Owner guide the consultant unit to create overall compensation and resettlement assistance plans (hereinafter called the general plan) based on survey data, field surveys, existing document issued by the Natural Resources and Environment, which had been assessed and approved along with approved investment projects. Comprehensive plan shall contain the following:

- The basis for the plan creation;

- General data on the types of land area and grade land for agriculture, the number of maps, parcel number, estimated value of existing assets on the land;

- General data on the number of households, number of household members, number of employees in the area of land recovery, clearly stating the number of employees in switched careers, resettlement of households;

- Expected level of compensation and support ;

- Plan measures to help jobs creation and training plan of job conversion;

- Cost estimate to implement the plan;

- Funding sources to implement the plan;

- Progress of implementation plans.

**Step 4: Making the landmarks clearance**
After projects are approved by competent authorities, the project owner base on the basic design to conduct the clearance boundary markers, handed over to the organization in charge of compensation management and implementation the next steps of site clearance work. In stage of formulation, approval of technical design (or design of construction drawings) if any adjustment on the scope of site clearance, project investors coordinate with organizations in charge of compensation promptly, accurately and immediately notify the local authority the content adjusted.

**Step 5: Prepare The Compensation, Assistance And Resettlement Plan.**

1. Field inspection and enumeration.

Based on the land acquisition policy and the site clearance landmarks of the project, the Organization in charge of compensation prepares the detailed enumeration report for each land acquisition case (called the compensation quantity enumerating report, for short). The report has to present specific contents, including names, places of permanent address registration, places of temporary address registration, current addresses of acquired land owners, the number of household members, the number of labourers and social policy beneficiaries (if any); the area and the location of the acquired land lot; the quantity of crop plants and domestic animals; the shape, the dimension, the quantity, the structure and basic features of assets currently on that land; emerging and underground works associated to the acquired land.

2. Identification of the origin of each acquired land lot.

The organization in charge of compensation co-operates with the Land Use Rights Registration Office and Ward People’s Committees to identify the origin of each acquired land lot and the legal owner of the land lot based on documents related to the land use, cadastral documents, cadastral maps, inventory documents, cadastral books, statistics registration books, monitoring books of land use right certificates granting and tax registers of the acquired land.


Pursuant to the compensation quantity enumerating report, the origin of each acquired land lot, unit prices and compensation policies as stipulated, the Organization in charge of compensation implements the preparation of the compensation and assistance plan with following contents:

- Name and address of the owner of the acquired land;
- Area, type, location and origin of the acquired land;
- Calculation bases for the money amount of compensation and assistance such as the compensated land price, the house price, the compensated works, the number of household members, the number of labourers in the working age, and the number of social benefits beneficiaries;

- Amount of compensation and assistance money;

4. Collection of comments on the compensation and assistance:

- The compensation and assistance is openly posted at ward PC headquarters and at residential activities places where land is acquired so that the land users and relevant people can give comments;

- The posting must be made in written form confirmed by representatives of ward PCs, Ward Committees of Fatherland Front and acquired land owners;

- The period of posting and receiving comments lasts at least twenty (20) days as from the date of posting.

5. Finalization of the compensation and assistance:

- At the end of the plan posting and comments receiving period, the DRC in charge of compensation and site clearance will be responsible for written synthesis of comments, including a clear statement of agreement, disagreement and other opinions towards the compensation and assistance. DRC is also responsible for finalizing the plan and sending the finalized plan and the collection of contributed comments to the Natural Resources and Environment agency for appraisal.

In case there are a lot of disagreement opinions towards the compensation, assistance and resettlement plan, the DRC in charge of compensation and site clearance will need to clarify or review and adjust the plan before it is sent to the Natural Resources and Environment agency for appraisal.

**Step 6: Evaluation and approval of the compensation and supporting plan:**

- Division of Natural Resources and Environment shall assume the prime responsibility and coordinate with related departments at district level for evaluation of compensation, assistance plan, in accordance with regulation; submission to DPC for approval of the compensation, supporting plan by regulations.

**Step 7: Decision on land acquisition and redress grievances against decision on land acquisition.**
- Based on report of land acquisition, compensation and support prepared and approved by competent agencies, the extracts or the cadastral measurements of land plots. District People's Committee makes decisions of land acquisition for affected households, individuals and communities.

- During the implementation of land acquisition, if there is any question or complaint from citizens, the CPC will gather comments and complaints and send to the competent authorities’ to consider.

While a decision of grievance redress is pending, decisions on land recovery must be continued. Where State agencies have jurisdiction over complaints concluded the land acquisition is contrary to law, must stop land acquisition, state agencies have issued decision to withdraw the land must make new decision on cancelling the decision issued on land acquisition and must compensate damages from recovery decisions (if any). Where State agencies have jurisdiction over complaints concluded the land acquisition is lawful, the person whose land is recovered to abide by the decision of land recovery.

Step 8: Compensation, assistance and resettlement plan approval and disclosure.
- District People's Committees approve the compensation, assistance and resettlement plan according to regulations.

- Within a period not exceeding three (03) days from the date of receipt of the approved compensation and assistance, DRC coordinates with CPCs disseminate publicly approval of the compensation, assistance and resettlement plan in CPC headquarters and at communal activities places in residential areas where land is recovered; send the decision on compensation and assistance to people whose land is recovered, which clearly states the level of compensation, assistance, on land allocation and resettlement (if any), time and place of payment of compensation, assistance time and hand over the land recovered to DRC.

Step 9: Payment of compensation and assistance

Compensation and assistance will be paid after the approving decision of compensation and assistance.

Step 10: Hand over and enforcement of land acquisition

- Within twenty (20) days from the date of organization in charge of compensation and site clearance complete payment for compensation and support for land acquisition under the approved plan, the person whose land is recovered, is responsible to hand over land to the organization in charge of compensation and site clearance.
- In cases where the people, who land is recovered, is not implement the decision of land acquisition, the competent level people's committee will issue coercive decision for land acquisition. The forcible land acquisition shall comply with the provisions of Article 32 of Decree No. 69/2009, ND-CP dated 13/8/2009 by the Government

12.2 RAP updating procedure

Currently the accurate data number of permanent and temporary affected households is not yet identified; therefore precise data of affected people and assets of the sub-project will be updated in the RAP of the sub-project after completion of detailed measurement survey (DMS). The Entitlement Matrix Table will be updated accordingly.

The updating RAP is carried out in the following steps:

- Update the new information or any changes relating to the RAP.
- Submit to CPO and WB for prior review before compensation payment.
- Approved by WB.
- Implement the compensation payment.

11.3 Implementation plan

The implementation schedule for resettlement activities for the sub-project is presented in the following table including (i) Community consultation activities, (ii) activities that have been completed to prepare the RAP; and (iii) external monitoring activities.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible party</th>
<th>Implementation plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparation for implementation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Task</td>
<td>Responsible Parties</td>
<td>Time Frame</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Approving safeguard policy frameworks (RPF and EMPF) and RAPs of 4 sub-projects that are implemented in the first year.</td>
<td>The WB and the GOV</td>
<td>Quarter 1/2012</td>
</tr>
<tr>
<td>Publishing the Safeguard Policy Framework and RAPs on the GOV and the WB’s websites</td>
<td>CPO</td>
<td>Quarter 1/2012</td>
</tr>
<tr>
<td>Training on safeguard policy frameworks for the project officers and the DRCs</td>
<td>CPO and Resettlement Consultant</td>
<td>Quarter 1/2012</td>
</tr>
<tr>
<td>Recruiting the independent monitoring agency</td>
<td>CPO</td>
<td>Quarter 2/2012</td>
</tr>
<tr>
<td>Updating RAPs of the 4 sub-projects implemented in the first year</td>
<td>CPO and Resettlement Consultant</td>
<td>Quarter 3/2012</td>
</tr>
<tr>
<td>PPMUs sign contracts with DRCs for RAPs implementation</td>
<td>PPCUs and DRCs</td>
<td>Quarter 3/2012</td>
</tr>
<tr>
<td>Disseminating project information to PAPs</td>
<td>DRCs and CPCs</td>
<td>Quarter 3/2012</td>
</tr>
<tr>
<td>Inventorying affected assets and preparing compensation plans</td>
<td>DRCs and CPCs</td>
<td>Quarter 3/2012</td>
</tr>
<tr>
<td>Paying compensation and clearing sites</td>
<td>PPCUs, DRCs, and CPCs</td>
<td>Quarter 4/2012</td>
</tr>
<tr>
<td>Monitoring resettlement internally every month and preparing quarterly reports</td>
<td>PPCUs</td>
<td>Quarter 2/2012</td>
</tr>
<tr>
<td>Monitoring resettlement externally every six months and preparing monitoring reports</td>
<td>Independent monitoring agency</td>
<td>Quarter 3/2012</td>
</tr>
<tr>
<td>Procedures of RAP preparation for the remaining sub-projects should comply with guidelines stated in Annex 1 and resettlement policies described in this RPF.</td>
<td>CPO and RAP preparation consultant</td>
<td>Quarter 1/2013</td>
</tr>
<tr>
<td>Approval of RAPs for the remaining sub-projects.</td>
<td>PPCUs and the WB</td>
<td>Quarter 2/2013</td>
</tr>
</tbody>
</table>

**APPENDIX: REPORT ON REPLACEMENT COST SURVEY**

1. **Objective of survey**

   The objective of this survey about the replaced price is to identify the compensation price for all kinds of land, assets, trees and crops of affected households by sub-project. The replaced price is similar and higher than popular price in the market to ensure that no affected
households will have worse situation than before sub-project. On the contrary, at least all affected households will maintain or improve living standard compared to before sub-project. The survey is conducted in September, 2011.

2. Methodology

2.1. Approach

Rapid assessment methods will be introduced to study the replacement costs. Information collected from both desk research and direct interviews with people in affected area, both those persons who are affected and those not affected, is analyzed to establish replacement costs.

Desk research will focus on relevant publications, materials of Government authorities, both at central and local levels. However, these materials will play the supporting role only.

As the work is aimed at obtaining reasonable replacement costs for different types of affected assets, market evidences are the factors which most strongly base the formulation of these costs. Direct interviews with people in the affected area, both those, whose assets are affected by the Project and those, whose assets are not, will produce reliable data for establishment.

The study team consists of experienced resettlement specialist, economics, and plan-makers.

2.2. Methodology

a. Replacement costs for Lands

The most effective way to obtain the replacement costs for land – actually, market value for lands- is to gather data of some sales of land, which have just taken place.

However, the transfer of land use right does not always go along with such sales, which makes details of such sales not recorded. So, the sale evidences to support the verification of provincial prices will be collected. In addition, information to base the establishment will be gathered from direct interviews with owners of land in the area along the road. The interviews will cover the following issues:

- The recent land use rights transfer in the area;
- The price, at which owners (affected and not affected persons) are willing to sell their land.

Apart from determining the rates for various types of land, the transaction costs involved such as administrative charges, taxes, registration and titling costs, etc. will be determined. The replacement cost for each type of assets will be specified with the transaction costs.

b. Market Prices for trees
The basis of the establishment the market prices for trees is to determine the average market price for each type of tree. The information to base the establishment will be collected from:

Secondary sources:
- Publications of National Statistical Office
- Publications of Price Committee

Primary sources:
- Interviews with people who own the same trees in the locality. The interviews will cover price, at which owners are willing to sell each type of trees. The prices for perennial trees will be differentiated by the age of the trees.
- Team will investigate the sales price of outputs of different type of trees in the market.

c. Establishment of Replacement Cost

Replacement Cost = Current Market Value + Transaction Cost

Apart from determining the rates for land and non-land assets indicated above. The study team will determine the transaction costs involved such as administrative charges, taxes, registration and building permit costs.

The replacement costs for lands and assets will be presented by districts, with detailed information by communes of the districts.

3. Sample selection for the survey

Affected households are prioritised for the selection of sample for the survey. Through this, their demands about compensation unit price are reflected. However, to have objective results, unaffected households who have similar characteristics about geographic location, kinds of assets... are also selected for the survey. For the households not having transferred land, their expected price which they want to transfer for the other or they could buy is investigated. During the survey, the households who have just transferred land, trees and crops and just constructed works are prioritised because they are clear evidence for existing price.

The scope of selected samples depends on the number of affected households in communes and affection level of their assets.

4. Information treatment

Information collected through survey are noted and kept carefully by each area; then they are synthesized and analysed. From that, the price level approximate with the market price of each asset in each area is identified.

5. Investigation results

Following is the results of price investigation for the sub-project:

<table>
<thead>
<tr>
<th>No</th>
<th>Investigated</th>
<th>Units</th>
<th>Provincial price</th>
<th>Investigated</th>
<th>Applied price</th>
</tr>
</thead>
</table>

CENTER FOR ENVIRONMENTAL RESEARCH
<table>
<thead>
<tr>
<th>Items</th>
<th>(VND)</th>
<th>Price (VND)</th>
<th>(VND)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I Land</td>
<td>60.000.000</td>
<td>90.000.000</td>
<td>90.000.000</td>
</tr>
<tr>
<td>II Tree and crops</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Acacia</td>
<td>10.500</td>
<td>15.750</td>
<td>15.750</td>
</tr>
</tbody>
</table>