RP179
August 2003

SOCIALIST REPUBLIC OF VIET NAM
MINISTRY OF AGRICULTURE RURAL DEVELOPMENT

VIET NAM WATER RESOURCES ASSISTANCE PROJECT
CENTRAL PROJECT OFFICE
NIPPON KOEI/HASKONING

RESETTLEMENT ACTION PLANS
FOR
SEVEN SUB-PROJECTS
(DRAFT)
Summary of Resettlement Action Plans in the Vietnam Water Resources Assistance Project

August 2003
Currency Equivalents
Currency Unit: Dong (VND)
$1.00 = VND15,400

Abbreviations

ADB  Asian Development Bank
CRC  Commune Resettlement Committees
DMS  Detailed Measurement Survey
DRS  District Resettlement Committee
EPP  Emergency Preparedness Plans
GOV  Government of Vietnam
IDA  International Development Association
IMC  Irrigation Management Company
MARD Ministry of Agriculture and Rural Development
MO  Monitoring Organisation
PAP  Project Affected People
PMO  Project Management Office
PPMU Provincial Project Management Unit
PPC Provincial People’s Committee
PRC Provincial Resettlement Committee
RC  Resettlement Committee
RAP  Resettlement Action Plan
RP  Resettlement Planning
RPF  Resettlement Policy Framework
SIO  Sub-Project Implementation Office
VWRAP Vietnam Water Resource Assistance Project
WB  World Bank
Summary of Resettlement Action Plans in VWRAP

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1. **INTRODUCTION**

1. Vietnam Water Resources Assistance Project (VWRAP) aims at improving the irrigation system and water management in seven subprojects, providing more efficient, equitable and reliable irrigation services to the farmers. The project is expected to improve access to irrigation water for all farmers in the system, particularly benefiting those at the tail end of the canal system. The project is designed to increase and improve farmers' including women's participation in irrigation management through strengthening the water user group in the system. Social assessments and consultation have been conducted at the provincial, district, commune and farmers' level in all seven-subproject areas. The assessments and consultation indicate that there is an urgent need to rehabilitate the degraded irrigation system and farmers expect this project to benefit them significantly.

2. The Project has seven Subprojects: six irrigation schemes in respectively in Cau Son, Yen Lap, Ke Go, Phu Ninh, Da Ban, Dau Tieng, and Quang Hue River stabilization. VWRAP will only cause minor effects on individual households but the number of affected households is substantial, and a few have to be relocated. Social Impact Assessments (SIA) have been prepared for each subproject followed by a Policy Framework for Resettlement, a Policy Framework for Ethnic Minorities, and an Ethnic Minority Development Plan for Cau Son Scheme. Only Cau Son has ethnic minorities living together and integrated with the majority Kinh people. There are very few about more than 10 of the ethnic minority groups identified will be negatively affected. on the contrary allmost of them will only benefit from project activities by getting access to more reliable water resources.

3. This is a short summary of the seven Resettlement Action Plans prepared for Phase I of VWRAP. Phase I will consist of headwork at the six reservoirs, restoration of the main canals, primary canals, and a pilot area consisting of a representative area of approximately 20% of secondary canals. In Quang Hue the project will rehabilitate the old Quang Hue River by closing up the new Quang Hue River, embankments of vulnerable sections of Quang Hue and Vu Gia Rivers and construction of hyrdolic regulatory works at the Quang Hue river mouth.

2. **SCOPE OF LAND ACQUISITION AND RESETTLEMENT**

4. Table 1 below presents a summary of resettlement policy impact on households and land due to VWRAP. Vietnamese law makes a distinction between residential land, which includes garden land, and agricultural land, which includes forestland. VWRAP will cause temporary loss of land during construction, and permanent loss of land due to enlargement and widening of canals. Furthermore a distinction is made between severe impact such as relocation and loss of more than 20% of land, and marginal impact on agricultural land with no relocation and less than 20% of land lost.
Table 1: Impact on Structures and Land Impact on People

<table>
<thead>
<tr>
<th>Subproject</th>
<th>Severe Impact</th>
<th>Marginal Impact</th>
<th>Total Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Relevance</td>
<td>Residential</td>
<td>Agricultural</td>
</tr>
<tr>
<td>Cau Son Scheme</td>
<td>0</td>
<td>0</td>
<td>517</td>
</tr>
<tr>
<td>Yen Lap Scheme</td>
<td>10</td>
<td>10</td>
<td>182</td>
</tr>
<tr>
<td>Ke Go Scheme</td>
<td>0</td>
<td>73</td>
<td>467</td>
</tr>
<tr>
<td>Quang Hue River</td>
<td>0</td>
<td>606</td>
<td>0</td>
</tr>
<tr>
<td>Phu Ninh Scheme</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Da Ban Scheme</td>
<td>0</td>
<td>10</td>
<td>532</td>
</tr>
<tr>
<td>Dau Tieng</td>
<td>0</td>
<td>31</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>10</td>
<td>730</td>
<td>1.709</td>
</tr>
</tbody>
</table>

Impact on Land

<table>
<thead>
<tr>
<th>Subproject</th>
<th>Residential Land (ha)</th>
<th>Agricultural Land (ha)</th>
<th>Total Land (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Permanent</td>
<td>Temporary</td>
</tr>
<tr>
<td>Cau Son Scheme</td>
<td>4.0</td>
<td>0.7</td>
<td>0.3</td>
</tr>
<tr>
<td>Yen Lap Scheme</td>
<td>1.5</td>
<td>0.8</td>
<td>0.7</td>
</tr>
<tr>
<td>Ke Go Scheme</td>
<td>7.3</td>
<td>0.5</td>
<td>6.8</td>
</tr>
<tr>
<td>Quang Hue</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Phu Ninh Scheme</td>
<td>0.05</td>
<td>0.03</td>
<td>0.02</td>
</tr>
<tr>
<td>Da Ban Scheme</td>
<td>11.4</td>
<td>2.0</td>
<td>9.4</td>
</tr>
<tr>
<td>Dau Tieng</td>
<td>0.2</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>24.4</td>
<td>4.1</td>
<td>20.3</td>
</tr>
</tbody>
</table>

The number of beneficiaries is 3,571,129 or 3.6 million people. The amount of land to be affected due to the Project is only 324.6 ha, but the number of households to be affected is large by being 12,319 with 53,600 people. The question being how is the living standard of these people and how will the Project affect their lives?

3. SOCIO-ECONOMIC INFORMATION

3.1. Sources of Data

5. The socio-economic information is based on census and land acquisition surveys for 100% of the Project Affected Persons (PAP) due to the identified area to be affected by the VWRAP subprojects. The local Irrigation Management Companies (IMCs) have conducted the inventory surveys. Land acquisition and resettlement requirements were estimated based on detailed land use data in each subproject area, and on technical designs. Detailed Measurement Surveys (DMS) will have to be conducted after the technical design has been completed before construction and implementation of the resettlement policy to be applied.

6. Socio-economic information has come from the following sources: (a) household socio-economic questionnaire surveys of a representative sample of households conducted by IMC; (b) group interview surveys conducted by the local consultants in two selected communes of the two project pilot areas in each subproject location; (c) stakeholder consultation at all levels: and (d) reviews of secondary literature and data on subproject areas. In the area of the Cau Son Scheme where ethnic minorities (EM) are living integrated with the majority Kinh (e) repeated
consultations have taken place with EMs over a period of almost a year, and they are now familiar with the VWRAP and the resettlement policy to be applied. Documentation from these consultations are summarised in the SIAs.

7. Specific resettlement group interviews with PAPs were conducted by the local consultants in order to collect data on: (i) specific resettlement needs of affected farmers and vulnerable groups including female headed households, which may be adversely affected by the Project; (ii) resettlement/compensation concerns and preferences of affected families; and (iii) measures to reduce impact.

3.2. Land Holdings

8. Subproject covers geographically very different ecological areas. Even within the same subproject the ecological circumstances differ from one location to the other. For example in the Cau Son Scheme the ecological circumstances varies from the North mountain areas with forest and fruit trees, industry and livestock, to the relatively flat Midland area with mixed cultivation, to the Plains with mainly rice cultivation. A special area is Quang Hue River, which has been burden with floods, destruction of hamlets and human lives, alluvium at other places, and salinity from the sea at the delta, and more than half the population supplement their agricultural income from fishing. Table 2 below provide the average landholding and the variation in between districts in the affected areas.

Table 2: Average Landholding and Variation in Size in Subproject Areas

<table>
<thead>
<tr>
<th>Subproject</th>
<th>Per Household m²</th>
<th>Per Person m²</th>
<th>Maximum and Minimum m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cau Son Scheme</td>
<td>1.212</td>
<td>280</td>
<td>n.a.</td>
</tr>
<tr>
<td>Yen Lap Scheme</td>
<td>3.978</td>
<td>845</td>
<td>620-948</td>
</tr>
<tr>
<td>Ke Go Scheme</td>
<td>5.093</td>
<td>1.155</td>
<td>621-2.020</td>
</tr>
<tr>
<td>Quang Hue River</td>
<td>1.862</td>
<td>416</td>
<td>369-492</td>
</tr>
<tr>
<td>Phu Ninh Scheme</td>
<td>n.a.</td>
<td>753</td>
<td>n.a.</td>
</tr>
<tr>
<td>Da Ban Scheme</td>
<td>9.388</td>
<td>1.809</td>
<td>681-1.865</td>
</tr>
<tr>
<td>Dau Tieng</td>
<td>6.334</td>
<td>1.501</td>
<td>999-1.611</td>
</tr>
<tr>
<td>Total Average</td>
<td>4.711</td>
<td>965</td>
<td>658-1.387</td>
</tr>
</tbody>
</table>

n.a. = not available

9. Apart from Ke Go the average landholdings are larger in the South than in the North, which might be a result of Vietnam’s historical development with collectivisation. In most areas farmers have several plots of land (up to six). Sometimes as in Cau Son farmers have in addition to their main land plots of upland which supplement their cultivation with other varieties than rice. In other areas such as Ke Go, Phu Ninh, Quang Hue, Da Ban, and Dau Tieng farmers have several plots in the same location. Thus if land is available for compensation (which data do not indicate is the case) it will not be a new pattern for farmers to have several plots, which are not connected. However, a trend towards moving along the road for business purposes, or to migrate for young people in order to take up other occupations have emerged, and that may free land to others if the opportunity for compensation occurs.

10. Data in Cau Son and Phu Ninh, seems to indicates that the households affected on average have smaller landholdings than average for the area. For Cau Son the affected annual crops landholdings are on average 280 m² whereas the general for the area is 440 m². In Phu Ninh
the affected landholding in Thang Binh district is 0.35 ha whereas the average for the area is 753 m². Such data should be investigated further at the DMS to find out if additional land acquisition in the Project will make farming sustainable even with less impact than 20%.

3.3. Population and Standard of Living

11. Landholding is a good poverty indicator among farmers, but supplementary income from fishing as for example in Yen Lap, Quang Hue, and Dau Tieng, disturb landholding as a measure of poverty. Also the number and age distribution within the families. influence the outcome from agricultural production. In Cau Son for example the Kinh people living on the plain have on average 4.5 persons per household and 2.6 labourers, whereas the EM people living in the high areas on average have 5.9 persons per household with only 2.6 labourers. Therefore, the latter have to feed more mouth with the same number of farm labour. Relatively young age of the head of household apart from being correlated to physical strength also have an educational dimension as data indicate that the younger the head of the household the more education the person has. and, therefore, also better equipped to take up new production methods. Table 3 below show the origin of the affected peoples’ income.

Table 3: Income Structure as Percent of Total among PAPs

<table>
<thead>
<tr>
<th>Subproject</th>
<th>Agriculture</th>
<th>Livestock</th>
<th>Fishing</th>
<th>Salary/Allowance</th>
<th>Trade</th>
<th>Service</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cau Son</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
</tr>
<tr>
<td>Yen Lap</td>
<td>49</td>
<td>23</td>
<td>11</td>
<td>12</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ke Go</td>
<td>26</td>
<td>35</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>39*</td>
</tr>
<tr>
<td>Quang Hue</td>
<td>67</td>
<td>0</td>
<td>n.a.</td>
<td>10</td>
<td>6</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>Phu Ninh</td>
<td>55</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>42*</td>
</tr>
<tr>
<td>Da Ban</td>
<td>50</td>
<td>27</td>
<td>0</td>
<td>23</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dau Tieng</td>
<td>49</td>
<td>23</td>
<td>11</td>
<td>12</td>
<td>5</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

n.a. = not available

In Ke Go and Phu Ninh the total population has been included, which means that the 39% and 42% respectively under “Other” is mainly young people, students, and the elderly, who are not in the productive labourforce.

12. Table 3 illustrate the PAP’s dependence of water for irrigation: on average 49% of household income originates from farming. If livestock and fishing are included the farm-related income becomes even higher. The figures from Ke Go and Phu Ninh under “Other” indicate an age composition with many young people, which give a large number of dependants. Although many children may help their parents on the farm, the income categories for these two subprojects may be too board, and hide supplementary sources of income. Comparing table 3 above with information provided for table 4 below on household possessions, it turn up that 59% of households in Quang Hue owe a boat, but fishing is not mentioned as a source of income for the area.

13. To measure the populations’ standard of living possession of material goods provide a fairly good approximation. Table 4 below record the possession of selected items among affected households.
Table 4: PAP’s Possession of Selected Material Assets as Percent of Total

<table>
<thead>
<tr>
<th>Subproject</th>
<th>Electricity</th>
<th>Toilet*</th>
<th>Television</th>
<th>Radio/cassette</th>
<th>Motorbike</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cau Son</td>
<td>97</td>
<td>100</td>
<td>39</td>
<td>35</td>
<td>10</td>
<td>n.a.</td>
</tr>
<tr>
<td>Yen Lap</td>
<td>97</td>
<td>n.a.</td>
<td>62</td>
<td>13</td>
<td>30</td>
<td>0</td>
</tr>
<tr>
<td>Ke Go</td>
<td>99</td>
<td>88</td>
<td>85</td>
<td>50</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Quang Hue**</td>
<td>100</td>
<td>4</td>
<td>77</td>
<td>36</td>
<td>27</td>
<td>0</td>
</tr>
<tr>
<td>Phu Ninh</td>
<td>98</td>
<td>86+</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
<td>0</td>
</tr>
<tr>
<td>Da Ban</td>
<td>96</td>
<td>53</td>
<td>70</td>
<td>58</td>
<td>55</td>
<td>10</td>
</tr>
<tr>
<td>Dau Tieng</td>
<td>96</td>
<td>58</td>
<td>56</td>
<td>60</td>
<td>30</td>
<td>0</td>
</tr>
</tbody>
</table>

n.a. = data not available
*Toilet includes here both a flushing toilet and a latrine in the house. + only 25% of these are in satisfactory sanitary condition
**In Quang Hue 59% of PAPs own a boat

14. Table 4 illustrates the Government’s success in electrification of the rural areas. Only a minority do not have electricity in their house. The infrastructure concerning roads, schools, and clinics are also reported to be in the subproject locations, although they may not all be well maintained or well equipped. Particularly medicine is needed in several clinics, and gynaecological diseases among women are alarmingly high in some areas according to the Women’s Association.

15. Figures in table 4 correspond well with Vietnam’s economic development as a country rapidly improving and coming out of its status as a developing country. Consumer goods are spread to large fractions of the population also in the rural areas. In addition to providing an overview of material standard among PAP, table 4 also illustrate the population’s priorities. Television has very high priority among PAP even surpassing toilet in Quang Hue and Da Ban, which is surprising for the latter, which on almost any other indicator is among the most well off area. The possession of a telephone (or lack of one) may on the other hand not be under the control of the PAP, and more reflect a general (lack of) service availability in the area.

3.4. Gender and Poverty Conditions

16. Although there is no gender discrimination women have less education than men, lower income than men when employed, and female-headed households are generally poorer than households headed by males. With the exception of Yen Lap where one quarter of households are headed by women, which might be an effect of the war, but generally less than ten percent of households are headed by women.

17. Income varies substantially between districts. Local statistics on poverty also differs from the national one and both differs from the World Bank estimates. The last national statistics has not yet been published down to the district level. Based on the Ministry of Labour, Invalids, and Social Affairs’ classification four income-level categories have been identified in the Subproject areas:

- Category 1. The poor-income per capita is < VND 100,000/month
- Category 2. The low-income per capita is from VND 100,000-199,000/month

1 For Dau Tieng the Government standard statistics record 0.41% and local standard 0.16% of the urban population to be below the poverty line. For rural areas figures differs in the opposite direction with 1.97% by Government and 3.47% in local standard.
Category 3. The well-off income per capita is from VND 200,000-399,000/month
Category 4. The wealthy-income per capita is >VND 400,000/month

Table 5 below record the result of social surveys based on a sample among the affected people and compare these figures with the national poverty estimate for the area.

Table 5: Level of Monthly Income in Subproject Areas and Poverty Figures

<table>
<thead>
<tr>
<th>Subproject</th>
<th>Sample size</th>
<th>&lt;100</th>
<th>100-199,000</th>
<th>200-400,000</th>
<th>&gt;400,000</th>
<th>Poverty rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cau Son</td>
<td>141</td>
<td>32.4</td>
<td>51.6</td>
<td>16</td>
<td>0</td>
<td>24.8*</td>
</tr>
<tr>
<td>Yen Lap</td>
<td>31</td>
<td>16</td>
<td>52</td>
<td>26</td>
<td>0</td>
<td>3-5</td>
</tr>
<tr>
<td>Ke Gò</td>
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n.a. = not available. These data are from socio-economic survey 2002. Where sample size is mentioned data are from socio-economic survey 2003.

* This figure is from MOLISA 1999. The result of a survey conducted by Hydro Engineering Company No. 1 in 2001 was 20.1.

18. Figures on income distribution in subproject area witness the emergence of a middle-class society with the majority of the people in the middle income groups, although most are still in the lower end of the middle income groups, a few in the upper and lower end of the income scale. Only one figure, from Cau Son, is from an independent poverty study covering a much larger area, and the diverging results hint at the conclusion that poverty figures depend on the focus on the investigation, and the figures are hardly reliable for comparison before the figures from the national statistics have been published.

5. LEGAL FRAMEWORK

5.1. Vietnam Laws

19. The Government has formulated several rules and regulations to protect the interests of displaced persons. Relevant acts and bylaws that govern various aspects of land acquisition and resettlement include:

(iii) Decree 87/CP, dated 17 August 1993, on the stipulation of the frame for the price of various categories of land.
(iv) Decree 64/CP, dated 27 September 1993, on the distribution of agricultural land to households for long-term use.
(v) Circular No. 05-BXD/DT, dated 9 February 1993, on the classification of house types.
(vi) Decree 22/CP, dated 24 April 1998, on compensation levels and other allowances for land and structures recovered for the national and public interest.
(vii) Decree 17/CP, 4 May 2001, on Management and Utilization of ODA.

20. In April 1998, the Government issued a major decree regarding compensation for land acquisition. Decree 22/CP on Compensation for Damage when the State Recovers Land for Use
in National Defence, Security, and National and Public Interests. The Government has also issued guidelines for the implementation of this Decree (145/1998/TT-BTC). By issuing Decree 22/CP on 24 April 1998, the Government:

(i) added new stipulations to accommodate with the major changes in compensation unit prices, objects to be affected, assistance levels, etc. in Viet Nam since 1993. Many of these stipulations have proven themselves appropriate with ongoing WB, ADB and other donor-funded projects in Viet Nam;

(ii) provided general provisions for compensation processes and procedures to all organizations and individuals who need to acquire land; and

(iii) assigned, in detail, the responsibilities of the government agencies concerned in implementing the Decree.

21. Generally, Decree CP/22 meets the objectives of WB’s policy on involuntary resettlement. However, some discrepancies can be found regarding the compensation of PAP without legal rights. Table 6 presents the main areas of discrepancy.

4.2. World Bank Policy

22. The main objective of WB’s Policy on Involuntary Resettlement is to ensure that PAP should be assisted to improve their living standards, income level and income generating capacity, or at least to secure people would be as well off as without the project. This policy aims to avoid involuntary resettlement whenever feasible, to minimize resettlement where population displacement is unavoidable. The policy states that lack of legal certificate on land will not be an obstacle for a part of affected people to be entitled to compensation and rehabilitation. The policy requires that compensation for all losses should be made at replacement cost, without depreciation and deduction of savage materials.

<table>
<thead>
<tr>
<th>Decree 22/CP</th>
<th>WB Policy</th>
<th>Project Policy</th>
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<tbody>
<tr>
<td>Article 7: Any person whose land is recovered and who has not met one of the conditions of Article 6, or who has violated the plan, or who violates the protecting corridor work, or who illegally occupies land shall not receive compensation when the state recovers the land. In case of necessity, the Provincial People’s Committee shall consider and decide on a case-by-case basis.</td>
<td>The absence of formal legal title to land by some affected groups should not prevent compensation.</td>
<td>All project affected people, irrespective of tenure status, social or economic standing, will be equally entitled to be compensated or assisted for their lost assets, incomes, and businesses at full replacement cost and provided with rehabilitation measures sufficient to assist them to improve or at least restore their pre-project living standards, income levels and productive capacity.</td>
</tr>
<tr>
<td>Article 8: The compensation rates shall be determined on the basis of local prices for land issued according to the provisions of the Government, and then multiplied by a coefficient to ensure the compatibility of the compensation with the profitability and the price of the assignment of the land use right in the community.</td>
<td>Compensate all affected persons, including those without title to land, for all their losses at replacement rates.</td>
<td>Replacement cost surveys have to be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value.</td>
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</tbody>
</table>
Decree 22/CP | WB Policy | Project Policy
---|---|---
Article 17: The total maximum level of compensation shall not exceed 100% and the minimum level shall not be lower than 60% of the value of the house or construction, priced according to the construction price for new buildings with technical standards equivalent to the affected. | Compensate all affected persons, including those without title to land, for all their losses at replacement rates. | Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation.

Article 18: People without legal permit of construction shall only receive 85% in compensation rural areas and 70% in urban area. People who violate zoning area will receive no compensation and illegal construction shall be forced to dismantle it. | All Project affected persons will be entitled to compensation irrespective of the legal status in both rural and urban areas. | Full compensation at replacement cost for all Project affected structures irrespective of legal entitlement.

5. COMPENSATION POLICY

5.1. Objectives for Resettlement

23. The objectives of the Vietnamese legislation governing resettlement and rehabilitation of displaced persons, and that of the World Bank concerning involuntary resettlement, have been adapted for the preparation of the Resettlement Actions Plans (RAPs). The objectives are set out below. An entitlement matrix is shown in Attachment 1 for reference purpose. The policies and principles adopted for the Project supersede the provisions of relevant decrees currently in force in Vietnam wherever a gap exists between the World Bank (BP 4.12 and OP 4.12) and Vietnamese law.

24. The main objective of the Resettlement Action Plans (RAPs) is to ensure that all Project Affected People (PAP) will be compensated for their losses at replacement cost and provided with rehabilitation measures to assist them to improve, or at least maintain, their pre-project living standards and income earning capacity.

5.2. Project Affected People (PAP)

25. Project Affected People (PAP) who are entitled to compensation are:

(a) persons whose houses are in part or in toto affected temporarily or permanently by the Project;
(b) persons whose premise and/or agricultural land is in part or in toto affected (permanently or temporarily) by the Project;
(c) persons whose businesses are affected in part or in toto (temporarily or permanently) by the Project; and
(d) persons whose crops (annual and perennial) and trees are affected in part or in toto by the Project.
5.3. Principles of Resettlement

26. The principle for resettlement policy in the project will be as follows:

(a) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible.

(b) All PAP residing, working, doing business or cultivating land in right of way (ROW) of land acquisition under the Project as of the cut-off-date are entitled to be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-Project living standards, income earning capacity and production levels. Lack of legal rights to the assets lost will not bar the PAP from entitlement to such rehabilitation measures.

(c) The rehabilitation measures to be provided are: (i) compensation at replacement cost without deduction for depreciation or salvage materials for houses and other structures; (ii) agricultural land-for-land of equal productive capacity acceptable to the PAP; (iii) replacement of premise land (if any) of equal size acceptable to the PAP; (iv) transfer and subsistence allowances, and (v) loss of income sources or means of livelihood, whether or not the affected persons must move to another location, which is caused by the Project.

(a) Replacement premise and agricultural land will be as nearby as possible to the land that was lost, and acceptable to the PAP. In case of minor fractions of land cash compensation may apply.

(b) The resettlement transition period will be minimized and the rehabilitation means will be provided to the PAP no later than one month prior to the expected start-up date of works in the respective Project site.

(c) Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the PAP to ensure minimal disturbance. Entitlements will be provided to PAP no later than one month prior to expected start-up of works at the respective project site.

(d) The previous level of community services and resources will be maintained or improved.

(e) Financial and physical resources for resettlement and rehabilitation will be made available as when required.

(f) Institutional arrangements will ensure effective and timely design, planning, consultation and implementation of the Resettlement Action Plans (RAP).
(g) Effective and timely supervision, monitoring and evaluation of the implementation of the RAPs will be carried out.

5.3. Compensation Policy for Loss of Land and Crops

27. PAP will be entitled to the following types of compensation and rehabilitation measures:

(a) The general mechanism for compensation of lost agricultural land will be through provision of "land for land" arrangements of equal productive capacity, satisfactory to the PAP.

However, if land is not available or the PAP prefers to receive cash compensation then the following applies:

**Land users with legal or legalizable use rights:**

(i) If the portion of the land to be lost represents 20% or less of the total area of the landholding, and the remaining land is still a viable economic holding, cash compensation, at full replacement cost, may be provided to the PAP, or

(ii) If more than 20% of a household's agricultural land is acquired and the remaining holding is not viable then the Project will acquire the entire landholding and provide cash compensation at full replacement cost in addition to a rehabilitation assistance of VND 3,000,000.

**Users with temporary or leased rights to use land:**

Compensation in cash or in form of land for land equal to 30% of replacement cost or to 30% of affected area of equivalent productivity at a location accepted to PAP.

**Users without long term or legal rights to use land**

(i) In lieu of compensation for land, an assistance equal to remained investment put on the land.

(ii) For poor and vulnerable households who are landless and have not been allocated land before, will be assisted by local authority to obtain land of an area equal to minimum standards size, with full legal title to the land, and/or rehabilitation measures of value equal to VND 3,000,000 to assist them to restore or improve their earning capacity and income.

(b) PAP will be compensated for the loss of standing crops and fruit or industrial trees at market price. Productive trees will be compensated at replacement cost.

(c) PAP whose land is temporarily taken by the works under the each subproject will be compensated for their loss of income, standing crops and for the cost of soil restoration and damaged infrastructure.

5.4. Compensation Policy for Residential Land and Structures
28. PAP losing residential land without structures:
Compensation for loss of land in cash at replacement cost

29. PAP losing residential land and structures:

(a) For PAP losing structures the mechanism for compensating loss of residential land and structures will be: (1) the provision of replacement residential land (house site and garden) of equivalent size, acceptable to the PAP; (2) cash compensation reflecting full replacement cost of the structures, without deduction for depreciation or salvage materials; (3) transportation cost and assistance; (4) living allowance for six months during relocation.

(b) If the residential land and/or structure is only partially being affected by the Project and the remaining residential land is not sufficient to rebuilt the residential structure lost, then at the request of the PAP the entire residential land and structure will be acquired at full replacement cost, without depreciation.

(c) Tenants, who have leased a house for residential purposes will be provided with a cash grant of six months' rental fee at the prevailing market rate in the area, and will be assisted in identifying alternative accommodation.

5.5. Compensation Policy for Loss of Income and Business

29. For PAP losing income and business the mechanism for compensating will be:

(1) the provision of alternative business site of equal size and accessibility to customers, satisfactory to the PAP; (2) cash compensation for lost business structure reflecting full replacement cost of the structures, without depreciation; and (3) cash compensation for the loss of income during the transition period.

5.6. Compensation for Loss of Other Assets

30. PAP will also be provided compensation at full replacement cost, without deduction for depreciation and salvage materials for any other fixed assets affected in part or in toto by the Project, such as tombs and water wells.

5.7. Compensation for Loss of Community Assets

31. In cases where community infrastructure such as schools, bridges, factories, water sources, roads, sewage systems is damaged, the PMO will ensure that these would be restored or repaired as the case may be, at no cost to the community.

5.8. Allowances During Transition Period

32. Relocated PAP are entitled to: (1) transportation costs from 1,000,000-3,000,000 VND, and (2) subsistence allowance of 200,000 VND/person/month for 6 months.
5.9. **Temporary Impact During Construction**

Under the contract specifications, the contractor will be required to take extreme care to avoid damaging property during the construction activities. When damage does occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that shall be applied to all other assets affected by the Project. In addition, damaged property will be restored immediately to its former condition.

5.10. **Rehabilitation Assistance**

Severely affected people are entitled to rehabilitation assistance to restore their livelihood not below the standard before the Project, and preferable better than before. People losing more than 20% of agricultural land or income sources will be provided with rehabilitation assistance of VND 3,000,000 per household. This should be adjusted annually with inflation.

6. **INSTITUTIONAL ARRANGEMENTS**

The implementation of resettlement activities requires the involvement of agencies at the national, provincial, district and commune level. The Ministry of Agriculture and Rural Development (MARD), will be responsible for the overall implementation of RPF and RAPs. Resettlement committees shall be established at the provincial, and district level according to the provision of Decree CP 22/1998. The provisions and policies of the RPF and the RAP will form the legal basis for the implementation of resettlement activities in the VWRAP.

6.1. **Central Level**

**Ministry of Agriculture and Rural Development (MARD)**

MARD is responsible for the realization of VWRAP on behalf of the Government. A Project Management Office (PMO) in coordination with relevant agencies will manage and supervise the overall project, including resettlement activities and land acquisition. Successful updating and implementation of the RAPs will require close coordination between MARD and other ministries and agencies as well as between PMO implementing agencies, and all local resettlement committees. Resettlement capacity will be established within the PMO to coordinate all resettlement activities with full-time assistance of consultants. Similar capacity will be established within the implementing agencies to implement resettlement for each component. Resettlement specialists will provide technical assistance to strengthen the social capacity within the PMO and implementing agencies. The PMO, with assistance of the consultants, will take overall responsibility as follows:

(i) Providing overall planning, coordination, and supervision of the resettlement program.

(ii) Guiding implementing agencies in updating and/or preparing RAPs and implementing resettlement activities in accordance with the approved RAPs and
Resettlement Policy Framework (RPF): and if any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensure that the objectives of the RAPs are met.

(iii) Finalizing RAPs and obtaining Government and World Bank approval before implementing approved RAPs.

(iv) Coordinating completed implementation of approved RAPs for each component with the award of civil works contracts for each component.

(v) Providing resettlement training to implementing agencies, all Provincial Project Management Units (PPMU) and the Subproject Implementation Office (SIO) staff and resettlement committees (RC) at all levels, and to the external monitoring organization.

(vi) Providing the budget for resettlement activities.

(vii) Providing income restoration and other social support as part of the rehabilitation assistance.

(viii) Coordinating project-related employment for PAPs consulting contractors about employment opportunities for local people, informing PAPs about opportunities and how to avail of the opportunities.

(ix) Establishing standard procedures for information meetings and stakeholder consultation, such as monthly newsletters to communities on project activities. Providing coordination with other components and various agencies involved in RAP implementation and monitoring.

(x) Establishing liaison mechanisms to ensure proper technical and logistical support to implementing agencies.

(xi) Establishing standardized PAP databases for each component, as well as for the Project as a whole.

(xii) Establishing procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies.

(xiii) Establishing procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.

(xiv) Recruiting, supervising, and acting upon the recommendations of the external monitoring organization.

(xv) Establishing procedures for the prompt implementation of corrective actions and the resolution of grievances.

(xvi) Reporting periodically on resettlement activities to the World Bank.

6.2. Provincial Level

Provincial People’s Committee (PPC)

The PPC is the principal authority at the provincial level. The PPC in each involved province is responsible for setting up and directing a council of compensation, which will be called the Provincial Resettlement Committee (PRC). The PPCs are also responsible for reviewing and approving the RAPs. Each PPC is responsible for the final decision on compensation unit costs, subsidies, allowances, and supporting policies for RAPs and vulnerable affected groups, in accordance with the RPF. Each PPC is responsible for the approval of project land acquisition and replacement land sites, if required. Each PPC is responsible for organizing
the coordination between the related institutions and provincial departments for the implementation of the RAPs, and to execute compensation.

**Provincial Project Management Units (PPMC) and Subproject Implementation Offices (SIO)**

38. Provincial Project Management Units (PPMC) and/or the Subproject Implementation Office (SIO) will be responsible for implementing the RAPs. Responsibilities will include the following:

(i) implementing, on behalf of the PMO, all resettlement activities within the provincial territory under the PPCs’ and SIO management, and signing contracts for the implementation of some resettlement components;

(ii) guiding all resettlement activities of provinces, districts and communes in accordance with the project policies and directives;

(iii) establishing compensation unit prices for land and structures in collaboration with other provincial departments following the rules of the RPF; setting up procedures for land acquisition and allocation and submitting them to the PPC for approval; coordinating, supervising, and monitoring the implementation of resettlement activities in the province;

(iv) directing and monitoring the DMS process, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval;

(v) accepting and handing over the sites to the implementing agencies; and

(vi) cooperating fully with the external monitoring organization.

6.3. District Level

**District People’s Committee (DPC)**

39. The District People Committees are responsible for identification of land and structures and appointing members of the DRC and assigning functional tasks for the DRC.

**District Resettlement Committees (DRCs)**

40. The DRCs will be responsible for:

(i) planning and implementation of all resettlement activities in their districts under the direct professional guidance of the PRCs. If authorized by the PPC to be completely responsible for the resettlement activities in the district in the case that no PRC is established, the DRC will play the same role as the PRC;

(ii) finding adequate land for individual relocations;

(iii) being responsible for DMS, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval and paying compensation directly to each PAP after receiving the funds;

(iv) establishing inspectors to redress PAP grievances on resettlement policies and entitlements;

(v) establishing, if necessary, commune resettlement committees (CRC) and directing their operations during the implementation of the resettlement activities.
(vi) paying special attention to the needs and demands of specific groups (ethnic minority groups) and vulnerable people (children, the elderly, women, single-headed households).
(vii) cooperating fully with the external monitoring organization.

6.4. Agency Responsible for External Monitoring

41. One agency specialized in the social sciences must be identified in order to carry out independent monitoring and evaluation of RAP implementation for the VWRAP. They will submit periodic reports on the implementation progress and make recommendations regarding the issues identified. The terms of reference and methodology for monitoring are presented in Section 10.

6.5. Staff and Training

42. One full-time specialized resettlement staff will be recruited for each PPMU/SIO and the consultant team to assist them in fulfilling/performing their resettlement responsibilities. These people should have background in the social sciences, have computer skills and good experiences, or will be trained on resettlement issues, preferably be proficiency in spoken and written English. Depending on the scale of resettlement impacts of each subproject, a full time or part time resettlement staff will be required for local resettlement institutions.

43. All full time and part time staff and decision makers involved in project resettlement implementation will be trained on the World Bank, Vietnam Government project's resettlement policy, methods of public consultation, resettlement implementation procedures, techniques, unified DMS forms, management of PAP database, negotiations and mediation.

7. PUBLIC INFORMATION, CONSULTATIONS AND GRIEVANCE REDRESS

7.1. Consultations During Preparation of Resettlement Action Plans

44. Stakeholder meetings have been organized at the provincial, district, commune, and hamlet level. The consultant provided information about the Project regularly. Actions taken were as follows:

(i) Stakeholder meetings with the provincial and district authorities were conducted throughout Project preparation. The consultants have gone back to each province and district to discuss resettlement issues. The PPCs have agreed to follow the
Project's resettlement policy, which reflects the WB's and GOV resettlement objectives and principles.

(ii) A Socio-Economic Household surveys were conducted for the beneficiary and people living in all Subproject affected areas. The HHs questionnaire surveys were carried out by IMC in 2002.

(iii) In each subproject area group interviews were conducted in at least two selected project-affected communes. The consultants in May-June 2003 conducted 55 such group interviews. The surveys and group interviews combined the different needs of different fields (agriculture, social, economy, resettlement) and provided useful socio-economic information.

(iv) In addition specific resettlement group interviews with affected persons were conducted at each location designed to collect data on: (a) general assessment of project benefit and resettlement impacts; (b) resettlement needs, preferences and priority of the severely affected families; (c) vulnerable groups which may be adversely affected by the Project, and (d) measures to reduce impacts. After meetings, women usually asked to be gathered to discuss in separate groups. This surveys were part of Objectives of Public Information and Consultation

7.2. Objectives of Public Information and Consultation

45. Information dissemination to Project affected persons and involved agencies is an important part of Project preparation and implementation. Consultation with PAP and ensuring their active participation will reduce the potential for conflicts and minimize the risk of project delays. This will also enable the Project to design the resettlement and rehabilitation program as a comprehensive development program to suit the needs and priorities of the affected people, and thereby maximizing the economic and social benefits of investments. The objectives of the public information and consultation program are as follows:

(i) To ensure that local authorities, as well as representatives of PAP, will be included in the planning and decision-making processes. The PMO, PPMUs and/or the SIO will continue a dialogue with the Provincial People's Committee and the District People's Committee during project implementation. PAP involvement in implementation will be continued thereafter by requesting each district to invite PAP representatives to be a member of the PRC and the DRC and take part in the resettlement activities (property evaluation, compensation, resettlement, and monitoring).

(ii) To fully share information about the proposed project components and activities with the PAP.

(iii) To obtain information about the needs and priorities of the PAP, as well as receiving information about their reactions to proposed policies and activities.

(iv) To ensure that PAP are able to make fully informed decisions that will directly affect their incomes and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.

1 Conclusions from these consultations are documented in the Social Impact Assessments and Summarized in the Summary of Social Impact Assessment in VWRAP.
(v) To obtain the cooperation and participation of the PAP and communities in activities necessary for resettlement planning and implementation.

(vi) To ensure transparency in all activities related to land acquisition, resettlement, and rehabilitation.

7.3. Consultation Proposed During Implementation

4. Information Dissemination and Consultation

46. During project implementation, PPMU/SIO, assisted by the project consultants, will undertake the following:

(i) Provide information to resettlement committees at all levels through training workshops. Detailed information on project policies and implementation procedures will be provided.

(ii) Conduct information dissemination and consultation for all PAP throughout the life of the project.

(iii) Update the provincial unit prices and confirm land acquisition and impact on properties through a Detailed Measurement Survey (DMS) in consultation with PAP.

(iv) The PRC/DRC will then apply prices, calculate compensation entitlements, and complete the Assets Compensation Forms for each affected household. Information on entitlements will then be presented on an individual basis to PAP in the DMS follow-up visit to each household.

(v) The Asset Compensation Form, showing the household’s affected assets and compensation entitlement, will then need to be signed by the PAP to indicate their agreement with the assessment. Any complaints the PAP have about the contents of the form will be recorded at this time.

(vi) A letter/questionnaire about resettlement options will be given to all PAP entitled to relocation (a) to inform them about resettlement options (a clear explanation of the consequences of choosing each option will be given), (b) to request that PAP confirm their choice of resettlement option and their preliminary confirmation of resettlement site location, and (c) to request that PAP indicate services such as education/health/markets that they are currently using and their current distance from such services.

(vii) Consultation regarding PAP preferred option for rehabilitation assistance. This applies to severely affected and vulnerable PAP. The resettlement committee will inform PAP of options and entitlement to rehabilitation assistance before asking them to indicate preferences for such rehabilitation assistance.

B. Public Meetings

47. Prior to the beginning of the detailed design a public meeting will be held in each commune to provide PAP with additional information and an opportunity for open discussion about resettlement policies and procedures in each affected commune. A letter of invitation will be sent to all PAP at least 2 weeks before the meeting in their area. This meeting is intended to clarify information that has been given to date and to provide PAP with the opportunity to discuss issues of concern and obtain clarification. In addition to a letter informing the PAP, other means will be used to inform PAP and the general public such as posters in prominent locations in the communes and districts where PAP currently reside: radio, newspaper and public poster
announcements. The letter and notices will advise the time and location of the meeting, and who can attend. Both men and women from affected households will be encouraged to attend. as well as other interested community members. The meeting will explain the Project, and households' rights and entitlements, and there will be opportunities to ask questions. Such meetings will be conducted periodically during the life of the Project.

48. Relevant information will be given to the PAP at the meetings (verbally, graphically, and on printed information sheets). Extra copies of the printed information sheets will be available at township and district offices throughout the project area. The meetings is proposed to have the following format:

(i) Explanations given verbally and in visual format, including written information and drawings of the proposed design for the different component of the Project.
(ii) Adequate opportunities will be provided for PAP to respond with questions and comments. PAP will be encouraged to contribute their ideas for PAP rehabilitation options.
(iii) The DRC will establish a complete list of all PAP present at the meetings.
(iv) The DRC will make a complete record of all questions, comments, opinions and decisions that arise during the information/consultation meetings, and present a report of all the meetings to the relevant PPMU and/or SIO.

49. Information about the following will be given to the PAP:

(i) Project components. This includes the places where they can obtain more detailed information about the Project.
(ii) Project impacts. Impacts on the people living and working in the affected areas of the project including explanations about the need for land acquisition for the reservoir, the canal network, and other project components.
(iii) PAP rights and entitlements. These will be defined for PAP (with the cut-off date). The rights and entitlements for different impact on PAP, including the entitlements for those losing businesses, jobs and income will be explained. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each. Entitlement to rehabilitation assistance and opportunities for project-related employment.
(iv) Grievance mechanism and the appeal process. PAP will be informed that project policies and procedures are designed to ensure their pre-project living standards are restored. PAP will also be informed that if there is any confusion or misunderstanding about any aspect of the Project, the resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. PAP will receive an explanation about how to access grievance redress procedures.
(v) Right to participate and be consulted. The PAPs will be informed about their right to participate in the planning and implementation of the resettlement process. The PAP will be represented on commune resettlement committees, and the representative for the PAP
will be present whenever commune/district/provincial committees meet to ensure their participation in all aspects of the project.

(vi) **Resettlement activities.** PAP will be given an explanation regarding compensation calculations and compensation payments; monitoring procedures which will include interviews with a sample of PAP; relocation to an individual location/self-relocation; and preliminary information about physical works procedures.

(vii) **Organizational responsibilities.** PAP will be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the government officials with phone numbers, office locations, and office hours if available.

(viii) **Implementation schedule.** PAP will receive the proposed schedule for the main resettlement activities and informed that physical works will start only after the completion of all resettlement activities and clearance from the project area. It will be clarified that they will be expected to move only after full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

C. **Compensation and Rehabilitation**

50. A letter of notification will be sent to each PAP with the time, location, and procedure for receiving compensation payment. Severely affected and vulnerable PAP will be personally contacted to confirm their preferences for rehabilitation assistance.

D. **Public Information Booklet (PIB)**

51. To ensure that PAP, their representatives, and local governments in the affected areas fully understand the details of the resettlement program, and are also informed about the compensation and rehabilitation packages applicable to the Project, a Public Information Booklet (PIB) will be prepared by the PMO, in consultation with the World Bank. This booklet will be distributed to all PAP in the project area. General contents of the PIB will include the following:

- Brief Description of the Project
- Implementation Schedule
- Project Impacts
- Entitlements and Rights of PAP
- Resettlement and Rehabilitation Policies for All Types of Impacts
- Institutions Responsible for Resettlement
- Information Dissemination to and Consultations with Project Affected People
- What To Do if PAP Have a Question or a Problem
- Grievance Procedure
- Independent Monitoring

E. **Disclosure**

52. In addition to disclosure to affected people and communities, the Resettlement Policy Framework and the RAPs will be available at the PMO in Hanoi, in PPMU and/or the SIO and at Project districts.

7.4. **Grievance Redress Procedure**

53. PAP can lodge their complaints regarding any aspect of compensation policy, rates, land acquisition, resettlement and entitlements relating to rehabilitation assistance programs.
Complaints by PAP can be lodged verbally or in written form, but in case they are lodged verbally, the committee to which it is lodged will write it down during the first meeting with the PAP. PAP will be exempted from administrative and legal fees.

54. A four-stage procedure for redressing grievances is proposed as follows:

Stage 1 - Complaints from PAP on any aspect of the resettlement program, or losses not previously addressed shall first be lodged verbally or in written form to the people's committee at commune level. The complaint can be discussed in an informal meeting with the plaintiff and the chairman of the people's committee at commune level. The people's committee at commune level will be responsible for resolving the issue within 15 days from the day it is lodged.

Stage 2 - If no understanding or amicable solution can be reached, or if no response from the people's committee at commune level is received by the PAP within 15 days of registering the complaint, he/she can appeal to the District Resettlement Committee. The complaint must be settled within two months of registering the original complaint. The DRC will provide a decision within 1 month of the registering of the appeal.

Stage 3 - If the PAP is not satisfied with the decision of the DPC or its representative, or, in the absence of any response by the DPC, the PAP can appeal to the Provincial People’s Committee. The Provincial People’s Committee together with the representative of the PRC will provide a decision on the appeal within 30 days from the day it is lodged with the PPC.

Stage 4 - If the PAP is still not satisfied with the decision of the PPC or PRC on appeal, or in absence of any response from the PPC within the stipulated time, the PAP as a last resort, may submit his/her case to the district court.

8. BUDGET

8.1. Financing

55. Central Government will pay resettlement costs related to land acquisition caused by the Subproject.

8.2. Flow of Funds

56. The PMO and PPMU/SIO will be responsible for channelling funds for land acquisition and resettlement to the DRC who will be responsible for the payment of compensation directly to affected persons for land, crops, trees, and for the rehabilitation assistance. The PMO will also be responsible for contracting an external institution that will be engaged for independent monitoring.

8.3. Adjustments for Inflation
57. The cost estimates in these RAPs are based on PPC’s issued prices (to be updated before compensation payment). The rates for compensation and cash entitlements for rehabilitation as well as allowances payable to affected persons will be adjusted annually, based on the actual annual inflation rate. The PPMU/S10 together with the provinces will determine the annual inflation rate and ensure the necessary annual adjustments are made to compensation rates and to all cash entitlements.

8.4. Compensation Prices

58. The prices used for cost estimates of land acquisition and resettlements are based on first of all the prices issued by the PPC in decisions regulating compensation prices for land and different affected assets/properties. The compensation amounts in the detailed cost estimates in Table 7 and Appendix 2 include a 10% contingency.

(i) The current compensation and resettlement costs are based on: (a) land acquisition and census surveys conducted in May-June, 2003; (b) identification of different categories of impacts, resettlement policies, and entitlements described in Section 5; (c) provision of Decree 22/1998 on compensation and resettlement; (d) compensation prices issued by the provinces for similar relevant projects; and (e) assessment of replacement cost made by consultants, based on available information gathered in May 2003.

(ii) According to Decree 22 (Article 8), the Provincial People’s Committee for each specific project shall decide the prices for compensation. And each of the seven provinces have decrees with amendments on which the consultant has based compensation costs.

(iii) In order to avoid complaints and to ensure fair compensation prices for affected persons, compensation prices used for cost estimates in the RAP have been based not only on prices issued by the provinces, but also on result of rapid assessment of market price conducted by the consultant in the affected areas. However, to comply to some extent with the unit prices issued by the province, for cost estimates the consultant take those provided as a base and use the higher unit prices for land and other categories of losses.

(iv) During the detailed design of the Project, the Subprojects will revise compensation unit prices for all categories of loss (land, crops, trees, and other assets) to ensure PAPs receive actual replacement cost at current market value at the time of compensation. PAPs and local authorities will be consulted on the proposed rates before they are finalized.

8.5. Rehabilitation Assistance

59. Vulnerable households will be entitled to assistance to restore or improve their pre-project conditions. These costs will be updated at the time of compensation to adjust for inflation.

8.6. Implementation Costs Defined
60. Costs for land acquisition and compensation will be fully funded by the Government. Resettlement administration cost includes budgets for performing resettlement activities by PMO, PPMU/SIO, and resettlement consultant(s), and management fees for various resettlement committees, implementing agencies. It consists of cost for the payment of salaries, per diem, logistics, management fees, etc., cost for Detailed Measurement Survey (DMS) of losses, evaluation of assets lost, pricing application, public information and dissemination, preparation of a Project Information Booklet, posters, materials and dissemination of information, cost for organizing and performing public consultation and expected grievance redressed. The administrative costs are set to 5% of compensation costs for each Subproject.

61. A budget will be provided for training of full time and/or part time staff involved in the project resettlement activities. Training will be provided to particular groups of resettlement officials and consultants. Training of staff and consultants for capacity building is set to VND 154,000 ($10,000) for each Subproject.

62. Monitoring cost includes both cost for internal and external monitoring, which is set to 3% of compensation costs for each Subproject. A contingency cost is set to 10% of compensation costs in each Subproject, as shown in table 7 below.

8.3. **Summary of Cost Estimates**

63. The estimated cost of resettlement for all land, crops/trees, and other assets to be compensated in Phase I of the Project is estimated to VND 58,289,169 ($3,785,011). The total cost related to resettlement policy is estimated to be VND 69,859,235 equivalent to US$ 4,536,314. A summary of cost estimates is presented in table 7 below. A more detailed cost summary for each component are shown in Appendix 2.

<table>
<thead>
<tr>
<th>Subproject</th>
<th>VND</th>
<th>US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cau Son</td>
<td>6,154,292</td>
<td>399,029</td>
</tr>
<tr>
<td>Yen Lap</td>
<td>9,457,540</td>
<td>614,126</td>
</tr>
<tr>
<td>Ke Go</td>
<td>8,784,223</td>
<td>570,404</td>
</tr>
<tr>
<td>Quang Hue</td>
<td>22,761,017</td>
<td>1,477,988</td>
</tr>
<tr>
<td>Phu Ninh</td>
<td>1,508,106</td>
<td>97,929</td>
</tr>
<tr>
<td>Da Ban</td>
<td>8,006,207</td>
<td>519,884</td>
</tr>
<tr>
<td>Dau Tieng</td>
<td>9,910,230</td>
<td>643,522</td>
</tr>
<tr>
<td>Total</td>
<td>66,581,615</td>
<td>4,323,482</td>
</tr>
</tbody>
</table>

9. **IMPLEMENTATION SCHEDULE**

64. The implementation schedule is as follows:

65. **Approval of the RAP.** After endorsement of the RAPs at the provincial level the Government will forward the RAPs for approval to the World Bank.

66. **Information Dissemination Prior to Detailed Design.** Prior to the commencement of detailed design, MARD will provide information about the Project throughout the project area. Information meetings will be held in all potentially affected commune to inform the communities
about (i) the project scope, (ii) impacts, (iii) entitlements for all categories of loss, (iv) schedule of activities beginning with the detailed design survey, (iv) institutional responsibilities, and (v) the grievance mechanism. The PIB will be prepared and distributed to all affected communities during the meetings.

67. Establishment of Resettlement Committees. All provinces will establish their resettlement committees at provincial and district level as soon as the Project has been approved.

68. Training for Resettlement Staff. Within 2 months of mobilization of the resettlement consultants for the PMO, all local resettlement staff at PPMU/SIO, PRC, DRC, and commune levels will be trained by the PMO assisted by the consultants. Training subjects will include

(i) procedures for preparing the RAPs;
(ii) consultation and information dissemination methods;
(iii) principles, policies, and entitlements of the RAPs;
(iv) implementation steps, procedures, and schedule;
(v) grievance redress mechanism; and
(vi) powers and obligations of individuals/agencies involved in the process of resettlement programs.

69. Updating Compensation Rates. During the preliminary detailed design process, the PPCs will update unit rates at replacement cost for all categories of loss and adjust allowances to account for inflation. This will be done in consultation with PAP and local government agencies.

70. Detailed Measurement Survey (DMS). Before each new phases of the VWRAP new DMS will be conducted in each subproject area after completion of the detailed design. These surveys will serve as a basis for compensation and new RAPs. Data will be computerized by PMO.

71. Pricing Application and Compensation to PAP. Resettlement committees at all levels will be responsible for pricing application and preparing compensation charts for each affected commune/district. These will be subject to verification by PPMU/SIO, PPCs, and PMO of unit prices, quantity of affected assets, PAP entitlements, etc. before posting them at each commune for the people to review and comment. All compensation forms must be checked and signed by the PAP to indicate their agreement.

72. Compensation and Allowances will be handled at commune level under the supervision of representatives of DRCs and PPMU/SIO. Guidance will be given by PPMU/SIOs to aid local resettlement committees in making payments to PAP.

73. Monitoring and Evaluation. Internal and external monitoring shall start as soon as the updated RAPs have been approved. Monitoring will continue throughout the construction period. A replacement cost survey should be conducted by the external monitoring organisation prior to or during DMS to update and advice PPC on compensation rates. A post-resettlement evaluation will also be undertaken by the external monitoring organisation 6 to 12 months after completion of all resettlement activities.
10. MONITORING AND EVALUATION

10.1. Monitoring

74. Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation.

75. Monitoring has two purposes:

(i) To verify that project activities have been effectively completed including quantity, quality, and timeliness; and

(ii) To assess whether and how well these activities are achieving the stated goal and purpose of the Project.

76. Regular monitoring of the RAP implementation will be conducted by the implementing agencies (PPMU/SIO. and PMO) as well as by an independent external monitoring organization hired by the PMO.

10.2. Internal Monitoring

77. Internal monitoring of the implementation of the subproject RAPs will be the responsibility of the implementing agencies, with the assistance of the project consultants. The implementing agencies will oversee the progress in resettlement preparation and implementation through regular progress reports.

78. The main indicators that will be monitored regularly are:

(i) payment of compensation to PAP in various categories, according to the compensation policy described in the RAP;

(ii) delivery of technical assistance, relocation, payment of subsistence, and moving allowances;

(iii) delivery of income restoration and rehabilitation assistance entitlements;

(iv) public information dissemination and consultation procedures;

(v) adherence to grievance procedures and outstanding issues requiring management’s attention;

(vi) priority of PAP regarding the options offered; and

(vii) coordination and completion of resettlement activities and award of civil works contract.

79. The implementing agencies will collect information every month from the different resettlement committees. A database of resettlement monitoring information regarding the Project will be maintained and updated every month.
The implementing agencies will submit to the PMO a monitoring report on the progress on implementation of the RAPs. These reports will be forwarded to the World Bank as part of their regular quarterly report to the World Bank. The internal monitoring reports shall include the following topics:

(i) The number of PAP by category of impact per component, and the status of compensation payment and relocation and income restoration for each category.

(ii) The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.

(iii) The eventual outcome of complaints and grievances and any outstanding issues requiring action by management.

(iv) Implementation problems.

(v) Revised actual resettlement implementation schedule.

10.3. **External Monitoring**

81. **Objectives.** The general objective of the external monitor is to provide an independent periodic review and assessment of achievement of resettlement objectives, changes in living standards and livelihoods, restoration of the economic and social base of the affected people, organizational effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.

82. **Agency Responsible.** In accordance with the World Bank requirements for consultant procurement, PMO will hire an organization for the independent monitoring and evaluation of RAPs implementation. This organization, to be called the Monitoring Organization (MO) will be specialized in the Social Sciences and experienced in resettlement monitoring. The MO should start their work as soon as the updated RAPs have been approved.

83. **Monitoring and Evaluation Indicators.** The following indicators will be monitored and evaluated by the MO:

(i) Payment of compensation will be as follows: (a) full payment to be made to all affected persons sufficiently before land acquisition: (b) adequacy of payment to replace affected assets.

(ii) Provision of technical assistance for house construction to PAP who are rebuilding their structures on their remaining land or building their own structures in new places as arranged by the project, or on newly assigned plots.

(iii) Provision of income restoration assistance.

(iv) Public consultation and awareness of compensation policy: (a) PAP should be fully informed and consulted about land acquisition, leasing and relocation activities: (b) the monitoring team should attend at least one public consultation meeting to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed: (c) public awareness of the compensation policy and entitlements will be assessed among the PAP; and (d) assessment of awareness of various options available to PAP as provided for in the RAPs.
(v) Affected persons should be monitored regarding restoration of productive activities.
(vi) The level of satisfaction of PAP with various aspects of the RAP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.
(vii) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

10.4. Monitoring Methodology

A. Sample Survey

85. A socio-economic survey will be required before, during and after resettlement implementation to provide a clear comparison of success/failure of the resettlement plan. Monitoring will be on a sample basis. The sample size should be 100% of relocating households and severely affected farmers, and at least 10% of all other households. The sample survey should be conducted twice a year.

86. The survey should include women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents.

87. A Post-Resettlement Evaluation will be carried out 6 to 12 months after completion of all resettlement activities.

B. Database Storage

88. The MO will maintain a database of resettlement monitoring information. It will contain files on each affected household and will be updated based on information collected in successive rounds of data collection. All databases compiled will be fully accessible by implementing agencies and the PMO.

C. Reporting

89. The MO will be required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted to the PMO, which in turn will submit the reports to the World Bank as an annex of its progress report.

90. The report should contain (i) a report on the progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.

D. Monitoring Report Follow-Up
91. The monitoring reports will be discussed in a meeting between the MO, PMO and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

10.5. Evaluation

92. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. The external monitor will conduct an evaluation of the resettlement process and impact 6 to 12 months after completion of all resettlement activities using the same survey questionnaire and sample as used during the monitoring activities.
**APPENDIX 2: SUMMARY OF ESTIMATED RESETTLEMENT COSTS**

<table>
<thead>
<tr>
<th></th>
<th>Cau Son</th>
<th>Yen Lap</th>
<th>Ke Go</th>
<th>Quang Hue</th>
<th>Phu Ninh</th>
<th>Da Ban</th>
<th>Dau Tieng</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation to Farmers</td>
<td>327,129</td>
<td>511,971</td>
<td>430,974</td>
<td>1,244,057</td>
<td>74,516</td>
<td>432,105</td>
<td>536,883</td>
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<tr>
<td>Administration 5%</td>
<td>16,356</td>
<td>25,599</td>
<td>64,646</td>
<td>62,203</td>
<td>3,726</td>
<td>21,605</td>
<td>26,844</td>
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<tr>
<td>Monitoring 3%</td>
<td>9,814</td>
<td>15,359</td>
<td>12,929</td>
<td>37,323</td>
<td>2,235</td>
<td>12,963</td>
<td>16,107</td>
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<tr>
<td>Training</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
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<tr>
<td>Contingency 10%</td>
<td>36,330</td>
<td>51,197</td>
<td>51,855</td>
<td>124,406</td>
<td>7,452</td>
<td>43,211</td>
<td>53,688</td>
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<td><strong>Total</strong></td>
<td>399,629</td>
<td>614,126</td>
<td>570,404</td>
<td>1,477,988</td>
<td>97,929</td>
<td>519,884</td>
<td>643,522</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>VND</th>
<th>USS</th>
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<tr>
<td>Compensation to Farmers</td>
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<td>3,230,506</td>
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<td>Administrative Costs</td>
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<td>Monitoring Costs</td>
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<td>Training Costs</td>
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<tr>
<td>Contingency</td>
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<td><strong>Total</strong></td>
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</table>
The Socialist Republic of Vietnam

Ministry of Agriculture and Rural Development

(Draft)

Vietnam Water Resource Assistance Project (VWRAP)

RESETTLEMENT ACTION PLAN

For

CAM SON – CAU SON SUBPROJECT

August 2003

Resettlement Action Plan for Cam Son – Cau Son
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I. INTRODUCTION

1. Cam Son - Cau Son Irrigation System is one of the largest irrigation schemes in Vietnam and plays an important role in development of agriculture in the country. The system was constructed in the late of the 70s at a time with a shortage of investment capital and inadequate technical conditions/environment. After about three decades the capacity of the system has been considerably reduced. It has been seriously damaged due to poor maintenance, lack of financial resources, and poor management. The water service has worsened both in quantity and quality. The headwork has been seriously damaged, with dam safety problem at the same time as mitigation actions have been taken at the expense of reduced irrigation water supplied for downstream agriculture and aquaculture as well domestic use. Presently, the Cau Son system can only provide irrigation water for 10,300 ha and provides water for local domestic and industrial use. The water provision is only about 42.7% of the designed irrigation capacity.

2. The Cam Son - Cau Son Irrigation System Modernization Subproject is to improve the water service provided by Cam Son - Cau Son IMC to local users in both quality and quantity through investment for rehabilitation and upgrading the irrigation infrastructure wherever needed and introduction of modern irrigation management technologies. The Subproject will contribute to increased water provision for irrigation, domestic and other uses, and improved efficiency of water use and use of land and human resources, while reduce flood and disaster risk of the system. Improved operation and financial sustainability of the scheme would increase agricultural productivity and invigorate the local economy.

3. The Subproject will include two components: (i) rehabilitation and upgrading of physical infrastructure of the irrigation system, starting with headwork and finishing by irrigated fields. Further, rehabilitation and upgrading of existing and construction of new, so far missed, canals and works, combined with access management roads, management stations, (ii) modernization of the management system. Development of the first component will cause resettlement impacts due to permanent or temporarily acquisition of land for infrastructure construction or for civil works.

4. Investment and modernization of Cam Son - Cau Son Irrigation system will:
   - Ensure safety, reliability and efficiency of the system’s operation and service,
   - Make cost of operational management to be low, ease the operation of the system and make it flexible to maintain,
   - Satisfy all reasonable water requirements of agriculture, domestic, industry and improve natural environment and environment for tourism development
   - Create favorable conditions for utilization of labor resources; contribute to poverty alleviation, economic development in subproject’s areas.

At its completion up to the year 2010 the Subproject Cam Son - Cau Son Irrigation System will provide irrigation water for 22,416 ha of agricultural land and supply water of 0.02 m$^3$/s or 600,000 m$^3$/year, for domestic and industrial uses of Bac Giang province.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

5. The Project will have resettlement impacts in province Bac Giang, districts Lang Giang, Luc Nam and Yen Dung and Bac Giang town with the total 48 communes, which are both beneficiaries and impacted. This resettlement action plan (RAP) applies to Phase 1 with headwork, main canals including canals Giua, Yen Lai and Tay and canals of the two pilot areas. This RAP is prepared to deal with compensation and rehabilitation of affected people. At project’s implementation stage, when detailed technical designs will be available and project marks indicating its recovered areas can be fixed, then will be possible for a detailed
measurement survey (DMS) to precisely record all details of losses of the affected people. Such DMS data will serve as final legal basis for implementation of the subproject compensation, rehabilitation and resettlement activities. Each component is described as follows:

(i) **Headworks.** Rehabilitation of headwork structures of Cam Son - Cau Son subproject involves rehabilitation and reinforcement of existing infrastructure and doesn’t implicate new acquisition of land.

(ii) **Canal system.** The identified canals for investment of Cam Son - Cau Son Irrigation Scheme includes main canals and the canal subsystems of two pilot areas.

- **Main canals of Cam Son - Cau Son scheme includes** four main canals: Kenh Chinh Bao Son, Kenh Giua, Kenh Tay and Kenh Yen Lai with the length of 10.0 km; 34.8 km; 28.0 and 12.8 km respectively. All of them so far are earthen made canals and have unstable bank conditions, easily subject to erosion and siltation. They are all in poor conditions and need investment to improve and reach the designed capacity.

- **Pilot area:** Two selected pilot areas includes subsystems of the canal Y2 feeding from Yen Lai canal and and Nui Sui canal, secondary canals of the Giua canal, located in Lang Giang and Luc Nam districts and partially covering Yen Dung district.

Generally, the canals are in poor conditions, seriously eroded, broken due to poor management, maintenance, and lack of capital for investment. The width (cross sections) usually are wider than the designed parameter as results of erosion while the bed has been filled up with silts, which hindering the water flow to pass through. All these result in reduction of water conveyance to 40-45% of their designed discharge.

7. The rehabilitation and upgrading of canal system of the pilot area involve following subcomponents: (a) rehabilitate the existing, damaged irrigation and drainage canals, widening the narrowed sections, construct new, additional canals wherever they are lacking, and rehabilitate and construct supplement irrigation works of the canals; (b) rehabilitate existing and construct complement drainage canals and works; (c) rehabilitate and upgrade water control and delivery works; (d) rehabilitate and upgrade management access roads. Development of these subcomponents may cause both permanent and temporary acquisition of land for lining of existing or building of so far missed canals of different levels, irrigation works and access roads.

The Inventory of Losses (IOL) for all identified areas in Phase 1 has been carried out by the Cam Son - Cau Son IMC in May 2003. According to results of the IOL, there are 21 communes of Bac Giang province (Canal System) and 1 commune of Huu Lung district of Lang Son province (Headwork), will be affected by the identified subproject components, which include headworks (access road to headwork), four main and primary canals and canal subsystems of the two pilot areas.

9. The Project will cause total loss of 27.5 ha land of 3375 HHs, of which only 4.0 ha will be permanently lost and 23.7 ha is temporary lost. Among the total 3375 HHs affected, there are only 269 HHs with 3.2 ha of agricultural land, and 55 HHs with 0.8 ha of residential land, which will be permanently affected. The rest of the project affected people (PAP) will only be temporarily affected. There is no HHs to be severely affected. Most of the PAP have legal status and small part of PAP have temporary use right to their affected land.

10. Table 1 presents a summary of the impacts on the land and structures for subproject components:

| Table 1: Summary of Impacts on Land and Structures |
The purpose of this RAP is to prepare a plan of actions and measures dealing with compensation and rehabilitation of project affected people, ensuring that all project affected people (PAP) will be at least as well off after the project as they would have been in the absence of the Project. This RAP is based on (i) a census and Inventory of Losses (IOL) of 100% of PAP in the headworks, main/primary canals and all canals and access management roads identified in the pilot area; (ii) on a sample HHs socio-economic surveys in the project.
affected communes, conducted by Cam Son - Cau Son IMC in 2002 and the consultants in 2003; (iii) on group interviews and discussions in project affected communes, conducted by the consultants during the feasibility study, May 2003. Policies for compensation, relocation, and rehabilitation have been established based on these surveys, applying Vietnam's existing laws and decrees regulating resettlement and the World Bank Operative Directives OP 4.12 on Involuntary Resettlement, OD 4.20 on Indigenous People and OPN 11.03 on Cultural Property. Following detailed design of these main components, this RP will be updated by Cam Son - Cau Son PPMU/SIO to include revised numbers of PAP and updated compensation unit rates for all categories of lost assets and allowances, and following approval by WB and the Government. The updated RAP will be implemented by the resettlement committees (RCs) under the guidance of the people's committees of each district and MARD. Careful coordination between all the agencies and ministries will be necessary to complete the different resettlement activities successfully. The provisions and policies of this RAP will form the legal basis for the implementation of resettlement activities for the Cam Son - Cau Son Subproject.

III. SOCIOECONOMIC INFORMATION

A. Source of Data

12. This RAP has been based on census and land acquisition surveys for 100% of PAP due to identified main canals and canals of the pilot irrigation areas. The Cam Son - Cau Son IMC conducted the inventory survey in May 2003. Land acquisition and resettlement requirements were estimated based on detailed land use data in each subproject's area, and on technical designs. New census and detailed measurement surveys will be necessary during the implementation phase to precisely identify households affected by the Project.

13. Socioeconomic information has come from several sources: (i) household socioeconomic questionnaire survey of 141 HHs conducted by the IMC in 2002; (ii) group interview surveys conducted by the consultants in two selected communes of the two project pilot areas in 2003 (iii) Stakeholder consultation at all levels and review of secondary data/literature on subproject areas, conducted by consultants in 2003.

14. Specific resettlement group interviews with PAP were conducted to collect data on (i) specific resettlement needs of affected farmers and vulnerable groups which may be adversely affected by the Project, (ii) resettlement/compensation concerns and preferences of affected families, and (iii) measures to reduce impacts.

B. Impacts on Land and Structures

15. Rehabilitation of the headworks, main canals and canals of the pilot areas and other related irrigation works of Cam Son - Cau Son scheme for phase 1, will recover about 27.5 ha of land among which there only 4.0 ha will be acquired permanently. In total, resettlement impacts will be posed on 3952 HHs with 16913 people impacted. No HHs will have to be relocated and no HHs loses more than 20% of their agricultural land holding. The total residential land affected are 3.9 ha with 517 HHs affected. Only 0.81 ha belonging to 55 HHs will be lost permanently and other 3.2 ha will be lost temporarily.

C. Land Holdings

16. The average annual crop land (flat field) is equal to 1,212 m²/HH for all the PAP registered, 2,634 m²/HH for the pilot area of canal Y2 and 1416m²/HH for the pilot area of canal Nui Sui. The low per capita arable (annual crops) land is due to the geographical conditions, where the hilly and more or less intersected relief may be dominated in the upland areas.
However, besides the flat annual crop land, the local people usually have upland, slope fields and/or forest land which could be an important source of the HHs income. (see Table 2)

Table 2: Average land holding (arable land) (m2)

<table>
<thead>
<tr>
<th>Subsystem of pilot area canal Y2 (Luc Noan district)</th>
<th>Average land holding (m2/HH)</th>
<th>Per capita arable land (m2/pers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsystem of pilot area of canal Nui Sai (Luc Noan district)</td>
<td>2634</td>
<td>573</td>
</tr>
<tr>
<td>All the PAPs identified</td>
<td>1212</td>
<td>280</td>
</tr>
</tbody>
</table>

Source: Results of Inventory of losses of PAPs, 2003

D. Population:
17. The almost PAPs of the identified canals are of Kinh group. Although there are different ethnic minority people living in the project area who are benefited from it, the survey results of PAP show that there are very few ethnic minority HHs (about ten Tay HHs) will be affected by the canal Giua among identified project components.
18. The average HH size in the project districts is 4.9, the average number of HH's labor is 2.14. The female makes up 50.8% of the total population and they account for 19.3% of the HH's Heads surveyed. During the last decade, the population growth has been considerably decreased, achieving the rate of 1.05% by the year 2000, thanks to the successful realization of the State Family Planning Program.

E. Income
19. Agriculture is the most important source of HHs income of the PAP surveyed. It is almost the only source of income for the considerable part of the project population. Agriculture includes cultivation of wet rice, mostly, and upland rice, partly, upland crops and fruit trees; and livestock including buffalo, cow, pig and poultry. The non-farm activities are very limited within the project area, but an increasing part of the local youth labor is now leaving the region in seeking for jobs in the big cities. Cultivation of fruit trees such as litchi, longan, custard-apple, persimmon have been well developed in the areas to supply fruits for the urban population, which makes up more than a half of income for the majority of the HH surveyed. The average income is 5,350 VND/HH/year or 64,326 VND/year per capita. The level of per capita income varies considerably among the HHs surveyed of different communes.

Table 3: Levels of Monthly per capita Income (%)

<table>
<thead>
<tr>
<th>Average yearly HH income</th>
<th>Average per capita income (1000VND)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&lt;100</td>
</tr>
<tr>
<td>Lung Giang</td>
<td>5,536</td>
</tr>
<tr>
<td>Yen Dung</td>
<td>10,518</td>
</tr>
<tr>
<td>Luc Nam</td>
<td>5,185</td>
</tr>
<tr>
<td>Total</td>
<td>7,075</td>
</tr>
</tbody>
</table>

Source: Socioeconomic survey 2002.
F. Living Conditions

0. Social infrastructure is available in all communes: all the surveyed communes have primary schools, health care center, connection to telecommunication etc. However, the access road to the commune center still is lacking or in relatively poor conditions in some communes. The HHs' facilities are shown in the Table 4 below.

Table 4: Households facilities (in % to total HHs surveyed)

<table>
<thead>
<tr>
<th>Source of domestic water</th>
<th>Lighting</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Electric</td>
<td>Other</td>
<td>Pumpin</td>
<td>Tradi</td>
<td>Rainy</td>
<td>Pond</td>
</tr>
<tr>
<td></td>
<td>ty</td>
<td>ene</td>
<td>ing</td>
<td>on</td>
<td>wate</td>
<td>river</td>
</tr>
<tr>
<td>Lang Giang</td>
<td>100</td>
<td>0</td>
<td>3</td>
<td>86</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Yen Dung</td>
<td>100</td>
<td>0</td>
<td>5</td>
<td>90</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Luc Nam</td>
<td>92.3</td>
<td>7.7</td>
<td>12</td>
<td>86</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Socioeconomic survey 2002.

21. The ownership of assets by the PAPs surveyed shows an average living standards of living where a half of the HHs surveyed: 90% of HHs have furniture, (38.5%) possess TV, mostly color TV; 53.2% have radio-cassette; 9.5% have motorbike; 5% have tractor; 85.6% of HHs have bicycles.

G. Gender and Poverty

22. Table 5 below shows the poverty rate of the selected project districts. The general trend of the local poverty is decreasing, but only slightly. The main problems of the poor are lack of capital for investment in production, shortage of land, labors and employments. Thus, the main concerns of the poor are that they prefer to be compensated in form of land for land. The poor are particularly interested in involvement in working for the project as an opportunities to earn cash and improving their HH income.

Table 5: Poverty rate of project affected district (%)

<table>
<thead>
<tr>
<th>Source of information</th>
<th>Total</th>
<th>Lang Giang district</th>
<th>Yen Dung district</th>
<th>Luc Nam district</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOLISA, 1999</td>
<td>24.8</td>
<td>20.7</td>
<td>38.6</td>
<td>35.3</td>
</tr>
<tr>
<td>Results of survey</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>conducted by Hydro</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engineering Company N01, 2001</td>
<td>20.1</td>
<td>13.1</td>
<td>29.3</td>
<td>35.3</td>
</tr>
</tbody>
</table>

23. Generally no discrimination towards women. However, to ensure gender equality participation in the subproject training/capacity building scheme/plans and employment opportunities should have high priority. Special attention and allocation of equal resources and opportunities, especially employment opportunities to local women should ensure women's equal participation in the whole subproject's cycle.
E. Implementation Costs Defined

65. Costs for land acquisition and compensation will be fully funded by the Government. Resettlement administrative cost include performing resettlement activities by PPMU/SIO and resettlement consultant, and management fees for various resettlement committees implementing agencies. It consists of cost for the payment of salaries, per diem, logistics, management fees, etc; cost for Detailed Measurement Survey (DMS) of losses, evaluation of assets lost, pricing application; public information and dissemination, preparation Project Information Booklet, posters, materials and dissemination of information; cost for organizing and performing public consultation and grievance redress. The administrative costs are set to 5%.

66. A budget will be provided for training of full time and/or part time staff involved in the project resettlement activities. Contents of the training will cover such topics as resettlement policy of the project, of WB and the Vietnam current resettlement policy; outstanding resettlement issues, stakeholders participation; methods of public information and consultation. Specific resettlement topics and skills, for example, the DMS and compensation forms, evaluation of lost assets, identification of entitlements. Training will be provided to particular groups of resettlement officials and consultants. Training of staff and consultants for capacity building is set to VND 154,000 ($10,000).

67. Monitoring costs includes costs for internal and external monitoring, which is set to 3%. A contingency cost is set to 10%, as shown in Table 7 below.

G. Cost Estimates

68. The estimated costs of resettlement for the all land and crops/trees cost affected by project's identified components in Phase 1 is VND 6,154,292 (US$399,629), as shown in Table 7 below.

Table 7: Compensation Costs

<table>
<thead>
<tr>
<th>Project component</th>
<th>Perm Acquisition reqd (ha)</th>
<th>HHS severely affected</th>
<th>Land acquisition impacts/ entitlements</th>
<th>Unit</th>
<th>Quantity of losses</th>
<th>Unit rate ('000 VND)</th>
<th>Total cost ('000 VND)</th>
<th>Total cost (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headwork</td>
<td>0.2</td>
<td>0</td>
<td>Land agr. (annual crops, permanently lost)</td>
<td>m2</td>
<td>1.923</td>
<td>30</td>
<td>57,690</td>
<td>3,746</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land agr. (annual crops, temporarily lost)</td>
<td>m2</td>
<td>9.828</td>
<td>4</td>
<td>39,312</td>
<td>2,553</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Crops</td>
<td>m2</td>
<td>30.857</td>
<td>4</td>
<td>123,428</td>
<td>8,015</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land (Aquacult., permanently lost)</td>
<td>m2</td>
<td>1.206</td>
<td>30</td>
<td>36,180</td>
<td>2,349</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shrimfish</td>
<td>m2</td>
<td>1,206</td>
<td>5</td>
<td>6,030</td>
<td>392</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Trees</td>
<td>Tree</td>
<td>32,676</td>
<td></td>
<td>2,848,000</td>
<td>184,935</td>
</tr>
<tr>
<td>Main canals</td>
<td>3.8</td>
<td>0</td>
<td>Land agr. (annual crops, permanently lost)</td>
<td>m2</td>
<td>21,742</td>
<td>30</td>
<td>652,260</td>
<td>42,355</td>
</tr>
<tr>
<td>(including Chinh, Tay, Gia and Yen Lai)</td>
<td></td>
<td></td>
<td>Land agr. (annual crops, temporarily lost)</td>
<td>m2</td>
<td>87.262</td>
<td>4</td>
<td>349,048</td>
<td>22,685</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land perennial crops land</td>
<td>m2</td>
<td>3,229</td>
<td>20</td>
<td>64,580</td>
<td>4,194</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land (Aquacult., permanently lost)</td>
<td>m2</td>
<td>964</td>
<td>30</td>
<td>28,920</td>
<td>1,878</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land (Aquacult., temporarily lost)</td>
<td>m2</td>
<td>9,757</td>
<td>5</td>
<td>48,785</td>
<td>3,168</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land (Resid., permanently lost)</td>
<td>m2</td>
<td>5,952</td>
<td>38</td>
<td>227,966</td>
<td>14,795</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land (Resid., temporarily lost)</td>
<td>m2</td>
<td>13,255</td>
<td>6</td>
<td>79,536</td>
<td>5,155</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Crops (annual)</td>
<td>m2</td>
<td>5,071</td>
<td>4</td>
<td>20,284</td>
<td>1,317</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shrimfish</td>
<td>m2</td>
<td>6,114</td>
<td>5</td>
<td>30,576</td>
<td>1,965</td>
</tr>
</tbody>
</table>
opportunities, especially employment opportunities to local women should ensure women's equal participation in the whole subproject's cycle.

IV. LEGAL FRAMEWORK

A. World Bank's Resettlement Policy

24. The main objective of WB's Policy on Involuntary Resettlement is to ensure that PAP should be assisted to improve their living standards, income level and income generating capacity, or at least would be as well off as without the project. The policy aims to avoid involuntary resettlement whenever feasible, to minimize resettlement where population displacement is unavoidable. The policy stipulates that lack of legal certificate on land will not be an obstacle for a part of affected people to be entitled to compensation and rehabilitation. The policy requires that compensation for all losses should be made at replacement cost, without depreciation and deduction of savage materials.

B. Viet Nam Laws

1. Relevant Vietnamese Acts and Bylaws

25. In recent years, the Government has formulated several rules and regulations to protect the interests of displaced persons. Relevant acts and bylaws that govern various aspects of land acquisition and resettlement include:

(iii) Decree 87/CP, dated 17 August 1993, on the stipulation of the frame for the price of various categories of land
(iv) Decree 64/CP, dated 27 September 1993, on the distribution of agricultural land to households for long-term use.
(v) Circular No.05-BXD/DT, dated 9 February 1993, on the classification of house types.
(vi) Decree 22/CP, dated 24 April 1996, on compensation levels and other allowances for land and structures recovered for the national and public interest.
(vii) Decree 17/CP, 4 May 2001, on Management and Utilization of ODA.

2. Decree 22/CP

26. In April 1998, the Government issued a major decree regarding compensation for land acquisition. Decree 22/CP on Compensation for Damage when the State Recovers Land for Use in National Defense, Security, and National and Public Interests. The Government has also issued guidelines for the implementation of this Decree (145/1998/TT-BTC). By issuing Decree 22/CP on 24 April 1998, the Government:

(i) added new stipulations to accommodate with the major changes in compensation unit prices, objects to be affected, assistance levels, etc. in Viet Nam since 1993. Many of these stipulations have proven appropriate with ongoing WB, ADB and other donor-funded projects in Viet Nam;
(ii) provided general provisions for compensation processes and procedures to all organizations and individuals who need to acquire land; and
(iii) assigned, in detail, the responsibilities of the government agencies concerned in implementing the Decree.
27. Generally, Decree CP/22 meets the objectives of WB's policy on involuntary resettlement, however, some discrepancies can be found regarding the compensation of PAP without legal rights. Table 6 presents the main areas of discrepancy.

<table>
<thead>
<tr>
<th>Article 7</th>
<th>Decree 22/CP</th>
<th>WB Policy</th>
<th>Project Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any person whose land is recovered and who has not met one of the conditions of Article 6, or who has violated the provisions of the Government, and who illegally occupies land shall not receive compensation when the state recovers the land. In case of necessity, the Provincial People's Committee shall consider and decide on a case-by-case basis.</td>
<td>The absence of formal legal title to land by some affected groups should not prevent compensation</td>
<td>All project affected people, irrespective of tenure status, social or economic standing, will be entitled to be compensated or assisted for their lost assets, incomes, and businesses at full replacement cost and provided with rehabilitation measures sufficient to assist them to improve or at least restore their pre-project living standards, income levels and productive capacity.</td>
<td></td>
</tr>
<tr>
<td>Article 8</td>
<td>The compensation rates shall be determined on the basis of local prices for land issued according to the provisions of the Government. the rate being multiplied by a coefficient to ensure the comparability of the compensation with the profitability and the price of the assignment of the land use right in the community.</td>
<td>Compensate all affected persons, including those without title to land, for all their losses at replacement rates.</td>
<td>Replacement cost surveys have to be carried out by the project to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value to be updated at the time of compensation.</td>
</tr>
<tr>
<td>Article 17</td>
<td>The total maximum level of compensation shall not exceed 100% and the minimum level shall not be lower than 50% of the value of the house or construction, priced according to the construction price for new buildings with technical standards equivalent to the affected.</td>
<td>Compensate or assist all affected persons, including those without title to land, for all their losses at replacement rates.</td>
<td>Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation.</td>
</tr>
<tr>
<td>Article 18</td>
<td>People without legal permit of construction shall only receive 80% in compensation rural areas and 70% in urban area. People who violate zoning area will receive no compensation and illegal construction shall be forced to dismantle it.</td>
<td>All Project affected persons will be entitled to compensation irrespective of the legal status in both rural and urban areas.</td>
<td>Full compensation at replacement cost or assistance for all Project affected structures irrespective of legal entitlement.</td>
</tr>
</tbody>
</table>

V. COMPENSATION POLICY

A. Objectives for Resettlement

28. The objectives of the Vietnamese legislation governing resettlement and rehabilitation of displaced persons, and that of the World Bank concerning involuntary resettlement, have been adapted for the preparation of this Resettlement Action Plan (RAP). The objectives are set out below. A recommended entitlement matrix is shown in Attachment 1 for reference purpose. The policies and principles adopted for the Project supersede the provisions of relevant decrees currently in force in Vietnam wherever a gap exists between the World Bank (BP 4.12 and OP 4.12) and Vietnamese law.

29. The main objective of the RAP is to ensure that all Project Affected People (PAP) will be compensated for their losses at replacement cost and provided with rehabilitation measures to
assist them to improve, or at least maintain, their pre-project living standards and income earning
capacity.

B. **Project Affected People (PAP)**

30. Project Affected People (PAP) who are entitled to compensation are:

3. Project Affected People (PAP) who are entitled to compensation are:

   a. people whose houses are in part or in toto affected temporary or permanently by the Project;

   b. people whose premise and/or agricultural land is in part or in toto affected (permanently or
temporarily) by the Project;

   c. people whose businesses are affected in part or in toto (temporarily or
   permanently) by the Project; and

   d. people whose crops (annual and perennial) and trees are affected in part or in toto
   by the Project.

C. **Principles of Resettlement**

31. The principle for resettlement policy in the project will be as follows:

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

   b. All PAP residing, working, doing business or cultivating land in right of way (ROW) of
   land acquisition under the Project as of the cut-of-date are entitled to be provided with
   rehabilitation measures sufficient to assist them to improve or at least maintain their pre-
   Project living standards, income earning capacity and production levels. Lack of legal
   rights to the assets lost will not bar the PAP from entitlement to such rehabilitation
   measures.

   c. The rehabilitation measures to be provided are: (i) compensation at replacement cost
   without deduction for depreciation or salvage materials for houses and other structures;
   (ii) agricultural land-for-land of equal productive capacity acceptable to the PAP; (iii)
   replacement of premise land (if any) of equal size acceptable to the PAP; (iv) transfer
   and subsistence allowances, and (v) loss of income sources or means of livelihood,
   whether or not the affected persons must move to another location, which is caused by
   the Project.

   d. Replacement premise and agricultural land will be as nearby as possible to the land
   that was lost, and acceptable to the PAP. In case of minor fractions of land cash
   compensation may apply.

   e. The resettlement transition period will be minimized and the rehabilitation measures will be
   provided to the PAP no later than one month prior to the expected start-up date of works
   in the respective Project site.

   f. Plans for acquisition of land and other assets and provision of rehabilitation measures
   will be carried out in consultation with the PAP to ensure minimal disturbance.
   Entitlements will be provided to PAP no later than one month prior to expected start-up
   of works at the respective project site.

   g. The previous level of community services and resources will be maintained or improved.
Financial and physical resources for resettlement and rehabilitation will be made available as when required.

Institutional arrangements will ensure effective and timely design, planning, consultation and implementation of the Resettlement Action Plans (RAP).

Effective and timely supervision, monitoring and evaluation of the implementation of the RAP will be carried out.

D. Compensation Policy for Loss of Land

32. As all PAPs losing agricultural land are marginally affected. For arable land that will be permanently affected, the PAPs will be entitled as follows:

<table>
<thead>
<tr>
<th>Land Users with Permanent or Legalizable Use Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Cash compensation for crops and trees at market prices. AND</td>
</tr>
<tr>
<td>(ii) Cash compensation for acquired land at 100% of replacement cost.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Users With Temporary or Leased Rights to Use Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Cash compensation for loss of crops and trees at full market prices: AND</td>
</tr>
<tr>
<td>(ii) Cash compensation for acquired land equivalent to 30% of land replacement cost</td>
</tr>
</tbody>
</table>

PAP whose land is temporarily taken by the works under the each subproject will be compensated for their loss of income, standing crops and for the cost of soil restoration and damaged infrastructure

E. Compensation Policy for Residential Land

35. There is only one type of permanent loss of residential land: Loss of residential land without structures built thereon. There are in total 55 PAPs losing 6,885 m2 of residential land permanently. In such cases of residential land loss permanently without structures built thereon, the PAPs will be entitled to compensation in cash at 100% of the replacement cost of the affected land, AND, Cash compensation at full market price/replacement cost for all attached movable assets.

Loss of Standing Crops and Trees

4. For annual and perennial standing crops, compensation will be paid to households who cultivate the land according to the full market value of the affected crops, regardless of the legal status of the land. For perennial crops, if the plants are not yet ready for harvest, compensation will include the total cost of initial investment and care until the time of the land acquisition. In case perennial plants can only be harvested once, compensation will be paid for the total cost of investments and care calculated until the time of the land acquisition. Compensation will be in cash.

G. Compensation for Loss of Other Assets
35. PAP will also be provided compensation at full replacement cost, without deduction for depreciation and salvage materials for any other fixed assets affected in part or in toto by the Project, such as tombs and water wells.

H. Compensation for Loss of Community Assets

36. In cases where community infrastructure, such as schools, bridges, factories, water sources, roads, sewage systems, is damaged, CPO of the MARD will ensure that these would be restored or repaired as the case may be, at no cost to the community.

I. Allowances During Transition Period

37. Relocated PAPs are entitled to: (1) transportation costs from 1,000,000-3,000,000 VND, (2) subsistence allowance 30 kg. rice/person/month up till 6 months, and (3) house rent at market price for up to 6 months.

J. Temporary Impact During Construction

38. Under the contract specifications, the contractor will be required to take extreme care to avoid damaging property during the construction activities. When damage do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that shall be applied to all other assets affected by the Project. In addition, damaged property will be restored immediately to its former condition.

C. Allowances During the Transition Period

5. As there no severely affected HHs, the provision of allowances may be restricted to special to the vulnerable/disadvantaged PAPs who specially are in need of assistance and receive special social support. For these PAPs, the project will provide with a special social assistance not less than D1,000,000 to assist them rehabilitate their living standards. At the time of compensation, allowances will be adjusted to account for inflation.

VI. INSTITUTIONAL ARRANGEMENTS

40. The implementation of resettlement activities requires the involvement of agencies at the national, provincial, district and commune level. The Ministry of Agriculture and Rural Development (MARD), will be responsible for the overall implementation of the RAPs Resettlement committees shall be established at the provincial, and district level according to the provision of Decree CP 22/1998. The provisions and policies of the RPF and the RAP will form the legal basis for the implementation of resettlement activities in the VWRAP.

A. Central Level

Ministry of Agriculture and Rural Development

41. MARD is responsible for the realization of VWRAP on behalf of the Government. A Project Management Office (PMO) in coordination with relevant agencies will manage and supervise the overall project, including resettlement activities and land acquisition. Successful updating and implementation of the RAPs will require close coordination between MARD and other ministries and agencies as well as between PMO implementing agencies, and all local resettlement committees. Resettlement capacity will be established within the PMO to coordinate all resettlement activities with full-time assistance of consultants. Similar capacity will be established within the implementing agencies to implement resettlement for each
component. Resettlement specialists will provide technical assistance to strengthen the social capacity within the PMO and implementing agencies. The PMO, with assistance of the consultants, will take overall responsibility as follows:

(i) Providing overall planning coordination, and supervision of the resettlement program.
(ii) Guiding implementing agencies in updating and/or preparing RAP and implementing resettlement activities in accordance with the approved RAP and Resettlement Policy Framework (RPF); and if any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensure that the objectives of the RAP is met.
(iii) Finalizing RAPs and obtaining Government and World Bank approval before implementing approved RAPs.
(iv) Coordinating completed implementation of approved RAPs for each component with the award of civil works contracts for each component.
(v) Providing resettlement training to implementing agencies. all Provincial Project Management Units (PPMU) and the Subproject Implementation Office (SIO) staff and resettlement committees (RC) at all levels, and to the external monitoring organization.
(vi) Providing the budget for resettlement activities.
(vii) Providing income restoration and other social support as part of the rehabilitation assistance.
(viii) Coordinating project-related employment for PAP (consulting contractors about employment opportunities for local people, informing PAP about opportunities and how to avail of the opportunities).
(ix) Establishing standard procedures for information meetings and stakeholder consultation, such as monthly newsletters to communities on project activities. Providing coordination with other components and various agencies involved in RP, implementation and monitoring.
(x) Establishing liaison mechanisms to ensure proper technical and logistical support to implementing agencies;
(xi) Establishing standardized PAP databases for each component, as well as for the Project as a whole.
(xii) Establishing procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies.
(xiii) Establishing procedures for monitoring coordination between contractor and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.
(xiv) Recruiting, supervising, and acting upon the recommendations of the external monitoring organization.
(xv) Establishing procedures for the prompt implementation of corrective actions and the resolution of grievances.
(xvi) Reporting periodically on resettlement activities to the World Bank.

B. Provincial Level

Provincial People’s Committee (PPC)

42. The PPC is the principal authority at the provincial level. The PPC in each involved province is responsible for setting up and directing a council of compensation, which will be called the Provincial Resettlement Committee (PRC). The PPCs are also responsible for reviewing and approving the RAPs. Each PPC is responsible for the final decision on compensation unit costs, subsidies, allowances, and supporting policies for RAPs and vulnerable affected groups, in accordance with this RPF. Each PPC is responsible for the approval of project land acquisition and replacement land sites, if required. Each PPC is
responsible for organizing the coordination between the related institutions and provincial departments for the implementation of the RAPs, and to execute compensation.

Provincial Project Management Units (PPMU) and Subproject Implementation Offices (SIO)

43. Provincial Project Management Units (PPMU) and/or the Subproject Implementation Office (SIO) will be responsible for implementing the RAPs. Responsibilities will include the following:

(i) implementing, on behalf of the PMO, all resettlement activities within the provincial territory under the PPCs' and SIO management, and signing contracts for the implementation of some resettlement components;
(ii) guiding all resettlement activities of provinces, districts and communes in accordance with the project policies and directives;
(iii) establishing compensation unit prices for land and structures in collaboration with other provincial departments following the rules of this RPF; setting up procedures for land acquisition and allocation and submitting them to the PPC for approval; coordinating, supervising, and monitoring the implementation of resettlement activities in the province;
(iv) directing and monitoring the DMS process, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval;
(v) accepting and handing over the sites to the implementing agencies; and
(vi) cooperating fully with the external monitoring organization.

C. District Level

District People’s Committee (DPC)

44. The District People Committees are responsible for identification of land and structures and appointing members of the DRC and assigning functional tasks for the DRC.

District Resettlement Committees (DRCs)

45. The DRCs will be responsible for:

(i) planning and implementation of all resettlement activities in their districts under the direct professional guidance of the PRCs. If authorized by the PPC to be completely responsible for the resettlement activities in the district in the case that no PRC is established, the DRC will play the same role as the PRC;
(ii) being responsible for DMS, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval and paying compensation directly to each PAP after receiving the funds;
(iii) establishing inspectors to redress PAPs grievances on resettlement policies and entitlements;
(iv) paying special attention to the needs and demands of specific groups (ethnic minority groups) and vulnerable people (children, the elderly, woman/single headed households);
(v) cooperating fully with the external monitoring organization.

D. Agency Responsible for External Monitoring

46. One agency specialized in the social sciences must be identified in order to carry out independent monitoring and evaluation of RAP implementation for the VWRAP. They will submit periodic reports on the implementation progress and make recommendations regarding the
issues identified. The terms of reference and methodology for monitoring are presented in Section 9.

E. Staffing and Training

47. One full-time specialized resettlement staff will be recruited for each PPMU/SIO. The PMO and the consultant team will assist them in fulfilling/performing their resettlement responsibilities. These people should have background in the social sciences, have computer skills, proficiency in spoken and written English, good experiences and be willing to be trained on resettlement issues. Depending on the scale of resettlement impacts of each subproject, a full-time or part-time resettlement staff will be required for local resettlement institutions.

48. All full-time and part-time staff and decision making involved in project resettlement implementation will be trained on the WB, GOV, and project's resettlement policy, methods of public consultation, negotiation, etc. Specific resettlement skills training will be given to numerators, implementation staff in resettlement implementation procedures, techniques, unified DMS forms, management of PAP database.

VII. PUBLIC INFORMATION, CONSULTATIONS AND GRIEVANCE REDRESS

A. Consultations During Preparation of the Resettlement Action Plan

1. Public Information During RAP Preparation

49. The consultant provided information about the Project regularly. Actions taken were as follows:

(i) Group interview surveys were conducted in four project affected communes. Specific resettlement group interviews with affected persons were also conducted. In addition, stakeholder meetings have been organized at all administrative levels, including Bac Giang PPC, Bac Giang DARD, Lang Giang and Luc Nam District's PCs, Xuong Lam, Xuong Giang, My Thang and Huong Son Commune's People Committees.

(ii) A Socio-Economic HHs surveys were conducted for the beneficiary and affected areas of the Cam Son - Cau Son Subproject. The group interview surveys were conducted in the four affected communes. The surveys have combined the different needs of different fields (agriculture, social, economy, resettlement) and provided useful socioeconomic information. Each meeting involved from 10 to 25 persons. The majority of these persons were affected households of different categories, farmers from the villages of the communes of the headworks and pilot areas. Representatives of local farmer groups and other organizations, as well as officials from district and commune's levels also attended the meetings. After common meetings, women usually asked to be gathered to discuss in separate groups. The HHs questionnaire surveys were carried out by IMC in 2002 and the group interviews were conducted by the consultants in May of 2003.

(iii) Specific interviews of affected farmers of the pilot area of Canal Y2 and Canal Nui Sui were conducted in Xuong Lam, Xuong Giang communes. The group interviews have also been carried out. This surveys, conducted in May 2003, were designed to collect data on: (a) general assessment of project benefit and resettlement impacts; (b) resettlement/compensation needs, preferences and...
priority of the severely affected families; (c) vulnerable groups which may be adversely affected by the Project, and (d) measures to reduce impacts.

(iv) Stakeholder meeting with Bac Giang PPC was also focused on resettlement issues, on possibility and commitments of the PPC to follow a project's Resettlement policy which reflecting the WB's and GOV resettlement objectives and principles.

2. Objectives of Public Information and Consultation

50 Information dissemination to, in consultation with and with the participation of, affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of project delays. This will also enable the Project to design the resettlement and rehabilitation program as a comprehensive development program to suit the needs and priorities of the affected people, thereby maximizing the economic and social benefits of investments. The objectives of the public information campaign and PAP consultation program are as follows:

(i) To ensure that local authorities as well as representatives of PAP will be included in the planning and decision-making processes. The PMO and PPMU Cam Son - Cau Son will continue a dialogue with the Provincial People's Committee and the District People's Committee during Project implementation. PAP involvement in implementation will be continued thereafter by requesting each district to invite PAP representatives to take part in the resettlement activities (property evaluation, compensation, resettlement, and monitoring).

(ii) To fully share information about the proposed project components and activities with the PAP.

(iii) To obtain information about the needs and priorities of the PAP, as well as information about their reactions to proposed policies and activities.

(iv) To ensure that PAP are able to make fully informed decisions that will directly affect their incomes and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.

(v) To obtain the cooperation and participation of the PAP and communities in activities necessary for resettlement planning and implementation.

(vi) To ensure transparency in all activities related to land acquisition, resettlement and rehabilitation.

R Consultations Proposed During Implementation

1. Information Dissemination and Consultation

51. During project implementation, the implementing agency responsible for resettlement assisted by the project consultants, will undertake the following:

(i) Provide information to resettlement committees at all levels through training workshops. Detailed information on project policies and implementation procedures will be provided.

(ii) Conduct information dissemination and consultation for all PAP throughout the life of the Project.

(iii) Update or establish provincial unit prices, and confirm land acquisition and impact on properties through the Detailed Measurement Survey (DMS) in consultation with PAP.

(iv) The PRC/DRC will then apply prices, calculate compensation entitlements, and complete the Assets Compensation Forms for each affected household. Information on entitlements will then be presented on an individual basis to PAP in the DMS follow-up visit to each household.
(v) The Asset Compensation Form, showing the household’s affected assets and compensation entitlement will then need to be signed by the PAP to indicate their agreement with the assessment. Any complaints the PAP have about the contents of the form will be recorded at this time.

(vi) A letter/questionnaire about resettlement options will be given to all PAP entitled to relocation (a) to inform them about resettlement options (a clear explanation of the consequences of choosing each option will be given), (b) to request that PAP confirm their choice of resettlement option and their preliminary confirmation of resettlement site location, and (c) to request that PAP indicate services such as education/health/markets that they are currently using and their current distance from such services.

2. Public Meetings

52. Prior to the beginning of the detailed design a public meeting will be held in each commune to provide PAP with additional information and an opportunity for open discussion about resettlement policies and procedures in each affected commune. A letter of invitation will be sent to all PAP after the DMS has been completed at least 2 weeks before the meeting in their area. This meeting is intended to clarify information that has been given to date and to provide PAP with the opportunity to discuss issues of concern and obtain clarification. In addition to a letter informing the PAP, other means will be used to inform PAP and the general public such as posters in prominent locations in the communes and districts where PAP currently reside: radio, newspaper and public poster announcements. The letter and notices will advise the time and location of the meeting, and who can attend. Both men and women from affected households will be encouraged to attend, as well as other interested community members. The meeting will explain the Project, and households’ rights and entitlements, and there will be opportunities to ask questions. Such meetings will be conducted periodically during the life of the Project.

53. Relevant information will be given to the PAP at the meetings (verbally, graphically, and on printed information sheets). Extra copies of the printed information sheets will be available at township and district offices throughout the project area. The meetings is proposed to have the following format:

(i) Explanations given verbally and in visual format, including written information and drawings of the proposed design for the different component of the Project.
(ii) Adequate opportunities will be provided for PAP to respond with questions and comments. PAP will be encouraged to contribute their ideas for PAP rehabilitation options.
(iii) The DRC will establish a complete list of all PAP present at the meetings.
(iv) The DRC will make a complete record of all questions, comments, opinions and decisions that arise during the information/consultation meetings, and present a report of all the meetings to the relevant PPMU and/or SIO.

54. Information about the following will be given to the PAP:

(i) Project components. This includes the places where they can obtain more detailed information about the Project.
(ii) Project impacts. Impacts on the people living and working in the affected areas of the project including explanations about the need for land acquisition for the reservoir, the canal network, and other project components.
(iii) PAP rights and entitlements. These will be defined for PAP (with the cut-off date). The rights and entitlements for different impact on PAP, including the entitlements for those losing businesses, jobs and income will be explained. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and
entitlements to be provided for each. Entitlement to rehabilitation assistance and opportunities for project-related employment.

(iv) **Grievance mechanism and the appeal process.** PAP will be informed that project policies and procedures are designed to ensure their pre-project living standards are restored. PAP will also be informed that if there is any confusion or misunderstanding about any aspect of the Project, the resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. PAP will receive an explanation about how to access grievance redress procedures.

(v) **Right to participate and be consulted.** The PAPs will be informed about their right to participate in the planning and implementation of the resettlement process. The PAPs will be represented on commune resettlement committees, and the representative for the PAPs will be present whenever commune/district/provincial committees meet to ensure their participation in all aspects of the project.

(vi) **Resettlement activities.** PAP will be given an explanation regarding compensation calculations and compensation payments; monitoring procedures which will include interviews with a sample of PAP relocation to an individual location/self-relocation; and preliminary information about physical works procedures.

(vii) **Organizational responsibilities.** PAP will be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the government officials with phone numbers, office locations, and office hours if available.

(viii) **Implementation schedule.** PAP will receive the proposed schedule for the main resettlement activities and informed that physical works will start only after the completion of all resettlement activities and clearance from the project area. It will be clarified that they will be expected to move only after full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

3. **Compensation and Rehabilitation**

55. A letter of notification will be sent to each PAP with the time, location, and procedure for receiving compensation payment. Severely affected and vulnerable PAP will be personally contacted to confirm their preferences for rehabilitation assistance.

4. **Public Information Booklet (PIB)**

56. To ensure that PAP, their representatives, and local governments in the affected areas fully understand the details of the resettlement program, and are also informed about the compensation and rehabilitation packages applicable to the Project, a Public Information Booklet (PIB) will be prepared by the PMO, in consultation with the World Bank. This booklet will be distributed to all PAP in the project area. General contents of the PIB will include the following:

- Brief Description of the Project, Implementation Schedule, Project Impacts, Entitlements and Rights of PAP, Resettlement and Rehabilitation Policies for All Types of Impacts, Institutions Responsible for Resettlement, Information Dissemination to and Consultations with Project Affected People, What To Do if PAP Have a Question or a Problem, Grievance Procedure, and Independent Monitoring.

5. **Disclosure**

20
In addition to disclosure to affected people and communities, this Resettlement Policy Framework and the RAPs will be available at the PMO in Hanoi, in PPMU and/or the SIO and Project districts.

C. Grievance Redress Procedure

58 PAP can lodge their complaints regarding any aspect of compensation policy, rates, land acquisition, resettlement and entitlements relating to rehabilitation assistance programs. Complaints by PAP can be lodged verbally or in written form, but in case they are lodged verbally, the committee to which it is lodged will write it down during the first meeting with the PAP. PAP will be exempted from administrative and legal fees.

59. A four-stage procedure for redressing grievances is proposed as follows:

**Stage 1** - Complaints from PAP on any aspect of the resettlement program, or losses not previously addressed shall first be lodged verbally or in written form to the people's committee at commune level. The complaint can be discussed in an informal meeting with the plaintiff and the chairman of the people's committee at commune level. The people's committee at commune level will be responsible for resolving the issue within 15 days from the day it is lodged.

**Stage 2** - If no understanding or amicable solution can be reached, or if no response from the people's committee at commune level is received by the PAP within 15 days of registering the complaint, he/she can appeal to the District Resettlement Committee. The complaint must be settled within two months of registering the original complaint. The DRC will provide a decision within 1 month of the registering of the appeal.

**Stage 3** - If the PAP is not satisfied with the decision of the DPC or its representative, or, in the absence of any response by the DPC, the PAP can appeal to the Provincial People’s Committee. The Provincial People’s Committee together with the representative of the PRC will provide a decision on the appeal within 30 days from the day it is lodged with the PPC.

**Stage 4** - If the PAP is still not satisfied with the decision of the PPC or PRC on appeal, or in absence of any response from the PPC within the stipulated time, the PAP as a last resort, may submit his/her case to the district court.

VIII. BUDGET

A. Financing

60 The Central Government will pay resettlement cost related to land acquisition of primary and secondary canals while compensation for the tertiary and on-farm canals will come from local budget or by contribution of the direct beneficiaries. The latter will be based on intensive discussion and consultation with farmers to find the ways for farmers/beneficiary equitable contribution to development of the tertiary on-farm small canals and adequate options have been presented as compensation for the involved losses.

B. Flow of Funds

61. The PMO will be responsible for channeling funds for land acquisition and resettlement to the PRC which will be responsible for the payment of compensation directly to affected persons for land, crops, trees, houses, other structures, and for the various allowances. The
PMO will also be responsible for contracting an external organization or other institution that will be engaged for independent monitoring.

C. Adjustments for Inflation

62 The cost estimates in this RAP are based on 1999 prices (to be updated before compensation payment). The rates for compensation and cash entitlements for rehabilitation as well as allowances payable to affected persons will be adjusted annually, based on the actual annual inflation rate. The PMO, together with the provinces, will determine the annual inflation rate and ensure the necessary annual adjustments are made to compensation rates and to all cash entitlements.

D. Compensation Prices

63 The prices used for cost estimates of land acquisition and resettlement are based on list of all the prices issued by Bac Giang PPC in decisions regulating compensation prices for land and different affected assets/properties. The compensation cost in Table 7 includes a 10% contingency.

(i) The current compensation and resettlement costs are based on: (a) land acquisition and census surveys conducted in May-June, 2003; (b) identification of different categories of impacts, resettlement policies, and entitlements described in Section 5; (c) provision of Decree 22/1998 on compensation and resettlement; (d) compensation prices issued by Bac Giang provinces for similar relevant projects; and, (e) assessment of replacement cost made by consultants, based on available information gathered in May 2003.

(ii) According to Decree 22 (Article 8), the prices for compensation shall be decided by the Provincial People’s Committee for each specific project. For present purposes, the price lists issued by Bac Giang province in the Decision 200/2001/QD-UB, issued on 17 April, 2001, concerning unit prices for land applied as base for calculation of fees of land transaction, land use conversion, land use allocation, evaluation of land and for evaluation of compensation in case of land acquisition for public, national security, safety, national and public interests in the province; the Decisions 1249/1999/QD-UB of Bac Giang PPC, concerning Unit compensation prices for crops and trees and the PPC’s Decision 552/2001/QD-UB, dated on 14th August 2001, amendment to the Decision No1249, applied for compensation of crops and trees in case of land acquisition for public, national security, safety, national and public interests in the province and validated and/or adjusted by the consultants during preparation of the pre-feasibility study, have been applied for preparation of this RAP.

(iii) In order to avoid complaints and to ensure fair compensation prices for affected persons, compensation prices used for cost estimates in the RAP have been based not only on prices issued by the provinces, but also on the result of a rapid assessment of market price conducted by the consultant in the affected areas. However, to comply with the unit prices issued by the province, for cost estimates the consultant has take those provided as a base and used the higher unit prices for land and other categories of losses.

(iv) During the detailed design of the Project, the subproject will revise compensation unit prices for all categories of loss (land, crops, and trees) to ensure PAP receive actual replacement cost at current market value at the time of compensation. PAP and local authorities will be consulted on the proposed rates before they are finalized.
E. Implementation Costs Defined

65. Costs for land acquisition and compensation will be fully funded by the Government. Resettlement administrative cost include performing resettlement activities by PPMU/SIO and resettlement consultant, and management fees for various resettlement committees, implementing agencies. It consists of cost for the payment of salaries, per diem, logistics, management fees, etc; cost for Detailed Measurement Survey (DMS) of losses, evaluation of assets lost, pricing application; public information and dissemination, preparation Project Information Booklet, posters, materials and dissemination of information; cost for organizing and performing public consultation and grievance redress. The administrative costs are set to 5%.

66. A budget will be provided for training of full time and/or part time staff involved in the project resettlement activities. Contents of the training will cover such topics as resettlement policy of the project, of WB and the Vietnam current resettlement policy; outstanding resettlement issues, stakeholders participation; methods of public information and consultation. Specific resettlement topics and skills, for example, the DMS and compensation forms, evaluation of lost assets, identification of entitlements. Training will be provided to particular groups of resettlement officials and consultants. Training of staff and consultants for capacity building is set to VND 154,000 ($10,000).

67. Monitoring costs includes costs for internal and external monitoring, which is set to 3%. A contingency cost is set to 10%, as shown in table 7 below.

G. Cost Estimates

68. The estimated costs of resettlement for the all land and crops/trees cost affected by project's identified components in Phase 1 is VND 6,154,292 (US$399,629), as shown in Table 7 below.

<table>
<thead>
<tr>
<th>Project component</th>
<th>Perm Acquisition reqd (ha)</th>
<th>HHS severely affected</th>
<th>Land acqstion impacts/ entitlements</th>
<th>Unit</th>
<th>Quantity of losses</th>
<th>Unit rate ('000 VND)</th>
<th>Total cost ('000 VND)</th>
<th>Total cost (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headwork</td>
<td>0.2</td>
<td>0</td>
<td>Land agr (annual crops, permanently lost)</td>
<td>m2</td>
<td>1,923</td>
<td>30</td>
<td>57,690</td>
<td>3,746</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>Land agr (annual crops, temporarily lost)</td>
<td>m2</td>
<td>9,828</td>
<td>4</td>
<td>39,312</td>
<td>2,553</td>
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<tr>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Crops</td>
<td>m2</td>
<td>30,857</td>
<td>4</td>
<td>123,428</td>
<td>8,015</td>
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<tr>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Land (Aquacult., permanently lost)</td>
<td>m2</td>
<td>1,205</td>
<td>30</td>
<td>36,180</td>
<td>2,349</td>
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<tr>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Shrim/fish</td>
<td>m2</td>
<td>1,205</td>
<td>5</td>
<td>6,030</td>
<td>392</td>
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<tr>
<td>-</td>
<td>-</td>
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<td>Trees</td>
<td>Tree</td>
<td>32,675</td>
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<td>2,848,000</td>
<td>184,935</td>
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</table>

**Main canals** (including Chinh, Tay, Guia and Yen Lai) 3.8   | Land agr (annual crops, permanently lost) | m2   | 21,742 | 30               | 652,260   | 42,355          |
<p>| -                 | -                           | -                     | Land agr (annual crops, temporarily lost) | m2   | 57,262             | 4                   | 349,048              | 22,665           |
| -                 | -                           | -                     | Land perennial crops land         | m2   | 3,229              | 20                  | 64,580               | 4,194            |
| -                 | -                           | -                     | Land (Aquacult., permanently lost) | m2   | 9,757              | 30                  | 28,920               | 1,878            |
| -                 | -                           | -                     | Land (Aquacult., temporarily lost) | m2   | 9,757              | 5                   | 48,785               | 3,168            |
| -                 | -                           | -                     | Land (Resia., permanently lost)   | m2   | 5,992              | 38                  | 227,696              | 14,785           |
| -                 | -                           | -                     | Land (Resia., temporarily lost)   | m2   | 13,256             | 6                   | 79,536               | 5,165            |
| -                 | -                           | -                     | Cross (annual)                    | m2   | 5,071              | 4                   | 20,284               | 1,317            |
| -                 | -                           | -                     | Shrim/fish                        | m2   | 6,114              | 5                   | 30,570               | 1,985            |</p>
<table>
<thead>
<tr>
<th>Project component</th>
<th>Perm Acquisition reqd (ha)</th>
<th>HHs severely affected</th>
<th>Land acqstion impacts/ entitlements</th>
<th>Unit</th>
<th>Quantity of losses</th>
<th>Unit rate ('000 VND)</th>
<th>Total cost ('000 VND)</th>
<th>Total cost (US$)</th>
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<tr>
<td>Pilot area 1 - Subsystem canal Y2</td>
<td>0</td>
<td>0</td>
<td>Land (perenmal crops) temporary loss</td>
<td>m2</td>
<td>5,277</td>
<td>4</td>
<td>21,108</td>
<td>1,371</td>
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<td>Land (residential) temporary loss</td>
<td>m2</td>
<td>446</td>
<td>5</td>
<td>2,230</td>
<td>145</td>
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<td>936</td>
<td>61</td>
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<td></td>
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<td></td>
<td>Crops</td>
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<td>Pilot area 2 - Subsystem canal Nui Sui</td>
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<td>0</td>
<td>Land (annual crops) temporary loss</td>
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<td>39,061</td>
<td>4</td>
<td>156,244</td>
<td>10,145</td>
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<td>6,630</td>
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<td></td>
<td></td>
<td></td>
<td>Land (residential) temporary loss</td>
<td>m2</td>
<td>12,301</td>
<td>5</td>
<td>61,505</td>
<td>3,994</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Crops</td>
<td>m2</td>
<td>39,061</td>
<td>4</td>
<td>156,244</td>
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<td>Total base compensation cost</td>
<td>4.0</td>
<td>0</td>
<td>5,037,788</td>
<td>327,129</td>
<td></td>
<td></td>
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</table>

* Exchange rate: 1USD=15,4000VND

IX. IMPLEMENTATION SCHEDULE

69. Approval of the RAP. The Government will send this RAP to the World Bank and it has to be approved as a precondition for appraisal.

70. Information Dissemination Prior to Detailed Design. Prior to the commencement of detailed design, MARD will provide information about the Project throughout the project area. Information meetings will be held in all potentially affected commune to inform the communities about (i) the project scope, (ii) impacts, (iii) entitlements for all categories of loss, (iv) schedule of activities beginning with the detailed design survey, (iv) institutional responsibilities, and (v) the grievance mechanism. The PIB will be prepared and distributed to all affected communities during the meetings.

71. Establishment of Resettlement Committees. All provinces will establish their resettlement committees at provincial and district level as soon as the Project has been approved.

72. Training for Resettlement Staff. Within 2 months of mobilization of the resettlement consultants for the PMO, all local resettlement staff at PPMU/ SIO, PRC, DRC, and commune levels will be trained by the PMO assisted by the consultants. Training subjects will include

- procedures for preparing the RAPs;
- consultation and information dissemination methods;
- principles, policies, and entitlements of the RAPs;
- implementation steps, procedures, and schedule;
(v) grievance redress mechanism; and
(vi) powers and obligations of individuals/agencies involved in the process of resettlement programs.

73. **Updating Compensation Rates.** During the detailed design process, the PPCs will update unit rates at replacement cost for all categories of loss and adjust allowances to account for inflation. This will be done in consultation with PAP and local government agencies.

74. **Detailed Measurement and Census Survey.** Before each new phases of the WRAP new DMS will be conducted in each subproject area after completion of the detailed design. These surveys will serve as a basis for compensation and new RAPs. Data will be computerized by PMO.

75. **Pricing Application and Compensation to PAP.** Resettlement committees at all levels will be responsible for pricing application and preparing compensation charts for each affected commune/district. These will be subject to verification by PPMU/SIO, PPCs, and PMO of unit prices, quantity of affected assets, PAP entitlements, etc. before posting them at each commune for the people to review and comment. All compensation forms must be checked and signed by the PAP to indicate their agreement.

76. **Compensation and allowances** will be handled at commune level under the supervision of representatives of DRCs and PPMU. Guidance will be given by PPMUs to aid local resettlement committees in making payments to PAP.

77. **Monitoring.** Internal and external monitoring shall start as soon as the updated RAP has been approved. Monitoring will continue throughout the construction period. A replacement cost survey should be conducted by the external monitoring organization prior or during DMS to update and advice PPC on compensation rates. A post-resettlement evaluation will also be undertaken by the external monitoring organization 6 to 12 months after completion of all resettlement activities.

**X. MONITORING AND EVALUATION**

A. **Monitoring**

78. **Monitoring** is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation.

79. **Monitoring has two purposes:**

(i) To verify that project activities have been effectively completed including quantity, quality, and timeliness; and

(ii) To assess whether and how well these activities are achieving the stated goal and purpose of the Project.

80. **Regular monitoring of the RAP implementation** will be conducted by the implementing agencies (PPMU/SIO, and PMO) as well as by an independent external monitoring organization hired by the PMO.

B. **Internal Monitoring**
81. Internal monitoring of the implementation of the subproject RAPs will be the responsibility of the implementing agencies, with the assistance of the project consultants. The implementing agencies will oversee the progress in resettlement preparation and implementation through regular progress reports.

82. The main indicators that will be monitored regularly are:

   (i) payment of compensation to PAP in various categories, according to the compensation policy described in the RAP;
   (ii) delivery of technical assistance, relocation, payment of subsistence, and moving allowances;
   (iii) delivery of income restoration and rehabilitation assistance entitlements;
   (iv) public information dissemination and consultation procedures;
   (v) adherence to grievance procedures and outstanding issues requiring management's attention;
   (vi) priority of PAP regarding the options offered; and
   (vii) coordination and completion of resettlement activities and award of civil works contract.

83. The implementing agencies will collect information every month from the different resettlement committees. A database of resettlement monitoring information regarding the Project will be maintained and updated every month.

84. The implementing agencies will submit to the PMO a monitoring report on the progress on implementation of the RAPs. These reports will be forwarded to the World Bank as part of their regular quarterly report to the World Bank. The internal monitoring reports shall include the following topics:

   (i) The number of PAP by category of impact per component, and the status of compensation payment and relocation and income restoration for each category.
   (ii) The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.
   (iii) The eventual outcome of complaints and grievances and any outstanding issues requiring action by management.
   (iv) Implementation problems.
   (v) Revised actual resettlement implementation schedule.

C. External Monitoring

85. Objectives. The general objective of the external monitor is to provide an independent periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the organizational effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.

86. Agency Responsible. In accordance with the World Bank requirements for consultant procurement, PMO will hire an organization for the independent monitoring and evaluation of RAPs implementation. This organization, to be called the Monitoring Organization (MO) will be specialized in the Social Sciences and experienced in resettlement monitoring. The MO should start their work as soon as the updated RAPs have been approved.
Monitoring and Evaluation Indicators. The following indicators will be monitored and evaluated by the MO:

(i) Payment of compensation will be as follows: (a) full payment to be made to all affected persons sufficiently before land acquisition; (b) adequacy of payment to replace affected assets.

(ii) Provision of technical assistance for house construction to PAP who are rebuilding their structures on their remaining land, or building their own structures in new places as arranged by the project, or on newly assigned plots.

(iii) Provision of income restoration assistance.

(iv) Public consultation and awareness of compensation policy: (a) PAP should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) the monitoring team should attend at least one public consultation meeting to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) public awareness of the compensation policy and entitlements will be assessed among the PAP; and (d) assessment of awareness of various options available to PAP as provided for in the RAPs.

(v) Affected persons should be monitored regarding restoration of productive activities.

(vi) The level of satisfaction of PAP with various aspects of the RAP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.

(vii) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

D. Monitoring Methodology

Sample Survey

88. A socio-economic survey will be required before, during and after resettlement implementation to provide a clear comparison of success/failure of the resettlement plan. Monitoring will be on a sample basis. The sample size should be 100% of relocating households and severely affected farmers, and at least 10% of all other households. The sample survey should be conducted twice a year.

89. The survey should include women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents.

90. A Post-Resettlement Evaluation will be carried out 6 to 12 months after completion of all resettlement activities.

Database Storage

91. The MO will maintain a database of resettlement monitoring information. It will contain files on each affected household and will be updated based on information collected in successive rounds of data collection. All databases compiled will be fully accessible by implementing agencies and the PMO.

Reporting

92. The MO will be required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted to the PMO, which in turn will submit the reports to the World Bank as an annex of its progress report.
The report should contain (i) a report on the progress of RAP implementation, (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.

*Monitoring Report Follow-Up*

94. The monitoring reports will be discussed in a meeting between the MO, PMO and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

F. Evaluation

95. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. The external monitor will conduct an evaluation of the resettlement process and impact 6 to 12 months after completion of all resettlement activities using the same survey questionnaire and sample as used during the monitoring activities.
## ENTITLEMENT MATRIX for Cam Son - Cau Son subproject

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Permanent loss of arable land</td>
<td>Less than 20% of total affected assets lost due to acquisition of arable land. Marginal impact on household income and living standards.</td>
<td>Legal user with permanent rights to use the affected land, and temporary user who will be legalized before compensation as a permanent user.</td>
<td>PAP will be entitled to: (i) Cash compensation for acquired land at 100% of replacement cost, and (ii) Cash compensation for crops and trees at market price.</td>
<td>HH without LURC but their name listed in the land book of the commune and still now using that land are considered as fully legal users. If the viability of the remaining land is less than the minimum viable economic unit, then the entire piece of land would be acquired and the AP would fall under the next category.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land Users With Temporary or Leased Rights to Use Land that can not be legalized as long term land user</td>
<td>(i) Cash compensation for acquired land equivalent to 30% of land replacement cost; AND (ii) Cash compensation for loss of crops and trees at full market prices;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Illegal land users</td>
<td>(i) In lieu of compensation for land, an assistance equal remaining investment put on the land (ii) Compensation for crops and trees at 100% of market prices.</td>
<td></td>
</tr>
<tr>
<td>ITEM</td>
<td>TYPE OF LOSS</td>
<td>APPLICATION</td>
<td>DEFINITION OF ENTITLED PERSON</td>
<td>COMPENSATION POLICY</td>
<td>IMPLEMENTATION ISSUES</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2</td>
<td>Permanent loss of residential land</td>
<td>Loss of residential land without structures built thereon</td>
<td>Legal user with permanent rights or leagelizable rights to use the affected land.</td>
<td>(i) PAP will be entitled to cash compensation for land at 100% replacement cost of the land; &lt;br&gt; (ii) Compensation for trees /crops if yes at full market prices</td>
<td>In case a multi-generation HHs need to subdivided to net family, the remaining land is not enough for building house, the PAP will be entitled to option compensating land for land as priority, and Cash in lieu of land will be offered only as a last resort or at the informed request of the AP.</td>
</tr>
<tr>
<td>3</td>
<td>Loss of standing crops</td>
<td>Crops located within the ROW of the canal network or affected by other project component.</td>
<td>Household who cultivates the land.</td>
<td>PAP are entitled to compensation in cash at market value.</td>
<td>PAP will be given notice several months in advance regarding evacuation. Crops grown after issuance of the deadline will not be compensated</td>
</tr>
<tr>
<td>ITEM</td>
<td>TYPE OF LOSS</td>
<td>APPLICATION</td>
<td>DEFINITION OF ENTITLED PERSON</td>
<td>COMPENSATION POLICY</td>
<td>IMPLEMENTATION ISSUES</td>
</tr>
<tr>
<td>------</td>
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<td>-------------</td>
<td>-------------------------------</td>
<td>---------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>4</td>
<td>Loss of trees</td>
<td>Trees located within the ROW of the canal network or affected by other project component.</td>
<td>Household who occupies the land where trees are located irrespective of land tenure status.</td>
<td>PAP are entitled to compensation in cash at market value on the basis of type, age, and productive value.</td>
<td>Particular crops that have special high value will be considered to be assess for compensation rate case by case. PAP who have been noticed by competent authority not to use the land within the ROW of the canal network will not be compensated for violation and damage on irrigation network.</td>
</tr>
</tbody>
</table>
| 5    | Temporary impacts | Temporary loss of arable-land | Land users with legal/legalizable rights or temporary land use right | (i) Compensation for one harvest of crops/trees at full market prices  
(ii) Compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use, AND  
(iii) Restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified, AND  
(iv) If the duration of project’s use the land exceed more than one year, then the PAP have option to: 1) Continue use of the remaining land, keeping with the legal user’s agreement, OR, 2) “Sell” it to the Project at 30% of replacement costs(¹). | If the quality of land will be radically changed when return to PAP, requiring PAP to change in the types of land use, then PAP should be compensated for all envisaged cost of losses. |

(¹) This remaining land then will be transferred by the project to local land use/management organizations.
Socialist Republic of Vietnam

Ministry of Agriculture and Rural Development

(Draft)

Vietnam Water Resource Assistance Project (VWRAP)

RESETTLEMENT ACTION PLAN

For

YEN LAP SUBPROJECT

August 2003
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<td>B. External Monitoring</td>
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<tr>
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I. INTRODUCTION

1. Yen Lap Irrigation System is among the largest irrigation schemes in Vietnam and plays an important role in development of agriculture in the country. The system was constructed in the late of the 70s during which there was investment shortages and inadequate technical capacity. After three decades of existence, the system’s capacity has been considerably reduced. The system has been seriously damaged and it is poorly maintained due to the lack of financial resources and poor management. The water service has been worsened both in quantity and quality. The headwork has been seriously damaged; dam safety reduced and mitigation actions have been taken at the expense of reduced irrigation water supplied for downstream agriculture and aquaculture as well as for domestic use.

2. Presently, the Yen Lap system can only provide irrigation water for 4,023 ha and 2.4x10^3 m^3/s of water. The water provision is only 40% of the designed irrigation capacity of the system, and it satisfies just one fourth of the designed target set for domestic and industrial water uses.

3. The Yen Lap Irrigation System Modernization Subproject aims to improve the water service provided by Yen Lap IMC to local users in both quality and quantity through investment for rehabilitation and upgrading the irrigation infrastructure wherever needed and introduction of modern irrigation management technologies. The Subproject will contribute to increased water provision for irrigation, domestic and other uses, and improved efficiency of water use and use of land and human resources, while reduce flood and disaster risk of the system. Improved operation and financial sustainability of the scheme would increase agricultural productivity and invigorate the local economy.

4. The Subproject will include two components: (i) rehabilitation and upgrading of physical infrastructure of the irrigation system, starting with headwork and finishing by irrigated fields. The Project will rehabilitate and upgrade existing and construct new, so far missing canals and works, combined with access management roads, and management stations; (ii) modernization of management system. Development of the first component will cause resettlement impacts due to permanent or temporarily acquisition of land for infrastructure construction or for civil works.

5. Investment and modernization of Yen Lap Irrigation system aimed to:
   - Ensure safety, reliability and efficiency of the system’s operation and service,
   - Make cost of operational management to be low, the system to be easy to operate, and easy and flexible to maintain,
   - Satisfy all reasonable water requirements of agriculture, domestic, industry and improve the natural environment for development of ecological tourism.
   - Create favorable conditions for utilization of labor resources, poverty alleviation, and economic development in subproject’s areas.

6. At completion the Yen Lap Irrigation System will provide irrigation water for 6,320 ha of land for cultivation, including 7,070 ha of rice and 1,250 ha of upland crops, supply domestic water for 30,000 rural people, serve water for 1,500 ha of aquaculture, and supply water for domestic and industrial uses for three districts Yen Hung, Uong Bi town, and Ha Long city all in Quang Ninh province.
II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

7. The Project will affect 15 communes. This resettlement action plan (RAP) applies to the components for which there is sufficient level of design at the time of project appraisal to be able to prepare a RAP. So far the feasibility technical design is only available for headworks, main canals and canals and the pilot area all to be part of Phase 1 in the Subproject. This RAP is prepared to deal with compensation and rehabilitation of affected people for loss of land and other assets due to Project activities. At project’s implementation stage a detailed measurement survey (DMS) will be able to precisely record all details of losses of the affected people. Such DMS data will serve as final legal basis for implementation of the subproject compensation, rehabilitation and resettlement activities.

8. The main components are as follows:

**Headworks.** Rehabilitation of headwork structures of Yen Lap subproject involves permanent acquisition of 2.12 ha and temporary acquisition of 5.6 ha of residential and garden land for construction of one additional flood spillway in addition to temporary civil work spaces.

**Canal system.** The identified canals for investment of Yen Lap Irrigation Scheme includes the joint section main canal, Ha Bac and Ha Nam main canals, primary canals and the canal subsystems of two pilot areas.

**Main canals** of Yen Lap scheme includes the joint main canal of 4.2 km length and two separate main canals Ha Bac and Ha Nam at the length of 14.3 km and 25.8 km respectively. Recent rehabilitation works has involved about 2 km of Ha Bac canal and 12 km of Ha Nam canals. The canals have been investigated by Yen Lap IMC.

**Primary canals:** Primary canals have a total length 95 km, of which 42.9 km have been recently rehabilitated. They all have been included in the Inventory of Losses survey by the local IMC.

**Pilot area:** 2 selected pilot areas include subsystems of Song Khoai and Lien Hoa 1 and 2 with command areas of 800 m each. These irrigation subsystems belong to the command area of the Main canals at Ha Bac and Ha Nam.

9. Generally, the canals are in poor conditions. Many sections have the width (cross sections) narrower than the designed width, while its bed has been filled up with silts. All primary canals have been included in the Inventory of Losses conducted by the Yen Lap IMC in May - June 2003.

10. Phase 1 involves: (a) rehabilitation of the existing, damaged irrigation canals, widening the narrowed sections, construct new additional canals wherever they are lacking, and rehabilitation and construction of supplementary irrigation works of the canals; (b) rehabilitation of existing and construction of additional drainage works; (c) rehabilitation and upgrade water control and delivery works; (d) rehabilitate and upgrade management access roads. Development of these subcomponents will cause both permanent and temporary acquisition of the land for lining or for building new so far missed canals at different levels of irrigation works and access roads. (iii) Water supply for Cat Hai Island: The technical option selected involves installation of a pipe conveying raw water from the Yen Lap reservoir to the Water Treatment Plant built at commune Van Phong.
11. The Inventory of Losses (IOL) for all identified canals and the pilot areas has been carried out by the Yen Lap IMC. According to results of the IOL, there are 1 district Yen Hung, a town Uong Bi and City Ha Long with 15 communes/wards will be affected by the identified subproject components which include headworks, main and primary canals and canal subsystems of the two pilot areas.

12. The Project will cause permanent loss of agricultural and aquaculture land with 146,591 m² of 1768 HHs, and temporary loss with 7610 m² of 77 HHs for canal system, and 7.8 ha of permanent loss and 5.57 ha of temporary loss, with 10 HHs to be relocated for headworks; and 1.5 ha of permanent loss for Cat Hai water supply component. There are 141 HHs losing 11,858 m² permanently (of which 10 HHs relocating per 400m²/HH), and 51 HHs losing 3,068 ha temporarily. No HHs loses more than 20% of their agricultural land holding. Most of the PAP have legal status to their affected land. Table 1 presents a summary of the impacts on land and structures for all subproject components.

### Table 1: Summary of Impacts on Land and Structures For Yen Lap Irrigation System Modernization Subproject

<table>
<thead>
<tr>
<th>Name of works</th>
<th>Severe Impact</th>
<th>Marginal Impact</th>
<th>Total Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Resid. HH**</td>
<td>Shop/ Agric Resid. HH (&gt;20%), HH</td>
<td>Resid. HH</td>
</tr>
<tr>
<td>Head works</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Canals &amp; access roads</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Main canal</td>
<td>0</td>
<td>0</td>
<td>125</td>
</tr>
<tr>
<td>Primary &amp; Second. Canals</td>
<td>0</td>
<td>0</td>
<td>57</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>0</td>
<td>182494</td>
</tr>
</tbody>
</table>

Total Loss of Land (ha)

<table>
<thead>
<tr>
<th>N2T</th>
<th>Residential</th>
<th>Agric</th>
<th>Forest</th>
<th>Unused</th>
<th>Other</th>
<th>Total</th>
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<tbody>
<tr>
<td>Head works</td>
<td>0.4</td>
<td>7.4</td>
<td>5.6</td>
<td>0</td>
<td>0</td>
<td>13.4</td>
</tr>
<tr>
<td>Main canals</td>
<td>0.9</td>
<td>12.1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>13.0</td>
</tr>
<tr>
<td>Primary &amp; Second. Canals</td>
<td>0.1</td>
<td>3.0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3.1</td>
</tr>
<tr>
<td>Total</td>
<td>1.4</td>
<td>22.5</td>
<td>5.6</td>
<td>0</td>
<td>0</td>
<td>29.5</td>
</tr>
</tbody>
</table>

Source: Yen Lap IMC IOL of May, 2003

13. The purpose of this RAP is to prepare a plan of actions and measures dealing with compensation and rehabilitation of project affected people, ensuring that all project affected people (PAP) will be at least as well off after the project as they would have been in the absence of the Project. This RAP is based on (i) a census and Inventory of Losses (IOL) of 100% of PAP in the headworks, main/primary canals and all canals and access management roads identified in the pilot area; (ii) on a sample HHs socio-economic surveys in the project's affected communes, conducted by Yen Lap IMC in 2002 and the consultants in 2003; (iii) on group interviews and discussions in project affected communes, conducted by the consultants during the study, May 2003. Policies for compensation, relocation, and rehabilitation have been established based on these surveys, applying Vietnam's existing laws and sub-laws regulations and the World Bank Operative Directives OD 4.30 on Involuntary Resettlement, OD 4.20 on Indigenous People and OPN 11.03 on Cultural Property. Following detailed design of these main components, this RAP will be updated by Yen Lap Provincial Project Management Unit (PPMU) to include final numbers of PAP and updated compensation unit rates for all categories of lost assets and allowances. After approval by the Government and the World Bank, the updated RAP will be implemented by the resettlement committees (RCs) under the guidance of the people's committees of each
district and MARD. Careful coordination between all the agencies and ministries will be necessary to complete the different resettlement activities successfully. The provisions and policies of this RAP will form the legal basis for the implementation of resettlement activities for the Yen Lap Subproject in Phase 1.

III. SOCIOECONOMIC INFORMATION

A. Source of Data

14. This RAP has been based on census and land acquisition surveys for 100% of PAP due to the flood spillway, identified main and primary canals and canals of the pilot irrigation areas. The Yen Lap IMC conducted the inventory survey in April-May 2002. Land acquisition and resettlement requirements were estimated based on detailed land use data in each subproject's area, and on technical designs. The detailed measurement survey (DMS) will be necessary during the implementation phase to precisely identify households affected by the Project, following which the RAP will be updated to reflect the current information.

15. Socioeconomic information has come from several sources: (i) household socioeconomic questionnaire survey of 77 HHs conducted by the IMC in 2002 and 31 PAP in May 2003; (ii) group interview surveys conducted by the consultants in two selected communes of the two project pilot areas, including Song Khoa and Hlep Hoa Yen Hung district, in April 2003; (iii) Stakeholder consultation at all levels and review of secondary data/literature on subproject areas.

16. Specific resettlement group interviews with PAP were conducted to collect data on (i) specific resettlement needs of people to be relocated and vulnerable groups, which may be adversely affected by the Project, (ii) resettlement concerns and preferences of affected families, and (iii) measures to reduce impacts.

B. Impacts on Land and Structures

17. Rehabilitation of the headworks, main, primary and secondary canals and canals of the pilot areas and other related irrigation works of Yen Lap scheme, will recover 29.5 ha of land among which there 25.2 ha will be acquired permanently. In total, resettlement impacts is posed on 1768 HH or 7725 persons. There are 10 HHs which have to be relocated to devote the land for construction of one flood spillway in the Headworks. The total residential land affected are 1.1 ha with 192 HHs affected. There are 1.2 ha residential land of 141 HHs to be lost permanently and 0.3 ha of 51 HHs to be lost temporarily. There is no HH which will experience loss of more than 20% of their total land holding.

C. Land holding

18. It is common among farmers to have several plots of land. The average agricultural land holding equals to 5112 m² for Uong Bi and 5076 m² for Yen Hung district. The average HH's land holding in the affected communes surveyed is lower than their district's average (see Table 2).

Table 2: Average land holding (arable land) (m²)

<table>
<thead>
<tr>
<th></th>
<th>Total (m²)</th>
<th>Average land holding (m²/HH)</th>
<th>Per capita arable land (m²/pers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Song Khoa commune</td>
<td>43,820</td>
<td>4.123</td>
<td>94.8</td>
</tr>
<tr>
<td>Lien Hoa commune</td>
<td>25,500</td>
<td>3.804</td>
<td>6.20</td>
</tr>
<tr>
<td>Total</td>
<td>123,320</td>
<td>10.978</td>
<td>81.51</td>
</tr>
</tbody>
</table>

Source: Results of Socio-economic survey of PAPs 2003
D. Population

19. All PAPs are of the majority Kinh ethnic group. The survey results of PAP again confirmed that there are no ethnic minority people in the Project area. The average size of the surveyed PAPs is 4.7 people/HH. Males are 50.3% of the total surveyed HH, and they make up the main part of their HH's heads. Only 8 of 31 HH (25.8%) are headed by women. The average age of the HH's Heads (HHHs) are 53.1 and their average education is 6.0 (see table 3 and 4).

Table 3: Population characteristics of PAPs surveyed

<table>
<thead>
<tr>
<th>Sample HHs</th>
<th>Total (pers)</th>
<th>HH size (pers/HH)</th>
<th>Ethnic (%)</th>
<th>Sex ratio (%)</th>
<th>Active labors (pers/HH)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kinh</td>
<td>Other</td>
<td>Male</td>
</tr>
<tr>
<td>Song Khoai</td>
<td>23</td>
<td>48</td>
<td>4.3</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Hiep Hoa</td>
<td>8</td>
<td>46</td>
<td>5.8</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>31</td>
<td>94</td>
<td>4.7</td>
<td>100</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: HHs socio-economic survey. 2003

Table 4: Characteristics of HH Heads surveyed

<table>
<thead>
<tr>
<th>Sample HHs</th>
<th>HH- sex Male (%)</th>
<th>Average age</th>
<th>Educ (Grade)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Song Khoai</td>
<td>87.0</td>
<td>50</td>
<td>7.0</td>
</tr>
<tr>
<td>Hiep Hoa</td>
<td>37.5</td>
<td>62.6</td>
<td>3.9</td>
</tr>
<tr>
<td>Total</td>
<td>74.2</td>
<td>53.1</td>
<td>6.0</td>
</tr>
</tbody>
</table>

Source: HHs socio-economic survey. 2003

E. Income

20. Agriculture is the most important source of HHs income of the PAPs surveyed. The table 5 below shows the dominant role of agricultural activities in HHs income. The aquaculture contributes up to 10.5% of HH's average income, while non-farm activities (including salary works and hired works) count up for 15% of the HH's income.

Table 5: Average Household monthly income and its composition (%)

<table>
<thead>
<tr>
<th></th>
<th>Farming (VND)</th>
<th>Livestock</th>
<th>Aquaculture</th>
<th>Salary</th>
<th>Trade, hired works</th>
<th>Others</th>
<th>Total Average</th>
<th>Average per capita monthly income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Song Khoai</td>
<td>30.5</td>
<td>88.5</td>
<td>209</td>
<td>117</td>
<td>47</td>
<td>0</td>
<td>856</td>
<td>222</td>
</tr>
<tr>
<td>Hiep Hoa</td>
<td>407</td>
<td>24.4</td>
<td>75</td>
<td>31</td>
<td>5</td>
<td>55</td>
<td>696</td>
<td>121</td>
</tr>
<tr>
<td>Total</td>
<td>396</td>
<td>223</td>
<td>85</td>
<td>95</td>
<td>38</td>
<td>10</td>
<td>815</td>
<td>196</td>
</tr>
</tbody>
</table>

Source: Socioeconomic surveys 2003.

21. Based on the Ministry of Labor Invalids and Social Affairs classification, four income-level categories have been identified:

(i) Category I: The poor-income per capita is < D100,000/month
(ii) Category II: The low-income per capita is from D100,000-D199,000/month
(iii) Category III: The well-off-income per capita is from D200,000-
D399,000/month
(iv) Category IV: The wealthy-income per capita is > D400,000/month

22 Results indicate that less than a fifth of PAPs surveyed belong to the poor income
group with per capita monthly income below 100,000 VND. The well off group is 26% of the
total population surveyed. The wealthy groups count for 9% of the HHs of Song Khoai
commune, but are not observed in Hiep Hoa commune.

Table 6: Levels of Monthly Income (%)

<table>
<thead>
<tr>
<th>Sample</th>
<th>&lt;100</th>
<th>100-199</th>
<th>200-400</th>
<th>&gt;400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Song Khoai</td>
<td>23</td>
<td>13</td>
<td>43</td>
<td>35</td>
</tr>
<tr>
<td>Hiep Hoa</td>
<td>8</td>
<td>25</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>31</td>
<td>16</td>
<td>52</td>
<td>26</td>
</tr>
</tbody>
</table>

Source: Socioeconomic survey 2003.

F. Living Conditions

23 All the surveyed communes have access road with asphalt surface to the commune
and electricity. The rural road network is well developed and concreted. The social
infrastructure is available in all communes: the surveyed communes have primary
schools, health care center, and connection to telecommunication. HHs' facilities are
shown in the Table 7 followed

Table 7: Households facilities

<table>
<thead>
<tr>
<th></th>
<th>Lighting</th>
<th>Source of domestic water</th>
<th>Toilet at home</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Electricity</td>
<td>other energy</td>
<td>Well</td>
</tr>
<tr>
<td>Song Khoai</td>
<td>100</td>
<td>0</td>
<td>22</td>
</tr>
<tr>
<td>Hiep Hoa</td>
<td>87</td>
<td>13</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td>97</td>
<td>3</td>
<td>22</td>
</tr>
</tbody>
</table>

Source: Socioeconomic survey 2003

24 The ownership of assets by the PAPs surveyed shows an average living standards of
living where more than a half of the HHs surveyed (62%) possess TV, mostly color TV; 6.4% have
telephone, refrigerator; 20% have motorbike, 13% have pumping machine; 10% have
sewing machine. The most of them have wooden furniture, 13% have radio cassettes and
3% have milling machine.

G. Gender and Poverty

25 The poor count up for 16% of the affected HHs surveyed. This figure is higher than
the communes average (3-5%). The main problems of the poor are perceived as the lack of
capita for investment in production and shortage of labors. Thus, their concerns regarding
the project is fairness of compensation at replacement cost so that they could restore their
income generation capacity.
26. Generally there is no discrimination against women. However, to ensure gender equality in Project participation special attention should be paid to training and capacity building of women.

IV. LEGAL FRAMEWORK

A. World Bank's resettlement Policy

27. The main objective of WB's Policy on Involuntary Resettlement is to ensure that PAPs should be assisted to improve their living standards, income level and income generating capacity, or at least would be as well off as without the project. This policy aims to avoid involuntary resettlement whenever feasible, to minimize resettlement where population displacement is unavoidable. The policy stipulates that lack of legal certificate on land will not be an obstacle for a part of affected people to be entitled to compensation and rehabilitation. The policy requires that compensation for all losses should be made at replacement cost, without depreciation and deduction of savage materials.

B. Viet Nam Laws

1. Relevant Vietnamese Acts and Bylaws

28. In recent years, the Government has formulated several rules and regulations to protect the interests of displaced persons. Relevant acts and bylaws that govern various aspects of land acquisition and resettlement include:

   (iii) Decree 87/CP, dated 17 August 1993, on the stipulation of the frame for the price of various categories of land.
   (iv) Decree 64/CP, dated 27 September 1993, on the distribution of agricultural land to households for long-term use.
   (v) Circular No.05-BXD/DT, dated 9 February 1993, on the classification of house types.
   (vi) Decree 22/CP, dated 24 April 1998, on compensation levels and other allowances for land and structures recovered for the national and public interest.
   (vii) Decree 17/CP, 4 May 2001, on Management and Utilization of ODA.

2. Decree 22/CP

29. In April 1998, the Government issued a major decree regarding compensation for land acquisition, Decree 22/CP on Compensation for Damage when the State Recovers Land for Use in National Defense, Security, and National and Public Interests. The Government has also issued guidelines for the implementation of this Decree (145/1998/TT-BTC). By issuing Decree 22/CP the Government:

   (i) added new stipulations to accommodate with the major changes in compensation unit prices, objects to be affected, assistance levels, etc. in Viet Nam since 1993. Many of these stipulations have proven themselves appropriate with ongoing WB, ADB and other donor-funded projects in Vietnam.
   (ii) provided general provisions for compensation processes and procedures to all organizations and individuals who need to acquire land and

(*) This remaining land then will be transferred by the project to local land use/management organizations.
assigned, in detail, the responsibilities of the government agencies concerned in implementing the Decree.

30. Generally, Decree CP/22 meets the objectives of WB's policy on involuntary resettlement, however, some discrepancies can be found regarding the compensation of PAPs without legal rights. Table 8 presents the main areas of discrepancy.

Table 8: Discrepancies between Decree 22/CP and WB Policy

<table>
<thead>
<tr>
<th>Decree 22/CP Article</th>
<th>World Bank Policy</th>
<th>Project Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 7: Any person whose land is recovered and who has not met one of the conditions of Article 6, or who has violated the plan, or who violates the protecting corridor work, or who illegally occupies land shall not receive compensation when the state recovers the land. In case of necessity, the Provincial People's Committee shall consider and decide on a case-by-case basis.</td>
<td>The absence of formal legal title in land by some affected people should not prevent compensation</td>
<td>All project affected people, irrespective of tenure status, social or economic standing, will be entitled to be compensated or assisted for their lost assets, incomes, and businesses at full replacement cost and provided with rehabilitation measures sufficient to assist them to improve or at least restore their pre-project living standards, income levels and productive capacity.</td>
</tr>
<tr>
<td>Article 8: The compensation rates shall be determined on the basis of local prices for land issued according to the provisions of the Government, and then multiplied by a coefficient to ensure the compatibility of the compensation with the profitability and the price of the assignment of the land use right in the community.</td>
<td>Compensate or assist all affected people, including those without title to land, for all their losses at replacement rates.</td>
<td>Replacement cost surveys have to be carried out by the project to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value, to be updated at the time of compensation</td>
</tr>
<tr>
<td>Article 17: The total maximum level of compensation shall not exceed 100% and the minimum level shall not be lower than 60% of the value of the house or construction, priced according to the construction price for new buildings with technical standards equivalent to the affected.</td>
<td>Compensate all affected people, including those without title to land, for all their losses at replacement rates.</td>
<td>Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation</td>
</tr>
</tbody>
</table>
V. COMPENSATION POLICY

A. Objectives for Resettlement

31 The objectives of the Vietnamese legislation governing the resettlement and rehabilitation of displaced persons and of WB’s policy concerning involuntary resettlement have been adapted for the preparation of this RAP for the Yen Lap Irrigation System Modernization Subproject. They are set out below. An entitlement matrix is shown in Appendix 1. The policies and principles adopted for the Project supersede the provisions of relevant Government decrees currently in force in Vietnam wherever a gap exists between WB’s Policy on Involuntary Resettlement and Vietnamese law.

32. The main objective of the Resettlement Plan is to ensure that populations affected by the Project should be at least as well-off, if not better-off, than they would have been without the Project. Affected populations should be able to maintain and preferably improve their standard of living and quality of life.

1. Minimize the Adverse Impacts from the Project

33. Considerable attention has been directed, during the Project’s technical design stage and through modifications to various design parameters, to minimizing adverse impacts as well as the number of households that would be severely affected due to the loss of agricultural land. Related actions are the following:

(i) Alternative options with modification of technical design have been taken into consideration to avoid or reduce permanent land acquisition wherever possible.
(ii) All the canals will be lined on that side of canals where the less of land currently in use would be affected.
(iii) The time of closing water for civil works will be based on PAPs’ recommendation, which correspond to their needs and cultivation calendar.

2. Compensation and Assistance

33. Compensation and assistance will be provided to ensure that the economic and social conditions of the PAP are at least as favorable as they were in absence of the Project. The compensation policy, which encompasses compensation for all affected assets, along with rehabilitation measures as suggested in this RAP, will ensure that all PAP are able to, at minimum, restore their income, standard of living, and productive capacities to pre-project levels. Specific measures to ensure restoration of incomes and living standards of PAP include compensation for lost assets based on: 
(i) Land-for-land of equivalent productive capacity and at a location suitable and acceptable to the PAP, or
(ii) at the request of an PAP, who has been informed regarding the options, cash for land or a combination of the two.

3. Compensation at Replacement Cost

34. Compensation for all types of affected assets, including residential and commercial structures as well as standing crops and trees, will be paid at replacement cost. Compensation for affected land will be made either in the form of a trade, land-for-land of equal productive capacity at a location acceptable to the PAP, or at the specific request of the PAP, in cash at replacement cost to ensure that PAP can restore their income generating capacity and income levels.

4. Community Participation and Consultation

35. The preparation and implementation of the RAP is to be carried out with the full participation of, and in consultation with, the affected households and their representatives. Intensive public consultations have been carried out in the preparation of the RAP. Ten group interviews were conducted at commune level in the project areas to inform local populations and to identify their needs and requirements. In addition, four resettlement group interviews were conducted in the project pilot communes in order to collect data on (i) vulnerable groups which may be adversely affected by the Project, (ii) resettlement preferences of affected families, (iii) measures to reduce impacts, and (iv) adequacy of compensation prices issued by the provinces. Further public consultations will be carried out during the implementation stage with a focus on specific activities including assessment of compensation, acquisition of land, and design of rehabilitation assistance planning. The Public Information Campaign and Consultation Program is described in Chapter 7 of this RAP. The PAP will also have well defined avenues for redressing their grievances as described in Chapter 7.

B. Principles of Resettlement

36. The following basic principles have been adopted for the Project:

(i) The populations affected by the Project are defined as those who may stand to lose, as a consequence of the Project, all or part of physical and nonphysical assets, including homes, homesteads, productive lands, commercial properties, tenancy, income-earning opportunities, social and cultural activities and relationships, and other losses that may be identified during the process of resettlement planning.
(ii) Involuntary resettlement will be minimized by identifying possible alternative project designs, and appropriate social, economic, operational and engineering solutions that have the least impact on populations in the project area.
(iii) The cut-off date for compensation eligibility for physical assets affected due to rehabilitation, upgrading of existing and construction of new, so far missed of the system, canals/irrigation works will be the date of completion of the detailed measurement survey and census after detailed technical design will be completed for these components.
(iv) A census and detailed measurement survey and baseline socioeconomic survey will be carried out for all subproject components after detailed design of each and in updating of the RAP.
(v) All PAP will be entitled to be compensated for their lost land and standing crops/trees at full replacement cost to assist them to improve or at least
restore their pre-project living standards, income levels, and productive capacity.

(vi) All affected populations will be equally eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing, and any such factors that may discriminate against achieving the objectives outlined above.

(vii) Preparation of the RAP and its implementation is to be carried out with the full participation of affected people. PAP comments and suggestions will be duly taken into account during the design and implementation phases of the resettlement plans.

(viii) Adequate budgetary support will be fully committed and be made available to cover the costs of land acquisition and resettlement and rehabilitation within the agreed implementation period.

(ix) WB shall not approve of any civil works contract for any subproject to be financed from the loan proceeds unless the Government has completed satisfactorily and in accordance with the approved RAP for that subproject compensation payment and ensured rehabilitation assistance is in place prior to obtaining possession and rights to the land.

(x) The detailed RAP for implementation will be translated into the local language and placed in project and commune offices for the reference of affected people as well as any interested groups.

(xi) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. Evaluation of the land acquisition process and the final outcome will be conducted independent of the executing agency.

C. Compensation Policy for Loss of Land

37. The Project will acquire some land acquisitions. There are two types of land use rights found in the project affected area: permanent or leagizable and temporary land use rights. Below are set out principles of compensation:

1. Land Users with Permanent or Legal Use Rights

38. For arable land that will be permanently affected, the PAPs will be entitled as follows:

(i) Marginally affected PAP. PAP with losses less than or equal to 20% of their total agricultural landholdings, will be entitled to cash compensation for crops and trees at market prices, AND cash compensation for acquired land at 100% of replacement cost.

(ii) Severely affected PAP. PAP with losses of more than 20% of their total agricultural landholdings, will be entitled to cash compensation for crops and trees at market prices AND first priority for land-for-land of equivalent productive capacity at a location acceptable to the PAP or, if requested, cash compensation for the lost land at 100% of replacement cost AND rehabilitation assistance (skills training for one family member in a current or new occupation and a training allowance, provision of agricultural extension services to increase the productivity of remaining land, and priority for project-related job opportunities.

2. Land Users with Temporary or Leased Rights to Use Land

39. For arable land will be permanently affected, the PAPs having Temporary or Leased Rights will be entitled as follows:
(i) **PAP are marginally affected:** PAP with losses less than or equal to 20% of their total productive capacity will be entitled to cash compensation for acquired land equivalent to 30% of land replacement cost; **AND** cash compensation for loss of crops and trees at full market prices;

(ii) **Severely affected PAP:** PAP with losses of more than 20% of their total productive capacity, will be entitled to cash compensation for crops and trees at market prices, **AND** first priority for land-for-land equal to 30% of affected area of equivalent productivity at a location acceptable to PAP, **OR** if requested, cash compensation for the lost land corresponding to 30% of replacement cost.

For poor and vulnerable, including landless, PAPs, who prefer to continue farming but have land less than of a standard size provided by Decree 64/CP, the local authority to assist them to obtain land of area equal to minimal standard size, with permanent land use right, **OR** training rehabilitation measures, including job training and training allowance for its working member(s) if no land available for provision;

3. **Land Users without Permanent or Legal Rights to Use Land**

40. Households occupying and using land without permission from the commune will be entitled to compensation for crops and trees at 100% of market prices. They will not be compensated for land but will receive assistance corresponding to the investment in the land.

41. For poor and vulnerable farmers affected who are landless and have not been allocated land before will be entitled to: (i) assistance by local authority to obtain land of an area equal to the minimum standard size, with full legal title to the land, **AND** (ii) transition assistance and rehabilitation measures, including social assistance allowance, job training and training allowance for its working member(s) if no land available for provision;

4. **Loss of Standing Crops and Trees**

42. For annual standing crops, compensation will be paid to households who cultivate the land according to the full market value of the affected crops, regardless of the legal status of the land. For perennial plants, compensation will be paid according to the full market value of the affected plants, regardless of the legal status of the land. If the plants are not yet ready for harvest, compensation will include the total cost of initial investment and care until the time of the land acquisition. In case perennial plants can only be harvested once, compensation will be paid for the total cost of investments and care calculated until the time of the land acquisition. Compensation will be in cash.

5. **Loss of Residential Land**

43. There are no structures on the affected residential land, and PAPs will be entitled to compensation in cash at 100% of the replacement cost of the affected land.

6. **Secondary PAPs**

44. This applies to those affected by acquired areas needed for construction or for individual resettlement or group resettlement sites. Because all secondary PAPs are likely to be affected through loss of agricultural land, they will be entitled to compensation and rehabilitation assistance in accordance with the same provisions for all other PAP.
D. Compensation Policy for Structures

1. Loss of Graves

45. The level of compensation for the removal of graves will be for all costs of excavation, relocation, and reburial. Compensation in cash will be paid to each affected family.

E. Temporary Impact during Construction

46. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that shall be applied to all other assets affected by the Project. In addition, damaged property will be restored immediately to its former condition.

47. For arable land that will be temporary affected, all PAPs are entitled to compensation for loss of crops and trees at market prices, AND compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use; AND restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified. AND if duration of temporary land use is equal or exceeds two years, then the PAPs are compensated as for permanent loss of land.

F. Allowances during the Transition Period

48. The following allowance amounts are indicative only. At the time of compensation, allowances will be adjusted to account for inflation. For severely affected farmer HHs, rehabilitation assistance of amount not least than VND 3,000,000 per HH will be given. The concrete form of assistance to the farmers will be precisely identified in the project implementation stage through investigation and intensive consultation with the entitled PAP to ensure adequacy and effectiveness of rehabilitation assistance in meeting with actual needs of PAP. In may be in form of training plus training subsistence allowance or in cash which combined with relevant technical assistance. In addition, HHs having special social support will be provided with a special social assistance not less than VND 1,000,000 to rehabilitate their living standards.

VI. INSTITUTIONS INVOLVED IN RESETTLEMENT

A. General Organization

49. The implementation of resettlement activities requires the involvement of agencies at the national, provincial, district and commune level. Under the responsibility of MARD, resettlement committees shall be established at the provincial and district level according to the provision of Decree CP 22/1998. The provisions and policies of the RAP will form the legal basis for the implementation of resettlement activities for the Yen Lap subproject.

B. Ministry of Agriculture and Rural Development

50. MARD is responsible for the realization of the VWRAP Project, on behalf of the Government. A Central Project Management Office (PMO) will be established in MARD, at MARD's Department, which is responsible for Management and Modernization of Hydraulic works. The PMO has responsibilities for overall project management and implementation. For each VWRAP Subproject will be established a Provincial Project Management Unit.
(PMMU) or a Subproject Implementation Unit (SIO). The PMO with the PPMU/SIOs will, in coordination with relevant agencies, manage and supervise the overall Project including resettlement activities and land acquisition. Successful updating and implementation of the RAPs will require close coordination between MARD and other ministries and agencies as well as between PMO, implementing agencies, and all local resettlement committees. Resettlement capacity will be established within the PMO to coordinate all resettlement activities with full time assistance of consultants. Similar capacity will be established within the implementing agencies to implement resettlement for each subproject. The consultants will provide technical assistance to strengthen the social capacity within the PMO and implementing agencies. The PMO, with assistance of the consultants, will take overall responsibility as follows:

(i) Providing overall planning, coordination, and supervision of the resettlement program.
(ii) Guiding implementing agencies in updating and/or preparing RAPs and implementing resettlement activities in accordance with the Policy Framework and the approved RAP; and if any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensure that the objectives of the RAPs are being met.
(iii) Finalizing RAPs and obtaining Government and WB approval before implementing approved RAPs.
(iv) Coordinating completed implementation of approved RAPs for each component with the award of civil works contracts for each component.
(v) Providing resettlement training to implementing agencies, all PPMU/SIO staff and RCs at all levels, and to the external monitoring organization.
(vi) Providing the budget for resettlement activities.
(vii) Establishing standard procedures for information campaigns and stakeholder consultation such as monthly newsletters to communities on project activities.
(viii) Providing coordination with other components and various agencies involved in resettlement planning and implementation.
(ix) Establishing liaison mechanisms to ensure proper technical and logistical support to implementing agencies and RCs.
(x) Establishing standardized PAP databases for each component, as well as for the Project as a whole.
(xi) Establishing procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies.
(xii) Establishing procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.
(xiii) Recruiting, supervising, and acting upon the recommendations of the external monitoring organization.
(xiv) Establishing procedures for the prompt implementation of corrective actions and the resolution of grievances.
(xv) Reporting periodically on resettlement activities to the WB.

C. Provincial People’s Committee

The PPC is the principal authority at the provincial level. The Quang Ninh PPC is responsible for setting up and directing a council of compensation, which will be called the Provincial Resettlement Committee (PRC). The PPC is also responsible for reviewing and approving the RAP. The PPC is responsible for the final decision on compensation unit costs, subsidies, allowances, and supporting policies for PAP and vulnerable affected groups, in accordance with this RAP. The PPC is responsible for the approval of project land acquisition. Quang Ninh PPC is also responsible for organizing the coordination between the
related institutions and provincial departments for the implementation of the RAP, and to execute compensation and resettlement plans effectively.

D. District People’s Committee

52. The District People Committees are responsible for identification of land and structure legality, and appointing members of the DRC and assigning functional tasks for the DRC.

E. Implementing Agency

1. Yen Lap Subproject Implementation Unit (Yen Lap PPMU)

53. Yen Lap PPMU will be responsible for implementing this RAP. Responsibilities will include the following:

(i) Preparation, implementation, and monitoring of RAP.
(ii) Guiding the resettlement committees at all levels in implementing the approved RAP and implementing resettlement activities in accordance with the resettlement policies specified in the RAP. If any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensuring they are addressed so that the objectives of the RAP are met; ensuring proper technical and logistical support to the Quang Ninh’s and its districts’ RCs.
(iii) Guiding and supervising the RCs while they carry out the Land Acquisition and Census Survey (LAS) to identify exactly the number of affected households and the extent of losses to be compensated, guiding local RCs in following compensation entitlements and procedures as defined in the approved RAP, and submitting compensation/assistance costs for approval.
(iv) Implementing information campaigns and stakeholder consultation in accordance with established project guidelines, supervising the compensation payment process and the implementation of the RAP, and redressing grievances concerning resettlement activities in collaboration with RCs.
(v) Coordinating with other line agencies to ensure delivery of mitigation and support measures.
(vi) Providing income restoration and other social support under the Rehabilitation Assistance Program.
(vii) Implementing established procedures for internal monitoring, establishing and maintaining a PAP databases for each subproject in accordance with established project procedures and providing regular reports to the PMO and all data to the external monitoring organization.
(viii) Implementing prompt corrective actions in response to internal and external monitoring, and resolution of grievances.
(ix) Coordinating project-related employment for PAP (consulting contractors about employment opportunities for local people, informing PAP about opportunities and how to avail of the opportunities).
(x) Implementing established project procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.

2. Provincial Resettlement Committee

54. The PRC of Quang Ninh will be responsible for
(i) implementing, on behalf of PMO, all resettlement activities within the provincial territory under the PPC's management, and signing contracts for the implementation of some resettlement components;
(ii) establishing and strengthening resettlement committees at district and commune levels;
(ii) guiding all resettlement activities of provinces, districts and communes in accordance with the project policies and directives;
(iii) establishing compensation unit prices for land and structures in collaboration with other provincial departments; setting up procedures for land acquisition and allocation and submitting them to the PPC for approval; coordinating, supervising, and monitoring the implementation of resettlement activities in the province;
(iv) issuing guidelines about resettlement activities within their power, namely (a) compensation prices for land, structures, crops, etc. (b) identification of land and structure legality; (c) procedures of land acquisition and allocation; and (d) approval of compensation charts for PAPs and affected public facilities, etc.;
(v) directing and monitoring the DMS process, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval;
(vi) accepting and handing over the sites to the implementing agencies; and
(vii) cooperating fully with the external monitoring organization.

3. District Resettlement Committees (DRCs)

55. The DRCs will be responsible for

(i) planning and implementing, on behalf of the District People's Committees, all resettlement activities in their districts under the direct professional guidance of the PRC. If authorized by the PPC to be completely responsible for the resettlement activities in the district in the case that the PRC will not be established, the DRC will play the same role as the PRC;
(ii) planning and implementing all resettlement activities in the district;
(iii) finding adequate land for individual relocations;
(iv) being responsible for LAS, finalizing compensation forms, preparing compensation charts to submit to the PRC, and paying compensation directly to each AP after receiving the funds;
(v) establishing inspectors to redress PAPs grievances on resettlement policies and entitlements;
(vi) establishing, if necessary, commune resettlement committees (CRC) and directing their operations during the implementation of the resettlement activities;
(vii) cooperating fully with the external monitoring organization.

F. Agency Responsible for External Monitoring

56 One agency specialized in the social sciences must be identified in order to carry out socioeconomic surveys, monitoring, and evaluation of RAP implementation for the Project. They will submit periodic reports on the implementation progress and make recommendations regarding the issues identified. The terms of reference and methodology for monitoring are presented in Section 10.

G. Staff and Training

57. One full-time specialized resettlement staff will be recruited for each PPMU/SIO. The PMO and the consultant team will assist in fulfilling/performing their resettlement
responsibilities. These people should have background on social sciences or anthropology, computer skills, good experiences or will be trained on resettlement issues, preferably be proficiency in spoken and written English. Depending on the scale of resettlement impacts of each subproject, a full time or part time resettlement staff will be required for local resettlement institutions.

58. As Quang Ninh subproject poses both marginal and severe resettlement impacts on PAP and involves three different of district level units, namely Quang Ninh town, Thach Ha and Cam Xuyen districts, there will be needed a resettlement council at provincial level, i.e. Quang Ninh PRC, to ensure implementation of a unified resettlement policy throughout project affected areas. This PRC will focus in assisting the PPC on decision-making of the issues related to subproject's resettlement policy and problems arising under Quang Ninh PPC competence and within its administrative boundaries. At town and district level, there will be established town and District RCs, which will be the implementation bodies responsible for implementation of day-to-day resettlement activities within their district's boundaries and authorization.

59. All full time and part time staff and decision making involved in project resettlement implementation will be trained on the WB's and GOV project's resettlement policy, methods of public consultation, negotiation etc. Specific resettlement skills training will be provided to enumerators, implementation staff in resettlement implementation procedures, techniques, unified DMS forms, and management of the PAPs database.

VII. PUBLIC INFORMATION, CONSULTATIONS AND GRIEVANCE REDRESS

A. Consultations during Preparation of Resettlement Plan

60. The consultant provided information about the Project regularly. Actions taken were as follows:

(i) Group interview surveys were conducted in 4 communes affected by Phase 1 project activities. Specific resettlement group interviews with affected persons were also conducted. In addition, stakeholder meetings have been organized at the provincial level with Quang Ninh PPC, Quang Ninh DARD, IMC.

(ii) A Socio-Economic HHs surveys were conducted both for the benefited and, specifically, affected areas of the Yen Lap Subproject. The group interview surveys were conducted in 4 affected communes of the project pilot area. The surveys combined have provided useful socioeconomic information on agriculture, socioeconomic, cultural, etc. Each meeting involved from 7 to 30 persons. The majority of these persons were farmers from the different villages in the communes. Representatives of local farmer groups and other organizations, as well as officials from municipal and district levels attended the meetings. Women were also represented in common meetings and also discussed in separate groups. The HHs questionnaire surveys were conducted in 2002 and 2003, and the group interview surveys were conducted in April 2003.

(iii) Specific resettlement group interviews with affected persons were conducted in the four mentioned communes. 10-30 persons potentially affected by the project attended these meetings. This survey, conducted in April 2003, was designed to collect data on: (a) vulnerable groups which may be adversely affected by the Project, (b) resettlement preferences of affected families, (c) measures to reduce impacts, and (d) adequacy of compensation prices.
issued by the provinces.

(iv) A stakeholder meeting with Quang Ninh PPC also focused on resettlement issues, on possibility and commitment of the PPC to follow a project's approved resettlement policy, which reflecting the WB's and GOV resettlement objectives and principles.

(v) In addition, affected households' preferences regarding resettlement and relocation were investigated through socioeconomic surveys (300 questionnaires).

2. Objectives of Public Information and Consultation

61. Information dissemination to, in consultation with and with the participation of, affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of project delays. This will also enable the Project to design the resettlement and rehabilitation program as a comprehensive development program to suit the needs and priorities of the affected people, thereby maximizing the economic and social benefits of investments. The objectives of the public information campaign and PAP consultation program are as follows:

(i) To ensure that local authorities as well as representatives of PAPs will be included in the planning and decision-making processes. The PMO and the PPMU/SIO in Yen Lap will continue a dialogue with the Provincial People’s Committee and the District People’s Committee during Project implementation. PAP involvement in implementation will be continued thereafter by requesting each district to invite PAP representatives to take part in the resettlement activities (property evaluation, compensation, resettlement, and monitoring).

(ii) To fully share information about the proposed project components and activities with the PAP.

(iii) To obtain information about the needs and priorities of the PAP, as well as information about their reactions to proposed policies and activities.

(iv) To ensure that PAP are able to make fully informed decisions that will directly affect their income and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.

(v) To obtain the cooperation and participation of the PAPs and communities in activities necessary for resettlement planning and implementation.

(vi) To ensure transparency in all activities related to land acquisition, resettlement and rehabilitation.

B. Consultations Proposed During Implementation

1. Information Dissemination and Rehabilitation

52. During project implementation, the implementing agency responsible for resettlement (Yen Lap PPMU), assisted by the project consultants, will undertake the following:

(i) Provide information to resettlement committees at all levels through training workshops. Detailed information on project policies and implementation procedures will be provided.

(ii) Conduct information dissemination and consultation for all PAPs throughout the life of the Project.

(iii) Update or establish provincial unit prices, and confirm land acquisition and impact on properties through the DMS.

(iv) The PRC/DRC will then applies prices, calculate compensation entitlements.
and complete the Assets Compensation Forms for each affected household. Information on entitlements will then be presented on an individual basis to PAP in the Land Acquisition and Census Survey follow-up visit to each household.

(v) The Asset Compensation Form, showing the household’s affected assets and compensation entitlement will then need to be signed by the PAPs to indicate their agreement with the assessment. Any complaints the PAPs have about the contents of the form will be recorded at this time.

(vi) Consultation regarding PAPs preferred rehabilitation assistance program. This applies to severely affected and vulnerable PAPs. The social support team will inform PAPs of their entitlement to rehabilitation assistance under the Rehabilitation Assistance Program, before asking them to indicate their preferences.

2. Public Meetings

63. Prior to the beginning of the detailed design, a public meeting will be held in each hamlet to provide PAPs with additional information and an opportunity for open discussion about resettlement policies and procedures in each affected hamlet. A letter of invitation will be sent to all PAPs after the LAS has been completed at least 2 weeks before the meeting in their area. This meeting is intended to clarify information that has been given to date and to provide PAPs with the opportunity to discuss issues of concern and obtain clarification. In addition to a letter informing the PAPs, other means will be used to inform PAPs and the general public such as posters in prominent locations in the communes and districts where PAPs currently reside: radio, television, and newspaper announcements. The letter and notices will advise the time and location of the meeting, and who can attend. Both men and women from affected households will be encouraged to attend, as well as other interested community members. The meeting will explain the Project, and households’ rights and entitlements, and there will be opportunities to ask questions. Such meetings will be conducted periodically during the life of the Project.

64. Relevant information will be given to the PAPs at the meetings (verbally, graphically, and on printed information sheets). Extra copies of the printed information sheets will be available at municipal and district offices throughout the project area. The meetings will follow the following format:

(i) Explanations given verbally and in visual format, including written information and drawings of the proposed design for the different component of the Project.

(ii) Adequate opportunities will be provided for PAPs to respond with questions and comments. PAPs will be encouraged to contribute their ideas for PAP rehabilitation options.

(iii) The DRC will establish a complete list of all PAPs present at the meetings.

(iv) The DRC will make a complete record of all questions, comments, opinions, and decisions that arise during the information/consultation meetings, and present a report of all the meetings to the SIO.

65. Information about the following will be given to the PAP:

(i) Project components. This includes the places where they can obtain more detailed information about the project.

(ii) Project impacts. Impacts on the people living and working in the affected areas of the project including explanations about the need for land acquisition for the reservoir, the canal network, and other project components.

(iii) PAP rights and entitlements. These will be defined for PAP (with the cut-off
The rights and entitlements for different categories of PAP, including
the entitlements for those losing businesses, jobs and income. Options for
land-for-land and cash. Options regarding reorganizing and individual
resettlement, and provisions and entitlements to be provided for each.

Entitlement to rehabilitation assistance

(iv) **Grievance mechanism and the appeal process** PAP will be informed that
project policies and procedures are designed to ensure their pre-project living
standards are restored. PAP will also be informed that if there is any
confusion or misunderstanding about any aspect of the project, the commune
or district resettlement committee can help resolve problems. If they have
complaints about any aspect of the land acquisition, compensation,
resettlement, and rehabilitation process, including the compensation rates
being offered for their losses, they have the right to make complaints and to
have their complaints heard. PAP will receive an explanation about how to
access grievance redress procedures.

(v) **Right to participate and be consulted.** The PAP will be informed about their
right to participate in the planning and implementation of the resettlement
process. The PAP will be represented on commune resettlement committees,
and the representative for the PAP will be present whenever commune/
district/provincial committees meet to ensure their participation in all aspects
of the project. PAP will be consulted about the training and training
preferences in current or new occupations for all PAP whose income levels
and living standards are adversely affected due to loss of agricultural land or
other assets.

(vi) **Resettlement activities.** PAP will be given an explanation regarding
compensation calculations and compensation payments, monitoring
procedures (which will include interviews with a sample of PAP), and
preliminary information about physical works procedures.

(vii) **Organizational responsibilities.** PAP will be informed about the
organizations and levels of Government involved in resettlement and the
responsibilities of each, as well as the names and positions of the
Government officials with phone numbers, office locations, and office hours if
available.

(viii) **Implementation schedule.** PAP will receive the proposed schedule for the
main resettlement activities and informed that physical works will start only
after the completion of all resettlement activities and clearance from the
project area. It will be clarified that they will be expected to move only after full
payment of compensation for their lost assets has been allocated to them.
Implementation schedules and charts will be provided to resettlement
committees at all levels.

3. **Compensation and Rehabilitation**

66. A letter of notification will be sent to each PAP with the time, location, and procedure
for receiving compensation payment. Severely affected and vulnerable PAPs will be
personally contacted to confirm their preferences for rehabilitation assistance to take
necessary actions to respond to their specific needs.

4. **Public Information Booklet (PIB)**

67. To ensure that PAP, their representatives, and the local government in the affected
areas fully understand the details of the resettlement program, and that they are informed
about the compensation and rehabilitation packages applicable to the Project. A Public
Information Booklet (PIB) will be prepared by the PMO, in consultation with WB. This booklet
will be distributed to all PAP in the project area before DMS. General contents of the PIB will include the following:

- Brief Description of the Project
- Implementation Schedule
- Project Impacts
- Entitlements and Rights of PAP
- Resettlement and Rehabilitation Policies for All Types of Impacts
- Institutions Responsible for Resettlement
- Information Dissemination to and Consultations with Project Affected People
- What To Do if PAP Have a Question or a Problem
- Grievance Procedure
- Independent Monitoring

5. Disclosure

68. In addition to disclosure to affected people and communities, this RAP or a summary will be displayed at public place such as at the PMO, Yen Lap PPMU (SIO), local provincial and district RCs, Provincial Information Center to disseminate information about the Project to all interested parties/stakeholders.

C. Grievance Redress Procedure

69. In order to ensure that PAP grievances and complaints on any aspect of land acquisition, compensation, and resettlement are addressed in a timely and satisfactory manner, a grievance redress mechanism needs to be established. Such a mechanism will ensure that all possible avenues are available to PAP to air their grievances and that theory is well defined. It is also important that all PAP become aware of the established procedures for the proposed grievance redress mechanism. The detailed procedures for both redressing grievances and the appeal process will be publicized among all PAPs through an effective public information campaign. The grievance redress mechanism and the appeal procedures will also be explained in the public information booklet distributed to all PAPs.

1. Contents of Grievances

70. PAPs can lodge their complaints regarding any aspect of compensation entitlement, compensation policy, rates, land acquisition, resettlement and entitlements relating to rehabilitation assistance programs. Complaints by PAP can be lodged verbally or in written form, but in case they are lodged verbally, the committee to which it is lodged will write it down during the first meeting with the PAP. PAPs, who present their case to the PMO, District People's Committee (DPC), or PPMU, will be exempted from paying any fees. In addition, PAPs lodging complaints and appeals to district courts will be provided with free legal representation.

2. Grievance Procedures

71. A four-stage procedure for redressing grievances is proposed. This includes:

**Stage 1** - Complaints from PAPs on any aspect of the resettlement program, or unaddressed losses shall first be lodged verbally or in written form to the People's Committee at commune level. The complaint can be discussed in an informal meeting with the plaintiff and the chairman of the people's committee at commune level. The People's Committee at commune level will be responsible for resolving the issue within 15 days from the day it is lodged.

**Stage 2** - If no understanding or amicable solution can be reached, or if no response from the people's committee at commune level is received by the PAP within 15 days of registering the complaint, he/she can appeal to the District Resettlement Committee. The vice-chairman of the DPC will hear PAP in person, and PAP will be invited to produce documents, which support his/her claim. The complaint must be
settled within 2 months of registering the original complaint. The DRC will provide a decision within 1 month of the registering of the appeal.

Stage 3 - If the PAP is not satisfied with the decision of the DPC or its representative, or in the absence of any response by the DPC, the PAP can appeal to the Provincial People’s Committee. The Provincial People’s Committee together with the representative of the PRC will provide a decision on the appeal within 30 days from the day it is lodged with the PPC.

Stage 4 - If the PAP is still not satisfied with the decision of the PPC or PRC on appeal, or in absence of any response from the PPC within the stipulated time, the PAP, as a last resort, may submit his/her case to the district court.

VIII. BUDGET

A. Financing

72 The Central Government will pay resettlement cost related to land acquisition of primary and secondary canals while compensation for the tertiary and on-farm canals will come from local budget or by contribution of the direct beneficiaries. The latter will be based on intensive discussion and consultation with farmers to find the ways for farmers/beneficiary equitable contribution to development of the tertiary on-farm small canals and adequate options have been presented as compensation for the involved losses.

B. Flow of Funds

73. The PMO will be responsible for channeling funds for land acquisition and resettlement to the PRC which will be responsible for the payment of compensation directly to affected persons for land, crops, trees, houses, other structures, and for various other allowances. The PMO will also be responsible for contracting and external institution to be engaged in external monitoring.

C. Adjustments for Inflation

74. The cost estimates in this RP are based on PPC's issued prices (to be updated before compensation payment). The rates for compensation and cash entitlements for rehabilitation as well as allowances payable to affected persons will be adjusted annually, based on the actual annual inflation rate. The SIO together with the provinces will determine the annual inflation rate and ensure the necessary annual adjustments are made to compensation rates and to all cash entitlements.

D. Compensation Prices

75 The prices used for cost estimates of land acquisition and resettlement are based first of all on the prices issued by Quang Ninh PPC in decisions regulating compensation prices for land and different affected assets/properties. The cost estimates in Table 8 include 10% contingency costs.

(i) The current compensation and resettlement costs are based on: (a) land acquisition and census surveys conducted in May-June, 2003; (b) identification of different categories of impacts, resettlement policies, and entitlements described in Section 5; (c) provision of Decree 22/1998 on compensation and resettlement; (d) compensation prices issued by Quang
Ninh provinces for relevant projects; and, (e) Assessment of replacement cost made by consultants, based on available information gathered in May 2003.

(ii) According to Decree 22 (Article 8), the prices for compensation shall be decided by the Provincial People’s Committee for each specific project. For present purposes, the price lists issued by Quang Ninh province in the Decision 2899/QĐ-UB, issued on 24 November, 1999, concerning unit prices for land in case of land acquisition for public, national security, safety, national and public interests in Quang Ninh province; the Decisions of Quang Ninh PPC, concerning Unit compensation prices for crops and trees, houses and structures, applied for its other similar and recent projects such as “Rehabilitation of National Highway No 18A Project”, “Cai Lan Industrial Zone Development Project”, and validated and/or adjusted by the consultants during preparation of the study, have been applied for preparation of this RAP.

(iii) In order to avoid complaints and to ensure fair compensation prices for affected persons, compensation prices used for cost estimates in the RAP have been based not only on prices issued by the provinces, but also on result of rapid assessment of market price conducted by the consultant in the affected areas. However, to comply to the unit prices issued by the province, for cost estimates the consultant took those provided as a base and use the higher unit prices for land and other categories of losses.

(iv) During the detailed design of the Project, the subproject will revise compensation unit prices for all categories of loss (land, crops, and trees) to ensure PAP receive actual replacement cost at current market value at the time of compensation. PAP and local authorities will be consulted on the proposed rates before they are finalized.

E. Income Restoration and Rehabilitation Assistance

76. Relocated household and vulnerable households will be entitled to restore or improve their pre-project conditions. These costs will be updated at the time of compensation to adjust for inflation.

F. Implementation Costs Defined

77. Costs for land acquisition and compensation will be fully funded by the Government. Resettlement administrative cost includes performing resettlement activities by PPMU/SIO and resettlement consultant, and management fees for various resettlement committees, implementing agencies. It consists of cost for the payment of salaries, per diem, logistics, management fees, etc; cost for Detailed Measurement Survey (DMS) of losses, evaluation of assets lost, pricing application; public information and dissemination, preparation Project Information Booklet, posters, materials and dissemination of information; cost for organizing and performing public consultation and grievance redress. The administrative costs are set to 5%.

78. A budget will be provided for training of full time and/or part time staff involved in the project resettlement activities. Contents of the training will cover such topics as resettlement policy of the project, of WB and the Vietnam current resettlement policy outstanding resettlement issues, stakeholder participation; methods of public information and consultation. Specific resettlement topics and skills, for example, the DMS and compensation forms, evaluation of lost assets, identification of entitlements. Training will be provided to particular groups of resettlement officials and consultants. Training of staff and consultants for capacity building is set to VND 154,000 ($10,000).
Monitoring costs includes costs for internal and external monitoring, which is set to 3%. A contingency cost is set to 10%, as shown in Table 8 below.

G. Cost Estimates

The estimated cost of resettlement for the all land and crops/trees cost affected by is VND 9,457,544 ($ 614,125). Detailed cost estimates for this resettlement action plan are presented in Table 8 below.

Table 8: Compensation Costs

<table>
<thead>
<tr>
<th>Project component</th>
<th>Permanent Acquisition reqd (ha)</th>
<th>% impacted (ha)</th>
<th>Land acquisition impacts/ entitlements</th>
<th>Unit</th>
<th>Quantity of losses</th>
<th>Unit rate (000 VND)</th>
<th>Total cost (000 VND)</th>
<th>Total cost (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Canals</td>
<td>15.4</td>
<td>0</td>
<td>Land (annual crops, permanent injury)</td>
<td>m2</td>
<td>140,673</td>
<td>19.3</td>
<td>2,714,989</td>
<td>178,298</td>
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<td></td>
<td></td>
<td></td>
<td>Land (annual crops) temporary loss</td>
<td>m2</td>
<td>960</td>
<td>4</td>
<td>3,329</td>
<td>233</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Land (aquaculture permanent loss)</td>
<td>m2</td>
<td>5,828</td>
<td>40</td>
<td>233,120</td>
<td>15,138</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land (aquaculture, temporary loss)</td>
<td>m2</td>
<td>3,562</td>
<td>8</td>
<td>28,496</td>
<td>1,850</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Annual Crops</td>
<td>m2</td>
<td>8,608</td>
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<td>27,232</td>
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<td></td>
<td></td>
<td></td>
<td>Shrimpfish</td>
<td>m2</td>
<td>9,390</td>
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<td>75,120</td>
<td>4,876</td>
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<td></td>
<td></td>
<td></td>
<td>Trees</td>
<td>m2</td>
<td>1,13500</td>
<td>19.3</td>
<td>578,472</td>
<td>41,679</td>
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<td></td>
<td></td>
<td></td>
<td>Land tempo</td>
<td>m2</td>
<td>55750</td>
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<td>223,000</td>
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<td>House/structures</td>
<td>m2</td>
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<td>265,550</td>
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<td>Splitway</td>
<td>7.8</td>
<td>10</td>
<td>Land</td>
<td>m2</td>
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<td>19.3</td>
<td>3,660</td>
<td>251</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land temporarily</td>
<td>m2</td>
<td>1,000</td>
<td>4</td>
<td>4,000</td>
<td>250</td>
</tr>
<tr>
<td>Management road&amp;House</td>
<td></td>
<td></td>
<td>Trees</td>
<td>m2</td>
<td>1,540</td>
<td></td>
<td>1,030</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>House/structures</td>
<td>m2</td>
<td>1,960</td>
<td>40</td>
<td>78,400</td>
<td>5,091</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Land</td>
<td>m2</td>
<td>1,960</td>
<td>4</td>
<td>7,840</td>
<td>509</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Siphon SChanh</td>
<td>m2</td>
<td>15300</td>
<td>40</td>
<td>612,000</td>
<td>39,740</td>
</tr>
<tr>
<td>Cat Hal Water supply</td>
<td>2.2</td>
<td></td>
<td>Land</td>
<td>m2</td>
<td>1,5300</td>
<td>40</td>
<td>612,000</td>
<td>39,740</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shrimp</td>
<td>m2</td>
<td>1,5300</td>
<td>19.3</td>
<td>295,290</td>
<td>10,175</td>
</tr>
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<tr>
<td>Total Base cost</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7,884,360</td>
<td>511,971</td>
</tr>
</tbody>
</table>

Exchange rate: 1 USD = 15 400 VND

| Total base compensation cost | 7,884,360 | 511,971 |
| Administration cost (5%)    | 354,219   | 22,598  |
| Monitoring cost (3%)        | 235,530   | 15,359  |
| Training cost               | 154,000   | 10,000  |
| Contingency Cost (10%)      | 788,400   | 51,971  |
| Grand Total Resettlement cost | 9,457,544 | 614,125 |
81. Approval of the RAP. The Government will send this RAP to the World Bank and it has to be approved as a precondition for appraisal.

82. Information Dissemination Prior to Detailed Design. Prior to the commencement of detailed design, MARD will implement an information campaign throughout the project area. Information meetings will be held in all potentially affected hamlets to inform the communities about (i) the project scope, (ii) impacts, (iii) entitlements for all categories of loss, (iv) schedule of activities beginning with the detailed design survey, (iv) institutional responsibilities, and (v) the grievance mechanism. The project implementation brochure will be prepared and distributed to all affected communities during the meetings.

83. Establishment of Resettlement Committees. All provinces will establish their resettlement committees as soon as the Project has been approved. This will be followed by establishment of resettlement committees at district and commune levels.

84. Training for Resettlement Staff. Within 2 months of mobilization of the resettlement consultants for the CPO/PMO all local resettlement staff at PPMU/SIO, PRC, DRC, and CRC levels will be trained by the PMO assisted by the consultants. Training subjects will include

   (i) procedures for updating the RAP;
   (ii) consultation and information dissemination methods;
   (iii) principles, policies and entitlements of the RAP;
   (iv) implementation steps, procedures, and schedule;
   (v) grievance redress mechanism; and
   (vi) powers and obligations of individuals/agencies involved in the process of resettlement programs.

85. Updating Replacement Cost Unit Rates. During the preliminary detailed design process, the PPC will update unit rates at replacement cost for all categories of loss and adjust allowances to account for inflation. Prior to formal issuance of the project compensation unit rates, with the assistance of the project resettlement consultants, the implementing agencies and PRCs will validate the unit rates through consultation with PAPs and the local government.

86. Detailed Measurement Survey. An updated DMS will be conducted after completion of the detailed design. The updated surveys will serve as the basis for compensation.

87. Data will be computerized by MARD and CPO/PMO.

88. Information Dissemination and Consultation. This will be implemented as described in Chapter 7.

89. Updating of the RAP. This RAP will be updated after detailed design and approved by WB before commencement of any resettlement activities.

90. Pricing Application and Compensation of PAPs. Resettlement committees at district or provincial level will be responsible for pricing application and preparing compensation charts for each affected commune/district. These will be subject to verification by the PPMU/SIO. PPC and CPO/PMO and of unit prices, quantity of affected assets, PAP entitlements, etc. before posting them at each commune for the people to review and

\[\text{This remaining land then will be transferred by the project to local land use/management organizations}\]
91. **Compensation and allowances** will be handled at commune level under the supervision of representatives of the PRC, DRCs, PPMU/SIO and CPO/PMO. Guidance will be given by the PPMU/SIO to aid local resettlement committees in making payments to PAPs.

92. **Award of Civil Works Contract.** After all PAPs affected for one component have been compensated in accordance with the approved RAP, approval can be given for award of civil works contract for that component.

93. **Income Restoration and Rehabilitation Assistance.** In order to provide adequate economic rehabilitation measures, PAPs entitled to rehabilitation assistance shall be consulted on rehabilitation options and shall be assisted to participate in the relevant activities.

94. **Monitoring.** Internal and external monitoring shall start as soon as the updated RAP has been approved. Monitoring will continue throughout the construction period. A replacement cost survey should be conducted by the external Monitoring organization prior or during DMS to update and advice PPC on compensation rates. A post-resettlement evaluation will be undertaken by the external monitoring organization 6 to 12 months after completion of all resettlement activities.

### II. X. MONITORING

95. Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation. It provides systematic and continuous collection and analysis of information on the progress of the project. It is a tool to identify strengths and weaknesses and to enable timely decisions for corrections.

96. Monitoring has two purposes:

(i) To verify that project activities have been effectively completed including quantity, quality, and timeliness.

(ii) To assess whether and how well these activities are achieving the stated goal and purpose of the Project.

97. Regular monitoring of the RP implementation will be conducted by the PMO and WB, as well as by an independent external monitoring organization hired by the PMO.

A. A. **Internal Monitoring**

98. Internal monitoring of the implementation of the subproject RAP for the main components will be the responsibility of the Yen Lap PPMU, with the assistance of the project consultants. The implementing agencies will oversee the progress in resettlement preparation and implementation through regular progress reports.

99. **Monitoring Indicators.** The main indicators that will be monitored regularly are:

(i) Payment of compensation to PAPs in various categories, according to the
compensation policy described in the RAP.

(ii) Delivery of technical assistance, relocation, payment of subsistence and moving allowances.

(iii) Delivery of income restoration and rehabilitation assistance.

(iv) Public information dissemination and consultation performance

(v) Adherence to grievance procedures and outstanding issues requiring management’s attention.

(vi) Priority of PAPs regarding the options offered.

(vii) Coordination and completion of resettlement activities and award of civil works contract.

100. The implementing agencies will collect information every month from the different resettlement committees. A database of resettlement monitoring information regarding the Project will be maintained and updated every month.

101. The Yen Lap implementing agency will submit to the PMO, and the PMO assisted by the project consultants will submit to the WB as part of PMO's regular quarterly progress report to WB, a monitoring report on the progress of implementation of the RAP every 3 months. The internal monitoring reports shall include the following topics:

(i) The number of PAPs by category of impact per component, and the status of compensation payment and income restoration for each category.

(ii) The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.

(iii) The eventual outcome of complaints and grievances and any outstanding issues requiring action from management.

(iv) Implementation problems (if any)

(v) Revised actual resettlement implementation schedule.

B. External Monitoring

1. Objectives

102. The general objective of the external monitor is to provide an independent periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.

2. Agency Responsible

103. In accordance with WB requirements for consultant procurement, the Project Management Office will hire an organization for the independent monitoring and evaluation of RAP implementation. This organization, to be called the Monitoring Organization (MO) will be specialized in the social sciences and experienced in resettlement monitoring. The MO should start their work as soon as the updated RAP has been approved.

3. Monitoring and Evaluation Indicators

104. The following indicators will be monitored and evaluated by the MO:

(i) Payment of compensation will be as follows: (a) Full payment to be made to all affected persons sufficiently before land acquisition; adequacy of payment to replace affected assets:
(ii) Coordination of resettlement activities with construction schedule; the completion of land acquisition and resettlement activities for any component should be completed prior to award of the civil works contract for that component.

(iii) Provision of income restoration assistance under Rehabilitation Assistance Program.

(iv) Public consultation and awareness of compensation policy: (a) PAPs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) The monitoring team should attend at least one public consultation meeting each month to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) Public awareness of the compensation policy and entitlements will be assessed among the PAP; (d) Assessment of awareness of various options available to PAP as provided for in the RAP

(v) Affected persons should be monitored regarding restoration of productive activities.

(vi) The level of satisfaction of PAPs with various aspects of the RAP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.

(vii) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

C. C. Monitoring Methodology

105. The methodology for conducting monitoring and evaluation of the RP implementation will include the following activities:

1. Sample Survey

106. A socio-economic survey will be required before, during and after resettlement implementation to provide a clear comparison of success/failure of the resettlement plan. Monitoring will be on a sample basis. The sample size should be 100% of relocating households and severely affected farmers, and at least 10% of all other households. The sample survey should be conducted twice a year.

107. The survey should include women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents.

108. A Post-Resettlement Evaluation will be carried out 6 to 12 months after completion of all resettlement activities.

2. Database Storage

109. The MO will maintain a database of resettlement monitoring information. It will contain files on each affected household and will be updated based on information collected in successive rounds of data collection. All databases compiled will be fully accessible by implementing agencies and the PMO.

3. Reporting

110. The MO will be required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted to the PMO, which in turn will submit the reports to the World Bank as an annex of its progress report.
111. The report should contain (i) a report on the progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.

4. Monitoring Report Follow-Up

112. The monitoring reports will be discussed in a meeting between the MO, PMO and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

D. Evaluation

113. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. The external monitor will conduct an evaluation of the resettlement process and impact 6 to 12 months after completion of all resettlement activities using the same survey questionnaire and sample as used during the monitoring activities.
<table>
<thead>
<tr>
<th>ITEM</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Temporary loss of arable land</td>
<td>Loss of use of the land for a period equal or less than one year</td>
<td>User of land irrespective of legal rights or not.</td>
<td>Cash compensation for loss of crops and trees at market prices, and (ii) Compensation for loss of net income from subsequent crops that cannot be planted. (iii) Restoration of land to its previous or better quality</td>
<td>There should be measures to improve land quality in cases of land being adversely affected.</td>
</tr>
<tr>
<td></td>
<td>Permanent loss of arable land</td>
<td>Less than 20% of total affected assets lost due to acquisition of arable land. Marginal impact on household income and living standards.</td>
<td>User of affected land can be legalized as a permanent user. PAP will be entitled to: (i) Cash compensation for acquired land at 100% of replacement cost, and (ii) Cash compensation for crops and trees at market price.</td>
<td>If the viability of the remaining land is less than the minimum viable economic unit, then the entire piece of land would be acquired and the PAP would fall under the next category.</td>
<td></td>
</tr>
<tr>
<td>ITEM</td>
<td>TYPE OF LOSS</td>
<td>APPLICATION</td>
<td>DEFINITION OF ENTITLED PERSON</td>
<td>COMPENSATION POLICY</td>
<td>IMPLEMENTATION ISSUES</td>
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<tr>
<td>1</td>
<td></td>
<td></td>
<td>User without legal rights to use land</td>
<td>(i) In lieu of compensation for land, an assistance equal to remained investment put on the land. (ii) Cash compensation for crops and trees at market price</td>
<td>Priority will be given to land compensation of equal area and productivity within the same or surrounding communes.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Legal or legalizable long term land user</td>
<td>PAP will be entitled to cash compensation for crops and trees at market price, in addition to one of the following options: &lt;br&gt; a) As a priority, full title to land of equal area and productivity acceptable to PAP in the same or surrounding communes. or &lt;br&gt; b) Cash compensation for lost land at 100% replacement cost, at the informed request of PAP and a rehabilitation package of allowances of VND 3,000,000</td>
<td>Cash in lieu of land will be offered only as a last resort or at the informed request of the PAP.</td>
</tr>
<tr>
<td>2</td>
<td>More than 20% of total affected assets lost due to acquisition of arable land.</td>
<td>Severe impact on household income and living standards.</td>
<td>User without legal rights to use land</td>
<td>(i) In lieu of compensation for land, an assistance equal to remained investment put on the land. (ii) For poor and vulnerable households who are landless and have not been allocated land before, will be assisted by local authority to obtain land of an area equal to minimum standards size, with full legal title to the land, and/or rehabilitation measures of value equal to VND 3,000,000 to assist them to restore or improve their earning capacity and income. (iii) Cash compensation for crops and trees at market price.</td>
<td>If no reserved land available, the forms of rehabilitation assistance for poor and landless PAPs will be made in close consultation with the PAP to meet their needs and assist them able to restore their earning capacity.</td>
</tr>
<tr>
<td>ITEM</td>
<td>TYPE OF LOSS</td>
<td>APPLICATION</td>
<td>DEFINITION OF ENTITLED PERSON</td>
<td>COMPENSATION POLICY</td>
<td>IMPLEMENTATION ISSUES</td>
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<tr>
<td>2</td>
<td>Loss of residential land (no structures affected)</td>
<td>Land acquired without structures built therein</td>
<td>Land user</td>
<td>PAP will be entitled to cash compensation for land at 100% of replacement cost of the land acquired.</td>
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</tr>
<tr>
<td></td>
<td>Loss of residential land (with structures affected)</td>
<td>PAP who has residential land beyond project area</td>
<td>User of the affected land</td>
<td>PAPs will be entitled to the following: (i) Cash compensation for land acquired at 100% of replacement cost, and (ii) Reorganisation on remaining land behind beyond the Project area.</td>
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</tr>
<tr>
<td>3</td>
<td>Structures</td>
<td>Structures located in the project area</td>
<td>User of Project affected structure</td>
<td>PAP with the affected structure will be entitled to compensation at 100% of replacement cost of the affected structure. No deduction will be made for depreciation or salvageable materials.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Loss of productive assets</td>
<td>Loss of business income and other productive assets</td>
<td>Relocating owner of the affected business</td>
<td>PAP will be entitled to: (i) Compensation for structure at full replacement cost. No deduction shall be made for depreciation or salvageable materials. (ii) A special income transition allowance of VND 1,400,000 to facilitate restoration of income. (iii) Transport allowance. (iv) Priority to relocate to a place with equal or better commercial potential. At the time of compensation, allowances will be adjusted to account for inflation. PAPs will be given priority for business relocation along highway, communal roads and along canals near the bridges or footbridges in order to minimize their benefit from business opportunities.</td>
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</tr>
<tr>
<td>5</td>
<td>Allowances</td>
<td>Materials transport allowance</td>
<td>Relocating PAP</td>
<td>All relocating PAPs are entitled to assistance from DRK’s to transport household effects, salvaged and new building materials to relocation sites. It is requested by PAPs, this assistance will be provided in the form of cash (VND 300,000). At the time of compensation, allowances will be adjusted to account for inflation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Transition subsistence allowance</td>
<td>Relocating PAP</td>
<td>All relocating PAPs are entitled to VND 230,000/person/month in 6 months</td>
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</tr>
<tr>
<td>ITEM</td>
<td>TYPE OF LOSS</td>
<td>APPLICATION</td>
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<tr>
<td>1</td>
<td>Rehabilitation assistance</td>
<td>Severe farmers who have lost more than 20% of their productive land.</td>
<td>Farmers who lose more than 20% of their productive land holding have the right to rehabilitation assistance of VND 3,000,000</td>
<td>Concrete form of assistance is being intensively consulted with the farmers to meet their actual needs, assisting them to restore or improve their earning capacity and income.</td>
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<tr>
<td>6</td>
<td>Loss of standing crops</td>
<td>Household who cultivates the land.</td>
<td>PAPs are entitled to compensation in cash at market value.</td>
<td>PAPs will be given notice several months in advance regarding evacuation. Crops grown after issuance of the deadline will not be compensated.</td>
<td></td>
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<tr>
<td>7</td>
<td>Loss of trees</td>
<td>Household who occupies the land where trees are located.</td>
<td>PAPs are entitled to compensation in cash at market value on the basis of type, age, and productive value.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Loss of graves</td>
<td>Household who own the graves.</td>
<td>PAPs are entitled to cash compensation for all costs of excavation, movement, and reburial.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Loss of community assets</td>
<td>Community buildings, structures, community forests, grazing or other land/irrigation systems affected by temporary or permanent land acquisition or spoil disposal.</td>
<td>Restoration of affected community buildings and structures to at least previous condition, or Replacement in areas identified in consultation with affected communities and relevant authorities, or Compensation at replacement cost for affected community land and assets. Note: If income loss is expected (e.g., irrigation community forest, community grazing land), the village is entitled to compensation for total production loss; this compensation should be used collectively for income restoration measures and/or new infrastructure.</td>
<td></td>
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<tr>
<td>10</td>
<td>Temporary damages by contractors to private or public structures or land</td>
<td>User of private or public structure in Project affected area</td>
<td>(i) The contractor will be required to pay compensation immediately to affected families, groups, communities or government agencies. (ii) Damaged property will be restored immediately to its former condition.</td>
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</tbody>
</table>

35
Socialist Republic of Vietnam

Ministry of Agriculture and Rural Development

(Draft)

Vietnam Water Resource Assistance Project (VWRAP)

RESETTLEMENT ACTION PLAN

For

KE GO SUBPROJECT

August 2003
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I. INTRODUCTION

1. Ke Go Irrigation System is among the largest irrigation schemes in Vietnam and plays an important role in development of agriculture in the country. It was designed to serve irrigation water for 21,136 ha of 37 communes of two districts Thach Ha, Cam Xuyen and one provincial town Ha Tinh, of Ha Tinh province. However, after more than 20 years of operation, Ke Go system can only provide irrigation water for 12,800 ha. Areas suffering lack of irrigation water count up for about 5,000 ha located at the end of the canal system. The quality of the service was poor and not reliable. The irrigation infrastructure has been damaged, outdated, and is badly in needs of rehabilitation and modernization. The scheme also provides domestic water for the local rural population.

2. The Ke Go Irrigation System Modernization Subproject is to improve water service, in both quality and quantity, provided by Ke Go IMC to local users through investment for rehabilitation and upgrading the irrigation infrastructure wherever needed, and introduction of modern irrigation management technologies. The Subproject will contribute to increased water provision for irrigation, domestic and other uses, and improved efficiency of water use and use of land and human resources, while reduce flood and disaster risk of the system. The Project will also improve operation and financial sustainability of the scheme and increase agricultural productivity in addition to invigorating the local economy.

3. The Subproject will include two components; (i) rehabilitation and upgrading of technical infrastructure of the irrigation system, starting with headwork and finishing by irrigated fields. It anticipates rehabilitation and upgrading of existing and construction of new, so far missed, canals and works, combined with access-management-roads, and management stations: (ii) modernization of the management system. Development of the first component will cause resettlement impacts due to permanent or temporarily acquisition of land for infrastructure construction or for civil works.

Investment and modernization of Ke Go Irrigation system is aimed to:
- Ensure safety, reliability and efficiency of the system's operation and service,
- Make cost of operational management to be low, the system to be easy to operate, and easy and flexible to maintain;
- Satisfy all reasonable water requirements of agriculture, domestic, industry, and improve natural environment and development of environment tourism;
- Create favorable conditions for utilization of labor resources, contribute to poverty alleviation and economic development in subproject's areas.

4. Ke Go Irrigation System, when completed, will provide irrigation water for 17,000 ha and supply water for 6,000 rural people and water for 350 ha of aquaculture, 54 mln. m³ water for Thach Khe industrial and mining zone.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

5. The Project will affect 37 communes and town of 2 districts (Thach Ha and Cam Xuyen) and 1 provincial town (Ha Tinh town) of Ha Tinh province.

This resettlement action plan (RAP) applies to the components for which there are sufficient level of design at the time of project appraisal to be able to prepare a RAP. So far the technical design is only available for headwork, main canals, and canals of the pilot area. This RAP is prepared to deal with compensation and rehabilitation of affected people in the Scheme. It will need to be updated and expanded for other subproject's components, when technical design has been identified. When detailed technical design becomes available, a detailed measurement survey (DMS) will be able to update precise land acquisition and other loses. DMS data will serve as final legal basis for the subproject compensation payment.
delivery of rehabilitation measures and resettlement activities. Each component is described as follows:

(i) **Headwork.** Rehabilitation of headwork structures of Ke Go subproject envisages acquisition of about 0.6 ha of land.

(ii) **Canal system.** The identified canals for investment of Ke Go Irrigation Scheme includes two main canals including primary canals and canals of the pilot area.

- **Main canal** of Ke Go scheme is 17 km long. Currently, the first 5 km of the canal is in good conditions and doesn’t need alignment or upgrading. The remaining 12 km is severely damaged, eroded, and needs lining to rehabilitate the designed profiled width. Upgrading and rehabilitation activities will cause permanent and temporary land acquisition and consequent resettlement impacts.

- **Primary canals:** All primary canals have identified parameters and design, and have been included in the Inventory of Losses survey conducted by the local IMC.

- **Pilot area:** The selected pilot area includes two subsystems:
  - The pilot area No1 includes the irrigation subsystems of primary canals N3 and N5 of command areas of 1686 ha and 871 ha respectively.
  - The pilot area No2 includes the irrigation subsystems of main canals N4 and N6 with the total command areas of 1397 ha.

6. The rehabilitation and upgrading of canal system of the pilot area involve following subcomponents: (a) rehabilitate the existing, damaged irrigation canals, construct new, and add canals wherever they are lacking, and rehabilitate and construct supplement irrigation works of the canals; (b) construct additional drainage works; (c) rehabilitate and upgrade management access roads. Development of these subcomponents envisage both permanent and temporary acquisition of the land for lining of existing or construction of so far missed canals of different levels, irrigation works and access roads.

**Borrow and disposal areas.** Borrow areas for the irrigation system will be required during implementation for temporary gathering of construction materials and access road for civil works. Contractors are responsible for compensation of all losses related to their temporary acquisition of land and they are obliged to restore the land to its original quality before handing it back to the land owners/users. Contractors should follow WB’s resettlement policy and have to compensate for losses so that the PAPs will improve their living standards or at least end up as well off as without the project.

7. The Inventory of Losses (IOL) for all identified canals and the pilot area has been carried out by the Ke Go IMC. According to results of the IOL, there are 10 communes of 2 districts (Cam Xuyen and Thach Ha), which will be affected in the pilot area.

8. The Project will cause insignificant involuntary resettlement: out of the total 76.3 ha land lost with 3358 HHs there only about of 769 HHs losing 7.6 ha permanently, while the remaining 68.7 ha with attached crops/trees of 2589 HHs will be temporary lost. There are relatively few (73) HHs severely affected due to the loss of equal or more than 20% of their agricultural land holding. No HH are severely affected due to the impact on their residential land or house. Most of the PAPs have legal status to their affected land. About a fourth of the PAPs unexpectedly use the public land in the protected area, which is subject to be recovered by the project. Table 1 presents a summary of the impacts on the land and structures for all subproject components.
## Table 1: Summary of Impacts on Land and Structures for Ke Go Irrigation System Modernization subproject

<table>
<thead>
<tr>
<th>Name of works</th>
<th>Severe Impact</th>
<th>Marginal Impact</th>
<th>Total Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head works</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canals&amp;access roads</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Main canal</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Primary canal</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>N1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>N2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>N7</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>N8</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>N9</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pilot area</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Subsystem of canal N3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Subsystem of canal N4</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Subsystem of canal N5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Subsystem of canal N6</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>73</strong></td>
<td><strong>467</strong></td>
<td><strong>3358</strong></td>
</tr>
</tbody>
</table>

### Total Loss of Land (ha)

<table>
<thead>
<tr>
<th>Head works</th>
<th>Residential</th>
<th>Agric.</th>
<th>Forest</th>
<th>Unused</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canals&amp;access roads</td>
<td>73</td>
<td>68.4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>75.7</td>
</tr>
<tr>
<td>Main canal</td>
<td>1.1</td>
<td>7.3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>8.4</td>
</tr>
<tr>
<td>Primary canal</td>
<td>5.8</td>
<td>27.2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>33.0</td>
</tr>
<tr>
<td>N1</td>
<td>4.1</td>
<td>15.4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>19.5</td>
</tr>
<tr>
<td>N2</td>
<td>0</td>
<td>4.8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4.8</td>
</tr>
<tr>
<td>N7</td>
<td>4.2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4.2</td>
</tr>
<tr>
<td>N9</td>
<td>11.0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>11.0</td>
</tr>
<tr>
<td>Pilot area</td>
<td>1.7</td>
<td>1.8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3.5</td>
</tr>
<tr>
<td>Subsystem of canal N3</td>
<td>0.2</td>
<td>0.2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.4</td>
</tr>
<tr>
<td>Subsystem of canal N4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Subsystem of canal N5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Subsystem of canal N6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>73</strong></td>
<td><strong>68.4</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>75.3</strong></td>
</tr>
</tbody>
</table>

*Source: Inventory of losses by Ke Go IMC*

**Key**: HH = household; ha = hectares

* Includes Shop/Houses; **Combined shop/houses are also included in the column for Residential.

Persons is calculated based on average number of members per household of.

### Table 2: Summary of Permanent Impacts on Land and attached property
The purpose of this RAP is to prepare measures dealing with compensation and rehabilitation of project affected people, ensuring that all project affected persons (PAPs) will be at least as well off after the project as they would have been in the absence of the Project. This RAP is based on (i) a census and inventory of losses (IOL) of 100% of PAPs in the main/primary canal area and all canals and access management roads identified in the pilot...
area: (ii) on a sample HHs socio-economic surveys in the project’s beneficiary and affected communes, conducted by Ke Go IMC; and (iii) on group interviews and discussions in project affected communes, conducted by the consultants during the feasibility study, April 2003.

10. Policies for compensation, relocation, and rehabilitation have been established based on these surveys, applying Vietnam’s existing laws and sub-laws regulations and the World Bank Operative Directive OD 4.12 on Involuntary Resettlement, OD 4.20 on Indigenous People and OPN 11.03 on Cultural Property. Following detailed design of these main components, this RAP will be updated by Ke Go Subproject Management Unit to include revised numbers of PAPs and revised, updated compensation unit rates for all categories of lost assets and allowances. Following approval by WB and the Government, the updated RAP will be implemented by the resettlement committees (RCs) under the guidance of the people’s committees of each district and MARD. Careful coordination between all the agencies and ministries will be necessary to complete the different resettlement activities successfully. The provisions and policies of this RAP will form the legal basis for the implementation of resettlement activities for the Ke Go Subproject.

III. SOCIOECONOMIC INFORMATION

A. Source of Data

11. This RAP has been based on census and land acquisition surveys for 100% of PAPs due to the main and identified primary canals including canals of the pilot irrigation subsystems 1 and 2. The Ke Go IMC conducted the inventory survey in April-May 2003. Land acquisition and resettlement requirements were estimated based on detailed land use data in each subproject area, and on technical design. A DMS will be necessary during the implementation phase to finalize the figures on identified households affected by the Project.

12. Socioeconomic information has come from several sources: (i) household questionnaires (40 HHs) in subproject affected area in 2002, and HH socio-economic questionnaire survey of 102 affected HHs conducted by Ke Go IMC in April-May 2003; (ii) group interview surveys conducted by the consultants in communes over the whole project area in April 2003, and (iv) resettlement group interview surveys carried out by the consultant in the 4 affected communes of the Project pilot area in April 2003.

13. Specific resettlement group interviews with PAPs were conducted to collect data on (i) specific resettlement needs of vulnerable groups which may be adversely affected by the Project, (ii) resettlement concerns and preferences of affected families, and (iii) measures to reduce impacts.

B. Impacts on Land and Structures

14. Rehabilitation of about 117 km of the main and primary canals and other works, and of the lower levels canals of the pilot areas will recover about 76.3 ha of land among which there only 7.6 ha will be acquired permanently. In total, resettlement impacts are posed on 3358 HHs. However, only about a fourth of the total number (759 HHs) will experience permanent land losses. The number of severely affected HHs include 73 farmers, who will lose equal or more than 20% of their total land holdings due to construction and rehabilitation canals in the pilot areas. No HH will lose house or structures. Some public electric columns and graves are to be relocated. Some other HHs are losing part of their residential land permanently and/or temporarily (mainly).
C. Population:

15. All PAPs surveyed are of the Kinh ethnic group. There is no ethnic minority group surveyed. The average size of the surveyed PAPs are 4.4 persons/HH. The overwhelming majority of surveyed HH are male headed. Among the total 102 HHs, only 5 HHs are headed by females. The average age of the HH’s Heads (HHHs) are 47.8 and their average education is 9.1 (see table).

Table 3: Population characteristics of PAPs surveyed

<table>
<thead>
<tr>
<th>Population</th>
<th>Can My</th>
<th>Hau Hoa</th>
<th>Ha Hinh</th>
<th>Can Vam</th>
<th>Hau Hoa</th>
<th>Ha Hinh</th>
<th>Can Vam</th>
<th>Hau Hoa</th>
<th>Ha Hinh</th>
<th>Can Vam</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethnic (%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100.0</td>
</tr>
<tr>
<td>- Kinh</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>HH size (pers/HH)</td>
<td>5.5</td>
<td>4.5</td>
<td>4.3</td>
<td>4.1</td>
<td>4.6</td>
<td>2.9</td>
<td>3.9</td>
<td>4.4</td>
<td>4.6</td>
<td>4.4</td>
<td>4.4</td>
</tr>
<tr>
<td>Age of HHH</td>
<td>45.3</td>
<td>45.5</td>
<td>45.4</td>
<td>41.6</td>
<td>42.2</td>
<td>51.9</td>
<td>48.5</td>
<td>44.9</td>
<td>47.8</td>
<td>47.8</td>
<td>47.8</td>
</tr>
<tr>
<td>Education of HHH</td>
<td>8.9</td>
<td>9.9</td>
<td>6.0</td>
<td>8.1</td>
<td>9.6</td>
<td>4.3</td>
<td>6.3</td>
<td>8.1</td>
<td>7.0</td>
<td>9.1</td>
<td>9.1</td>
</tr>
</tbody>
</table>

Source: HHs socio-economic survey, 2003

D. Occupation and Income

16. Results of the two separate Socio-economic surveys of HHs as for the project beneficiary areas and of PAPs showed the same occupation pictures, indicating the important role of agriculture in HHs income. All the active labors of the HHs surveyed of the first survey are engaged in farming. (See Table 4).

Table 4: Main Occupations of Household members (%)

<table>
<thead>
<tr>
<th></th>
<th>Farmer</th>
<th>Pupils, students</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>58.4</td>
<td>41.6</td>
<td>0.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Women</td>
<td>63.3</td>
<td>35.4</td>
<td>1.3</td>
<td>100.0</td>
</tr>
<tr>
<td>Average</td>
<td>60.7</td>
<td>38.7</td>
<td>1.4</td>
<td>100.0</td>
</tr>
</tbody>
</table>

* Others include industrial workers, retired, small services, and housekeepers.

17. The results of socio-economic survey of the PAPs, conducted in 2003 in 9 communes shows the same with the survey of 2002 occupation picture: Among the 102 HHH surveyed, only two have income derived from other than agriculture, while all the rest 100 HHs are engaged in agricultural sector and are pure farmers.

18. Both cultivation and farming contribute important part to the HHs income. In most communes surveyed, the average ratio of cultivation and livestock varies around 35% of the HHs total income. Levels of income vary considerably in the project area as shown in Table 4 below. Based on the Ministry of Labor Invalids and Social Affairs classification, four income-level categories have been identified:

(i) Category I: The poor-income per capita is < D100,000/month.
(ii) Category II: The low-income per capita is from D100,000-D199,000/month.
(iii) Category III: The well-off-income per capita is from D200,000-D399,000/month.
(iv) Category IV: The wealthy-income per capita is > D400,000/month.
Table 5: Levels of Monthly Income (%)

<table>
<thead>
<tr>
<th>Category I</th>
<th>Category II</th>
<th>Category III</th>
<th>Category IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; D100,000 per month</td>
<td>D100,000- D199,000 per month</td>
<td>D200,000- D399,000 per month</td>
<td>&gt; D400,000 per month</td>
</tr>
<tr>
<td>Number of HHs</td>
<td>10</td>
<td>59</td>
<td>42</td>
</tr>
<tr>
<td>Average</td>
<td>8.3</td>
<td>48.8</td>
<td>34.7</td>
</tr>
</tbody>
</table>

Source: Socioeconomic survey 2002.

Table 6: Levels of per capita Monthly Income (%)

<table>
<thead>
<tr>
<th>Sample (HH)</th>
<th>Cam My</th>
<th>Thach Xuan</th>
<th>Thach Binh</th>
<th>Cam Thanh</th>
<th>Thach Vinh</th>
<th>Thach Thanh</th>
<th>Cam Vinh</th>
<th>Cam Binh</th>
<th>Cam Duong</th>
<th>Total average</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;100</td>
<td>15</td>
<td>17</td>
<td>10</td>
<td>12</td>
<td>14</td>
<td>8</td>
<td>8</td>
<td>10</td>
<td>8</td>
<td>102</td>
</tr>
<tr>
<td>&lt;100</td>
<td>20</td>
<td>59</td>
<td>80</td>
<td>47</td>
<td>43</td>
<td>0</td>
<td>13</td>
<td>0</td>
<td>0</td>
<td>32</td>
</tr>
<tr>
<td>100-200</td>
<td>53</td>
<td>35</td>
<td>20</td>
<td>50</td>
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<td>20</td>
<td>88</td>
<td>70</td>
<td>88</td>
<td>53</td>
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<td>200-399</td>
<td>20</td>
<td>45</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>33</td>
<td>22</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td>&gt;400</td>
<td>7</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>0</td>
<td>3</td>
</tr>
</tbody>
</table>

Source: Results of Socio-economic survey of PAPs, 2003

Table 7: Average HH income by commune (1000VDN/HH)

<table>
<thead>
<tr>
<th>Average monthly income</th>
<th>Cam My</th>
<th>Thach Xuan</th>
<th>Thach Binh</th>
<th>Cam Thanh</th>
<th>Thach Vinh</th>
<th>Thach Thanh</th>
<th>Cam Vinh</th>
<th>Cam Binh</th>
<th>Cam Duong</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11422</td>
<td>4981</td>
<td>40110</td>
<td>5613</td>
<td>6957</td>
<td>7625</td>
<td>5438</td>
<td>11635</td>
<td>7950</td>
</tr>
</tbody>
</table>

Source: Results of Socio-economic survey of PAPs, 2003

E. Land holding

19. Farmers usually have several plots of land (up to six). The average agricultural land holding in the affected project area is about 0.51 ha. Per capita agricultural land is 1135 m². The average HH's land holding varies considerably from commune to commune (see Table 7). The majority of land is under legal, long-term user rights. A small part of the affected land is operated by temporary users. From these surveyed figures on HH's average landholdings per capita it can be concluded that no HHs is losing more than 20% of their land holding due to the subproject development, although the results derived from the presently available data of IOL presenting 144 HHs to be severely affected due to loss of more than 20% of arable land. It seems that the information on the total PAPs' land holding provided by the IMC is not accurate. It rather indicates the total areas of the affected pl's than the total HH's holding. In most identified cases of severely affected farmers, the total HH land holding is less than 1000 m², even less than 500 m². This needs to be checked carefully to identify more reliable level of impacts on PAPs to apply entitlements adequately to PAPs.
Table 8: Average land holding (arable land) (m²)

<table>
<thead>
<tr>
<th>Per capita arable land (m²/pers)</th>
<th>Cam My</th>
<th>Thach Xuan</th>
<th>Thach Rinh</th>
<th>Cam Thanh</th>
<th>Thach Rinh</th>
<th>Cam Vinh</th>
<th>Thach Thang</th>
<th>Cam Rinh</th>
<th>Cam Quang</th>
<th>Total average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>360</td>
<td>370</td>
<td>560</td>
<td>1003</td>
<td>1162</td>
<td>2020</td>
<td>6529</td>
<td>1442</td>
<td>621</td>
<td>1125</td>
</tr>
<tr>
<td>Average land holding (m²/HH)</td>
<td>5228</td>
<td>7604</td>
<td>7292</td>
<td>4136</td>
<td>6397</td>
<td>5808</td>
<td>2607</td>
<td>6344</td>
<td>2870</td>
<td>5093</td>
</tr>
</tbody>
</table>

Source: Results of Socio-economic survey of PAPs, 2003

F. Living Conditions

20. All the surveyed communes have access road with asphalt surface and electricity. The rural road network is well developed with concrete. The social infrastructure is available in all communes: newly constructed primary schools, health care center, post and cultural office. The offices of CPC all are in good conditions or newly constructed. The most of HHs have semi-permanent, brick made houses. The local conditions of living are improving rapidly.

21. Out of 102 PAPs surveyed, 99% of HHs use electricity for lighting, only 1% use battery. All of them have own, but simple latrine toilet. 88% HHs use water derived from earthen, and 16% use pumping wells. The majority of the HHs surveyed (85%) has TV, 50% has radio or radio/cassette, but only 2 HHs has a motorbike.

G. Gender and Poverty Conditions

22. Regardless the fact that the living standards are improving and income levels of the local population has rapidly improved for the last decade with economic growth being accelerated thanks to the improved irrigation and introduction of new agricultural techniques, the ratio of HHs having per capita monthly income lower than 100,000 VND still is high (32% of the HHs surveyed). The reasons for poverty are: lack of labor and capital for investment, health problem, lack of experiences and production know-how, single HHs. The result of survey in the beneficiary area indicates no discrimination against women in term of access to education. The figures even show a higher level of education among women than among men. However, women still experience a harder HHs workload than the men do, and they usually suffer from the waterborne diseases.

IV. LEGAL FRAMEWORK

A. World Bank's Resettlement Policy

23. The main objective of WB's Policy on Involuntary Resettlement is to ensure that PAPs should be assisted to improve their living standards, income level and income generating capacity, or at least would be as well off as without the project. This policy aims to avoid involuntary resettlement whenever feasible, to minimize resettlement where population displacement is unavoidable. The policy stipulates that lack of legal certificate on land will not be an obstacle for a part of affected people to be entitled to compensation and rehabilitation. The policy requires that compensation for all losses should be made at replacement cost, without depreciation and deduction of savage materials.
B. Viet Nam Laws

1. Relevant Vietnamese Acts and Bylaws

24. In recent years, the Government has formulated several rules and regulations to protect the interests of displaced persons. Relevant acts and bylaws that govern various aspects of land acquisition and resettlement include:

(iii) Decree 87/CP, dated 17 August 1993, on the stipulation of the frame for the price of various categories of land.
(iv) Decree 64/CP, dated 27 September 1993, on the distribution of agricultural land to households for long-term use.
(v) Circular No.05-BXD/DT, dated 9 February 1993, on the classification of house types.
(vi) Decree 22/CP, dated 24 April 1998, on compensation levels and other allowances for land and structures recovered for the national and public interest.
(vii) Decree 17/CP, 4 May 2001, on Management and Utilization of ODA.

2. Decree 22/CP

25. In April 1998, the Government issued a major decree regarding compensation for land acquisition, Decree 22/CP on Compensation for Damage when the State Recovers Land for Use in National Defense, Security, and National and Public Interests. The Government has also issued guidelines for the implementation of this Decree (145/1998/TT-BTC). By issuing Decree 22/CP the Government:

(i) added new stipulations to accommodate with the major changes in compensation unit prices, objects to be affected, assistance levels, etc. in Viet Nam since 1993. Many of these stipulations have proven themselves appropriate with ongoing WB, ADB and other donor-funded projects in Vietnam;
(ii) provided general provisions for compensation processes and procedures to all organizations and individuals who need to acquire land; and
(iii) assigned, in detail, the responsibilities of the government agencies concerned in implementing the Decree.

26. Generally, Decree CP/22 meets the objectives of WB's policy on involuntary resettlement, however, some discrepancies can be found regarding the compensation of PAPs without legal rights. Table 9 presents the main areas of discrepancy.

<table>
<thead>
<tr>
<th>Decree 22/CP</th>
<th>WB Policy</th>
<th>Project Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 7: Any person whose land is recovered and who has not met one of the conditions of Article 6, or who has violated the plan, or who violates the protecting corridor work, or who illegally occupies land shall not receive compensation when the state recovers the land. In case of necessity, the Provincial People's Committee shall consider and decide on a case-by-case basis.</td>
<td>The absence of formal legal title to land by some affected groups should not prevent compensation.</td>
<td>All project affected people, irrespective of tenure status, social or economic standing, will be entitled to compensation or assistance for their lost assets, incomes, and businesses at full replacement cost and provided with rehabilitation measures sufficient to assist them to improve or at least restore their pre-project living standards, income levels and productive capacity.</td>
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V. COMPENSATION POLICY

A. Objectives for Resettlement

27. The objectives of the Vietnamese legislation governing the resettlement and rehabilitation of displaced persons and of WB's policy concerning involuntary resettlement have been adapted for the preparation of this RAP for the Ke Go Irrigation System Modernization Subproject. They are set out below. An entitlement matrix is shown in Appendix 1. The policies and principles adopted for the Project supersede the provisions of relevant Government decrees currently in force in Vietnam wherever a gap exists between WB's Policy on Involuntary Resettlement and Vietnamese law.

28. The main objective of the Resettlement Plan is to ensure that populations affected by the Project should be at least as well-off, if not better-off, than they would have been without the Project. Affected populations should be able to maintain and preferably improve their standard of living and quality of life.

1. Minimize the Adverse Impacts from the Project

29. Considerable attention has been directed, during the Project's technical design stage and through modifications to various design parameters, to minimizing adverse impacts as well as the number of households that would be severely affected due to the loss of agricultural land. Related actions are the following:

(i) Alternative options with modification of technical design have been taken into consideration to avoid or reduce permanent land acquisition wherever possible.

(ii) All the canals will be lined on that side of canals where the less of land currently in use would be affected.

(iii) The time of closing water for civil works will be based on RAP's recommendation, which correspond to their needs and cultivation calendar.
2. Compensation and Assistance

30. Compensation and assistance will be provided to ensure that the economic and social conditions of the PAP are at least as favorable as they were in absence of the Project. The compensation policy, which encompasses compensation for all affected assets, along with rehabilitation measures as suggested in this RAP, will ensure that all PAP are able to, at minimum, restore their income, standard of living, and productive capacities to pre-project levels. Specific measures to ensure restoration of incomes and living standards of PAP includes compensation for lost assets based on:

(i) Land-for-land of equivalent productive capacity and at a location suitable and acceptable to the PAP, or
(ii) at the request of an PAP, who has been informed regarding the options, cash for land or a combination of the two.

3. Compensation at Replacement Cost

31. Compensation for all types of affected assets, including residential and commercial structures as well as standing crops and trees, will be paid at replacement cost. Compensation for affected land will be made either in the form of a trade, land-for-land of equal productive capacity at a location acceptable to the PAP, or at the specific request of the PAP, in cash at replacement cost to ensure that PAP can restore their income generating capacity and income levels.

4. Community Participation and Consultation

32. The preparation and implementation of the RAP is to be carried out with the full participation of, and in consultation with, the affected households and their representatives. Intensive public consultations have been carried out in the preparation of the RAP. Ten group interviews were conducted at commune level in the project areas to inform local populations and to identify their needs and requirements. In addition, four resettlement group interviews were conducted in the project pilot communes in order to collect data on (i) vulnerable groups which may be adversely affected by the Project, (ii) resettlement preferences of affected families, (iii) measures to reduce impacts, and (iv) adequacy of compensation prices issued by the provinces. Further public consultations will be carried out during the implementation stage with a focus on specific activities including assessment of compensation, acquisition of land, and design of rehabilitation assistance planning. The Public Information Campaign and Consultation Program is described in Chapter 7 of this RAP. The PAP will also have well defined avenues for redressing their grievances as described in Chapter 7.

B. Principles of Resettlement

33. The following basic principles have been adopted for the Project:

(i) The populations affected by the Project are defined as those who may stand to lose, as a consequence of the Project, all or part of physical and nonphysical assets, including homes, homesteads, productive lands, commercial properties, tenancy, income-earning opportunities, social and cultural activities and relationships, and other losses that may be identified during the process of resettlement planning.

(ii) Involuntary resettlement will be minimized by identifying possible alternative project designs, and appropriate social, economic, operational and engineering solutions that have the least impact on populations in the project area.
(iii) The cut-off date for compensation eligibility for physical assets affected due to rehabilitation, upgrading of existing and construction of new, so far missed of the system, canals/irrigation works will be the date of completion of the detailed measurement survey and census after detailed technical design will be completed for these components.

(iv) A census and detailed measurement survey and baseline socioeconomic survey will be carried out for all subproject components after detailed design of each and in updating of the RAP.

(v) All PAP will be entitled to be compensated for their lost land and standing crops/trees at full replacement cost to assist them to improve or at least restore their pre-project living standards, income levels, and productive capacity.

(vi) All affected populations will be equally eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing, and any such factors that may discriminate against achieving the objectives outlined above.

(vii) Preparation of the RAP and its implementation is to be carried out with the full participation of affected people. PAP comments and suggestions will be duly taken into account during the design and implementation phases of the resettlement plans.

(viii) Adequate budgetary support will be fully committed and be made available to cover the costs of land acquisition and resettlement and rehabilitation within the agreed implementation period.

(ix) WB shall not approve of any civil works contract for any subproject to be financed from the loan proceeds unless the Government has completed satisfactorily and in accordance with the approved RAP for that subproject compensation payment and ensured rehabilitation assistance is in place prior to obtaining possession and rights to the land.

(x) The detailed RAP for implementation will be translated into the local language and placed in project and commune offices for the reference of affected people as well as any interested groups.

(xi) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. Evaluation of the land acquisition process and the final outcome will be conducted independent of the executing agency.

C. Compensation Policy for Loss of Land

34. The Project will acquire some land acquisitions. There are two types of land use rights found in the project affected area: permanent or leagizable and temporary land use rights. Below are set out principles of compensation:

1. Land Users with Permanent or Legal Use Rights

35. For arable land that will be permanently affected, the PAPs will be entitled as follows:

(i) Marginally affected PAP. PAP with losses less than or equal to 20% of their total agricultural landholdings, will be entitled to cash compensation for crops and trees at market prices AND cash compensation for acquired land at 100% of replacement cost.

(ii) Severely affected PAP. PAP with losses of more than 20% of their total agricultural landholdings, will be entitled to cash compensation for crops and trees at market prices AND first priority for land-for-land of equivalent productive capacity at a location acceptable to the PAP or, if requested, cash compensation for the lost land at 100% of replacement cost AND rehabilitation assistance (skills training for one family member in a current or new
occupation and a training allowance, provision of agricultural extension services to increase the productivity of remaining land, and priority for project-related job opportunities.

2. Land Users With Temporary or Leased Rights to Use Land

36. For arable land will be permanently affected, the PAPs having Temporary or Leased Rights will be entitled as follows:

(i) **PAP are marginally affected:** PAP with losses less than or equal to 20% of their total productive capacity will be entitled to cash compensation for acquired land equivalent to 30% of land replacement cost; AND cash compensation for loss of crops and trees at full market prices;

(ii) **Severely affected PAP:** PAP with losses of more than 20% of their total productive capacity, will be entitled to cash compensation for crops and trees at market prices, AND first priority for land-for-land equal to 30% of affected area of equivalent productivity at a location acceptable to PAP, or, if requested, cash compensation for the lost land corresponding to 30% of replacement cost.

For poor and vulnerable, including landless, PAPs, who prefer to continue farming but have land less than of a standard size provided by Decree 64/CP, the local authority to assist them to obtain land of area equal to minimal standard size, with permanent land use right, OR training rehabilitation measures, including job training and training allowance for its working member/s if no land available for provision;

3. Land Users Without Permanent or Legal Rights to Use Land

37. Households occupying and using land without permission from the commune will be entitled to compensation for crops and trees at 100% of market prices. They will not be compensated for land but will receive assistance corresponding to the investment in the land.

38. For poor and vulnerable farmers affected who are landless and have not been allocated land before will be entitled to: (i) assistance by local authority to obtain land of an area equal to the minimum standard size, with full legal title to the land, and/or (ii) transition assistance and rehabilitation measures, including social assistance allowance, job training and training allowance for its working member(s) if no land available for provision;

4. Loss of Standing Crops and Trees

39. For annual standing crops, compensation will be paid to households who cultivate the land according to the full market value of the affected crops, regardless of the legal status of the land. For perennial plants, compensation will be paid according to the full market value of the affected plants, regardless of the legal status of the land. If the plants are not yet ready for harvest, compensation will include the total cost of initial investment and care until the time of the land acquisition. In case perennial plants can only be harvested once, compensation will be paid for the total cost of investments and care calculated until the time of the land acquisition. Compensation will be in cash.

5. Loss of Residential Land

40. There are no structures on the affected residential land, and PAPs will be entitled to compensation in cash at 100% of the replacement cost of the affected land.
6. Secondary PAPs

41. This applies to those affected by acquired areas needed for construction or for individual resettlement or group resettlement sites. Because all secondary PAP are likely to be affected through loss of agricultural land, they will be entitled to compensation and rehabilitation assistance in accordance with the same provisions for all other PAP.

D. Compensation Policy for Structures

1. Loss of Graves

43. The level of compensation for the removal of graves will be for all costs of excavation, relocation, and reburial. Compensation in cash will be paid to each affected family.

E. Temporary Impact During Construction

44. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that shall be applied to all other assets affected by the Project. In addition, damaged property will be restored immediately to its former condition.

45. For arable land that will be temporarily affected, all PAPs are entitled to compensation for loss of crops and trees at market prices, AND compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use; AND restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified; AND if duration of temporary land use is equal or exceeds two years, then the PAPs are compensated as for permanent loss of land.

F. Allowances During the Transition Period

46. The following allowance amounts are indicative only. At the time of compensation, allowances will be adjusted to account for inflation. For severely affected farmer HHs, rehabilitation assistance of amount not less than VND 3,000,000 per HH will be given. The concrete form of assistance to the farmers will be precisely identified in the project implementation stage through investigation and intensive consultation with the entitled PAP to ensure adequacy and effectiveness of rehabilitation assistance in meeting with actual needs of PAP. In may be in form of training plus training subsistence allowance or in cash which combined with relevant technical assistance. In addition, HHs having special social support will be provided with a special social assistance not less than VND 1,000,000 to rehabilitate their living standards.

VI. INSTITUTIONS INVOLVED IN RESETTLEMENT

A. General Organization

47. The implementation of resettlement activities requires the involvement of agencies at the national, provincial, district and commune level. Under the responsibility of MARD, resettlement committees shall be established at the provincial and district level according to the provision of Decree CP 22/1998. The provisions and policies of the RAP will form the legal basis for the implementation of resettlement activities for the Ke Go subproject.
B. Ministry of Agriculture and Rural Development

48. MARD is responsible for the realization of the VWRAP Project, on behalf of the Government. A Central Project Management Office (PMO) will be established in MARD, at MARD's Department, which is responsible for Management and Modernization of Hydraulic works. The PMO has responsibilities for overall project management and implementation. For each VWRAP Subproject will be established a Provincial Project Management Unit (PPMU) or a Subproject Implementation Unit (SIO). The PMO with the PPMU/SIOs will, in coordination with relevant agencies, manage and supervise the overall Project including resettlement activities and land acquisition. Successful updating and implementation of the RAPs will require close coordination between MARD and other ministries and agencies as well as between PMO, implementing agencies, and all local resettlement committees. Resettlement capacity will be established within the PMO to coordinate all resettlement activities with full-time assistance of consultants. Similar capacity will be established within the implementing agencies to implement resettlement for each subproject. The consultants will provide technical assistance to strengthen the social capacity within the PMO and implementing agencies. The PMO, with assistance of the consultants, will take overall responsibility as follows:

(i) Providing overall planning, coordination, and supervision of the resettlement program.
(ii) Guiding implementing agencies in updating and/or preparing RAPs and implementing resettlement activities in accordance with the Policy Framework and the approved RAP; and if any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensure that the objectives of the RAPs are being met.
(iii) Finalizing RAPs and obtaining Government and WB approval before implementing approved RAPs.
(iv) Coordinating completed implementation of approved RAPs for each component with the award of civil works contracts for each component.
(v) Providing resettlement training to implementing agencies, all PPMU/SIO staff and RCs at all levels, and to the external monitoring organization.
(vi) Providing the budget for resettlement activities.
(vii) Establishing standard procedures for information campaigns and stakeholder consultation such as monthly newsletters to communities on project activities.
(viii) Providing coordination with other components and various agencies involved in resettlement planning and implementation.
(ix) Establishing liaison mechanisms to ensure proper technical and logistical support to implementing agencies and RCs.
(x) Establishing standardized PAP databases for each component, as well as for the Project as a whole.
(xi) Establishing procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies.
(xii) Establishing procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.
(xiii) Recruiting, supervising, and acting upon the recommendations of the external monitoring organization.
(xiv) Establishing procedures for the prompt implementation of corrective actions and the resolution of grievances.
(xv) Reporting periodically on resettlement activities to the WB.

C. Provincial People's Committee

19. The PPC is the principal authority at the provincial level. The Ha Tinh PPC, e. responsible for setting up and directing a council of compensation, which will be called the
Provincial Resettlement Committee (PRC). The PPC is also responsible for reviewing and approving the RAP. The PPC is responsible for the final decision on compensation unit costs, subsidies, allowances, and supporting policies for PAP and vulnerable affected groups, in accordance with this RAP. The PPC is responsible for the approval of project land acquisition. Ha Tinh PRC is also responsible for organizing the coordination between the related institutions and provincial departments for the implementation of the RAP, and to execute compensation and resettlement plans effectively.

D. District People's Committee

50. The District People Committees are responsible for identification of land and structure legality, and appointing members of the DRC and assigning functional tasks for the DRC.

E. Implementing Agency

1. Ke Go Subproject Implementation Unit (Ke Go PPMU)

51. Ke Go PPMU will be responsible for implementing this RAP. Responsibilities will include the following:

(i) Preparation, implementation, and monitoring of RAP.
(ii) Guiding the resettlement committees at all levels in implementing the approved RAP and implementing resettlement activities in accordance with the resettlement policies specified in the RAP. If any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensuring they are addressed so that the objectives of the RAP are met; ensuring proper technical and logistical support to the Ha Tinh’s and its districts’ RCs.
(iii) Guiding and supervising the RCs while they carry out the Land Acquisition and Census Survey (LAS) to identify exactly the number of affected households and the extent of losses to be compensated, guiding local RCs in following compensation entitlements and procedures as defined in the approved RAP, and submitting compensation/assistance costs for approval.
(iv) Implementing information campaigns and stakeholder consultation in accordance with established project guidelines, supervising the compensation payment process and the implementation of the RAP, and redressing grievances concerning resettlement activities in collaboration with RCs.
(v) Coordinating with other line agencies to ensure delivery of mitigation and support measures.
(vi) Providing income restoration and other social support under the Rehabilitation Assistance Program.
(vii) Implementing established procedures for internal monitoring, establishing and maintaining a PAP databases for each subproject in accordance with established project procedures and providing regular reports to the PMO and all data to the external monitoring organization.
(viii) Implementing prompt corrective actions in response to internal and external monitoring, and resolution of grievances.
(ix) Coordinating project-related employment for PAP (consulting contractors about employment opportunities for local people, informing PAP about opportunities and how to avail of the opportunities).
(x) Implementing established project procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.
2. Provincial Resettlement Committee

52. The PRC of Ha Tinh will be responsible for

(i) implementing, on behalf of PMO, all resettlement activities within the provincial territory under the PPC’s management, and signing contracts for the implementation of some resettlement components;

(ii) establishing and strengthening resettlement committees at district and commune levels;

(iii) guiding all resettlement activities of provinces, districts and communes in accordance with the project policies and directives;

(iv) establishing compensation unit prices for land and structures in collaboration with other provincial departments; setting up procedures for land acquisition and allocation and submitting them to the PPC for approval; coordinating, supervising, and monitoring the implementation of resettlement activities in the province;

(v) issuing guidelines about resettlement activities within their power, namely: (a) compensation prices for land, structures, crops, etc. (b) identification of land and structure legality; (c) procedures of land acquisition and allocation; and (d) approval of compensation charts for PAPs and affected public facilities, etc.:

(vi) directing and monitoring the DMS process, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval;

(vii) accepting and handing over the sites to the implementing agencies; and

(viii) cooperating fully with the external monitoring organization.

3. District Resettlement Committees (DRCs)

53. The DRCs will be responsible for

(i) planning and implementing, on behalf of the District People’s Committees, all resettlement activities in their districts under the direct professional guidance of the PRC. If authorized by the PPC to be completely responsible for the resettlement activities in the district in the case that the PRC will not be established, the DRC will play the same role as the PRC;

(ii) planning and implementing all resettlement activities in the district;

(iii) finding adequate land for individual relocations;

(iv) being responsible for LAS, finalizing compensation forms, preparing compensation charts to submit to the PRC, and paying compensation directly to each AP after receiving the funds;

(v) establishing inspectors to redress PAPs grievances on resettlement policies and entitlements;

(vi) establishing, if necessary, commune resettlement committees (CRC) and directing their operations during the implementation of the resettlement activities;

(vii) cooperating fully with the external monitoring organization.

F. Agency Responsible for External Monitoring

54. One agency specialized in the social sciences must be identified in order to carry out socioeconomic surveys, monitoring, and evaluation of RAP implementation for the Project. They will submit periodic reports on the implementation progress and make recommendations regarding the issues identified. The terms of reference and methodology for monitoring are presented in Section 10.
G. Staff and Training

55. One full-time specialized resettlement staff will be recruited for each PPMU/SIO. The PMO and the consultant team will assist in fulfilling/performing their resettlement responsibilities. These people should have background on social sciences or anthropology, computer skills, good experiences or will be trained on resettlement issues, preferably be proficiency in spoken and written English. Depending on the scale of resettlement impacts of each subproject, a full time or part time resettlement staff will be required for local resettlement institutions.

56. As Ha Tinh suproject poses both marginal and severe resettlement impacts on PAP and involves three different of district level units, namely Ha Tinh town, Thach Ha and Cam Xuyen districts, there will be needed a resettlement council at provincial level, ie Ha Tinh PRC, to ensure implementation of a unified resettlement policy throughout project affected areas. This PRC will focus in assisting the PPC on decision-making of the issues related to subproject’s resettlement policy and problems arising under Khanh Hoa PPC competence and within its administrative boundaries. At town and district level, there will be established town and District RCs, which will be the implementation bodies responsible for implementation of day-to-day resettlement activities within their district’s boundaries and authorization.

57. All full time and part time staff and decision making involved in project resettlement implementation will be trained on WB’s and GOV project’s resettlement policy, methods of public consultation, negotiation etc. Specific resettlement skills training will be provided to enumerators, implementation staff in resettlement implementation procedures, techniques, unified DMS forms, and management of the PAPs database.

VII. PUBLIC INFORMATION, CONSULTATIONS AND GRIEVANCE REDRESS

A. Consultations During Preparation of Resettlement Plan

1. Public Information During RAP Preparation

58. The consultant provided information about the Project regularly. Actions taken were as follows:

(i) Group interview surveys were conducted in 4 communes affected by Phase 1 project activities. Specific resettlement group interviews with affected persons were also conducted. In addition, stakeholder meetings have been organized at the provincial level with Ha Tinh PPC, Ha Tinh town’s and Cam Xuyen and Thach Ha District’s People’s Committees, Ha Tinh DARD, IMC.

(ii) A Socio-Economic HHs surveys were conducted both for the benefited and specifically, affected areas of the Ke Go Subproject. The group interview surveys were conducted in 4 affected communes of the project pilot area. The surveys combined have provided useful socioeconomic information on agriculture, socioeconomic, cultural, etc. Each meeting involved from 7 to 30 persons. The majority of these persons were farmers from the different villages in the communes. Representatives of local farmer groups and other organizations, as well as officials from municipal and district levels attended the meetings. Women were also represented in common meetings and also discussed in separate groups. The HHs questionnaire surveys were conducted in 2002 and 2003, and the group interview surveys were conducted in April 2003.

(iii) Specific resettlement group interviews with affected persons were conducted in the four mentioned communes. 10-30 persons potentially affected by the
project attended these meetings. This survey, conducted in April 2003, was designed to collect data on: (a) vulnerable groups which may be adversely affected by the Project, (b) resettlement preferences of affected families, (c) measures to reduce impacts, and (d) adequacy of compensation prices issued by the provinces.

(iv) A stakeholder meeting with Ha Tinh PPC also focused on resettlement issues, on possibility and commitment of the PPC to follow a project's approved resettlement policy, which reflecting the WB's and GOV resettlement objectives and principles.

(v) In addition, affected households' preferences regarding resettlement and relocation were investigated through socioeconomic surveys (300 questionnaires).

2. Objectives of Public Information and Consultation

59. Information dissemination to, in consultation with and with the participation of affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of project delays. This will also enable the Project to design the resettlement and rehabilitation program as a comprehensive development program to suit the needs and priorities of the affected people, thereby maximizing the economic and social benefits of investments. The objectives of the public information campaign and PAP consultation program are as follows:

(i) To ensure that local authorities as well as representatives of PAPs will be included in the planning and decision-making processes. The PMO and the PPMU/SIO in Ke Go will continue a dialogue with the Provincial People's Committee and the District People's Committee during Project implementation. PAP involvement in implementation will be continued thereafter by requesting each district to invite PAP representatives to take part in the resettlement activities (property evaluation, compensation, resettlement, and monitoring).

(ii) To fully share information about the proposed project components and activities with the PAP.

(iii) To obtain information about the needs and priorities of the PAP, as well as information about their reactions to proposed policies and activities.

(iv) To ensure that PAP are able to make fully informed decisions that will directly affect their income and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.

(v) To obtain the cooperation and participation of the PAPs and communities in activities necessary for resettlement planning and implementation.

(vi) To ensure transparency in all activities related to land acquisition, resettlement and rehabilitation.

B. Consultations Proposed During Implementation

1. Information Dissemination and Rehabilitation

60. During project implementation, the implementing agency responsible for resettlement (Ke Go PPMU), assisted by the project consultants, will undertake the following:

(i) Provide information to resettlement committees at all levels through training workshops. Detailed information on project policies and implementation procedures will be provided.

(ii) Conduct information dissemination and consultation for all PAPs throughout the life of the Project.
(iii) Update or establish provincial unit prices, and confirm land acquisition and
impact on properties through the DMS.
(iv) The PRC/DRC will then apply prices, calculate compensation entitlements,
and complete the Assets Compensation Forms for each affected household.
Information on entitlements will then be presented on an individual basis to
PAP in the Land Acquisition and Census Survey follow-up visit to each
household.
(v) The Asset Compensation Form, showing the household’s affected assets and
compensation entitlement will then need to be signed by the PAPs to indicate
their agreement with the assessment. Any complaints the PAPs have about
the contents of the form will be recorded at this time.
(vi) Consultation regarding PAPs preferred rehabilitation assistance program. This
applies to severely affected and vulnerable PAPs. The social support team will
inform PAPs of their entitlement to rehabilitation assistance under the
Rehabilitation Assistance Program, before asking them to indicate their
preferences.

2. Public Meetings

61. Prior to the beginning of the detailed design, a public meeting will be held in each
hamlet to provide PAPs with additional information and an opportunity for open discussion
about resettlement policies and procedures in each affected hamlet. A letter of invitation will
be sent to all PAPs after the LAS has been completed at least 2 weeks before the meeting in
their area. This meeting is intended to clarify information that has been given to date and to
provide PAPs with the opportunity to discuss issues of concern and obtain clarification. In
addition to a letter informing the PAPs, other means will be used to inform PAPs and the
general public such as posters in prominent locations in the communes and districts where
PAPs currently reside: radio, television, and newspaper announcements. The letter and
notices will advise the time and location of the meeting, and who can attend. Both men and
women from affected households will be encouraged to attend, as well as other interested
community members. The meeting will explain the Project, and households’ rights and
entitlements, and there will be opportunities to ask questions. Such meetings will be
conducted periodically during the life of the Project.

62. Relevant information will be given to the PAPs at the meetings (verbally, graphically,
and on printed information sheets). Extra copies of the printed information sheets will be
available at municipal and district offices throughout the project area. The meetings will
follow the following format:

(i) Explanations given verbally and in visual format, including written information
and drawings of the proposed design for the different component of the
Project.
(ii) Adequate opportunities will be provided for PAPs to respond with questions
and comments. PAPs will be encouraged to contribute their ideas for PAP
rehabilitation options.
(iii) The DRC will establish a complete list of all PAPs present at the meetings.
(iv) The DRC will make a complete record of all questions, comments, opinions,
and decisions that arise during the information/consultation meetings, and
present a report of all the meetings to the SIO.

63. Information about the following will be given to the PAP:

(i) Project components. This includes the places where they can obtain more
detailed information about the project.
(ii) **Project impacts.** Impacts on the people living and working in the affected areas of the project including explanations about the need for land acquisition for the reservoir, the canal network, and other project components.

(iii) **PAP rights and entitlements.** These will be defined for PAP (with the cut-off date). The rights and entitlements for different categories of PAP, including the entitlements for those losing businesses, jobs and income. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each. Entitlement to rehabilitation assistance.

(iv) **Grievance mechanism and the appeal process.** PAP will be informed that project policies and procedures are designed to ensure their pre-project living standards are restored. PAP will also be informed that if there is any confusion or misunderstanding about any aspect of the project, the commune or district resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and have their complaints heard. PAP will receive an explanation about how to access grievance redress procedures.

(v) **Right to participate and be consulted.** The PAP will be informed about their right to participate in the planning and implementation of the resettlement process. The PAP will be represented on commune resettlement committees, and the representative for the PAP will be present whenever commune/district/provincial committees meet to ensure their participation in all aspects of the project. PAP will be consulted about the training and training preferences in current or new occupations for all PAP whose income levels and living standards are adversely affected due to loss of agricultural land or other assets.

(vi) **Resettlement activities.** PAP will be given an explanation regarding compensation calculations and compensation payments, monitoring procedures (which will include interviews with a sample of PAP), and preliminary information about physical works procedures.

(vii) **Organizational responsibilities.** PAP will be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the Government officials with phone numbers, office locations, and office hours if available.

(viii) **Implementation schedule.** PAP will receive the proposed schedule for the main resettlement activities and informed that physical works will start only after the completion of all resettlement activities and clearance from the project area. It will be clarified that they will be expected to move only after full payment of compensation for their lost assets has been allocated to them. Implementation schedules and charts will be provided to resettlement committees at all levels.

3. **Compensation and Rehabilitation**

64. A letter of notification will be sent to each PAP with the time, location, and procedure for receiving compensation payment. Severely affected and vulnerable PAPs will be personally contacted to confirm their preferences for rehabilitation assistance to take necessary actions to respond to their specific needs.

4. **Public Information Booklet (PIB)**

65. To ensure that PAP, their representatives, and the local government in the affected areas fully understand the details of the resettlement program, and that they are informed
about the compensation and rehabilitation packages applicable to the Project, a Public Information Booklet (PIB) will be prepared by the PMO, in consultation with WB. This booklet will be distributed to all PAP in the project area before DMS. General contents of the PIB will include the following:

**Brief Description of the Project, Implementation Schedule, Project Impacts, Entitlements and Rights of PAP, Resettlement and Rehabilitation Policies for All Types of Impacts, Institutions Responsible for Resettlement Information Dissemination to and Consultations with Project Affected People, What To Do If PAP Have a Question or a Problem, Grievance Procedure, and Independent Monitoring.**

5. Disclosure

In addition to disclosure to affected people and communities, this RAP or a summary will be displayed at public places such as at the PMO, Khánh Hòa PPMU (SiO), local provincial and district RCS, Provincial Information Center to disseminate information about the Project to all interested parties/stakeholders.

C. Grievance Redress Procedure

In order to ensure that PAP grievances and complaints on any aspect of land acquisition, compensation, and resettlement are addressed in a timely and satisfactory manner a grievance redress mechanism needs to be established. Such a mechanism will ensure that all possible avenues are available to PAP to air their grievances and that they are well defined. It is also important that all PAP become aware of the established procedures for the proposed grievance redress mechanism. The detailed procedures for both redressing grievances and the appeal process will be publicized among all PAPs through an effective public information campaign. The grievance redress mechanism and the appeal procedures will also be explained in the public information booklet distributed to all PAPs.

1. Contents of Grievances

PAPs can lodge their complaints regarding any aspect of compensation entitlement, compensation policy, rates, land acquisition, resettlement and entitlements relating to resettlement assistance programs. Complaints by PAP can be lodged verbally or in written form, but in case they are lodged verbally, the committee to which it is lodged will write it down during the first meeting with the PAP. PAPs, who present their case to the PMO, District People’s Committee (DPC), or PPMU will be exempted from paying any fees. In addition, PAPs lodging complaints and appeals to district courts will be provided with free legal representation.

2. Grievance Procedures

A four-stage procedure for redressing grievances is proposed. This includes:

**Stage 1 -** Complaints from PAPs on any aspect of the resettlement program, or undistributed losses shall first be lodged verbally or in written form to the People’s Committee at commune level. The complaint can be discussed in an informal meeting with the plaintiff and the chairman of the people’s committee at commune level. The People’s Committee at commune level will be responsible for resolving the issue within 15 days from the day it is lodged.

**Stage 2 -** If no understanding or amicable solution can be reached, or if no response from the people’s committee at commune level is received by the PAP within 15 days of registering the complaint, he/she can appeal to the District Resettlement Committee. The vice-chairman of the DRC will hear PAP in person, and PAP will be
invited to produce documents, which support his/her claim. The complaint must be settled within 2 months of registering the original complaint. The DRC will provide a decision within 1 month of the registering of the appeal.

Stage 3 - If the PAP is not satisfied with the decision of the DPC or its representative, or in the absence of any response by the DPC, the PAP can appeal to the Provincial People’s Committee. The Provincial People’s Committee together with the representative of the PRC will provide a decision on the appeal within 30 days from the day it is lodged with the PPC.

Stage 4 - If the PAP is still not satisfied with the decision of the PPC or PRC on appeal, or in absence of any response from the PPC within the stipulated time, the PAP, as a last resort, may submit his/her case to the district court.

VIII. BUDGET

A. Financing

70. The Central Government will pay resettlement cost related to land acquisition of primary and secondary canals while compensation for the tertiary and field levels canals will come from local budget, or by contribution of the direct beneficiaries. The latter will be based on intensive discussion and consultation with farmers to find out the ways for farmers/beneficiary to obtain equitable contribution to development of the tertiary/on-farm small canals, and adequate options has been presented as compensation for the involved losses.

B. Flow of Funds

71. The PMO will be responsible for channeling funds for land acquisition and resettlement to the PRC which will be responsible for the payment of compensation directly to affected persons for land, crops, trees, houses, other structures and for the various allowances. The PMO will also be responsible for contracting an external organization or other institution that will be engaged for independent monitoring.

C. Adjustments for Inflation

72. The cost estimates in this RAP are based on 2003 prices (to be updated before compensation payment). The rates for compensation and cash entitlements for rehabilitation as well as allowances payable to affected persons will be adjusted annually, based on the actual annual inflation rate. The PMO, together with the provinces, will determine the annual inflation rate and ensure the necessary annual adjustments are made to compensation rates and to all cash entitlements.

D. Compensation Prices

73. The compensation amounts in the detailed cost estimates in Table 10 include a 10% contingency.

(i) The current compensation and resettlement costs are based on: (a) land acquisition and census surveys conducted in April-May, 2003; (b) identification of different categories of impacts, resettlement policies, and entitlements described in Section 5; (c) provision of Decree 22/1998 on compensation and resettlement; (d) compensation prices issued by Ha Tinh provinces in 2002; and, (e) rapid assessment of replacement cost as conducted by consultants in April 2003.
According to Decree 22 (Article 8), the prices for compensation shall be decided by the Provincial People’s Committee for each specific project. For present purposes, the price lists issued by Ha Tinh province in the Decision 2800/2002/QD/UB-NL, on 23 December 2002, concerning Unit compensation prices for residential, agricultural and forest land within Ha Tinh province, and Price list attached to the Decision 542/2002/QD/UB-XD, on 12 March 2002, regulations on unit compensation prices for houses, structures, crops and trees and assistances, allowances within Ha Tinh province in case of land acquisition for public, national security, safety, national and public interests, and for its other similar and recent projects, and validated and/or adjusted by the consultants during preparation of the feasibility study, have been applied for preparation of this RP.

The main findings of the consultants were the following: (a) prices for structures were close to the market price, however, due to inflation, they need to be adjusted at time of compensation payment to reflect current market/replacement cost. In fact, the PPC Ha Tinh often revise and update compensation prices for structures/houses and other movable assets to match their current market prices. (b) The prices for compensation of agricultural land is fair, in rural area even higher than the market price, but rates for residential land and garden land have some gaps from the real market prices. Unit compensation rate for trees were below current market prices.

In order to avoid complaints and to ensure fair compensation prices for affected persons, compensation prices used for cost estimates in the RAP have been based not only on prices issued by the provinces, but also on price surveys conducted in the affected areas. However, to comply to some extent with the unit prices issued by the province, for cost estimates the consultant used the higher unit price for agricultural land and residential land as well as for trees.

During the detailed design of the Project, the subproject will revise compensation unit prices for all categories of loss (land, crops, and trees) to ensure PAPs receive actual replacement cost at current market value at the time of compensation. PAP and local authorities will be consulted on the proposed rates before they are finalized.

E. Income Restoration and Rehabilitation Assistance

Severely affected farmers and other vulnerable households will be entitled to assistance to restore or improve their pre-project conditions. These costs will be updated at the time of compensation to adjust for inflation.

F. Implementation Costs

Costs for land acquisition and compensation will be fully funded by the Government. Resettlement administrative cost includes performing resettlement activities by PPMU/SIO and resettlement consultant, and management fees for various resettlement committees, and implementing agencies. It consists of cost for the payment of salaries, per diem, logistics, management fees, etc; cost for Detailed Measurement Survey (DMS) of losses, evaluation of assets lost, pricing application; public information and dissemination, preparation Project Information Booklet, posters, materials and dissemination of information; cost for organizing and performing public consultation and grievance redress. The administrative costs are set to 5%.

A budget will be provided for training of full time and/or part time staff involved in the project resettlement activities. Contents of the training will cover such topics as resettlement policy of the project, of WU and the Vietnam current resettlement policy, outstanding
resettlement issues, stakeholder participation; methods of public information and consultation. Specific resettlement topics and skills, for example, the DMS and compensation forms, evaluation of lost assets, identification of entitlements. Training will be provided to particular groups of resettlement officials and consultants. Training of staff and consultants for capacity building is set to VND 154.000 ($ 10,000).

77. Monitoring costs includes costs for internal and external monitoring, which is set to 3%. A contingency cost is set to 10%, as shown in table 7 below.

G. Cost Estimate

78. The estimated cost of resettlement for the all land and crops/trees cost affected by identified canals is VND 6,636,998 ($430,974). Detailed cost estimates for this resettlement plan are presented in Table 10. For estimating baseline costs of compensation, all compensation amounts include a 10% contingency. The total cost for the RAP is VND 9,582,789 ($622,259)

Table 10: Total Resettlement Costs in Ke Go Subproject

<table>
<thead>
<tr>
<th>Project component</th>
<th>Permanent area [ha]</th>
<th>Land severely affected</th>
<th>Land acquisition impact/entitlements</th>
<th>Unit</th>
<th>Quantity of losses</th>
<th>Unit rate (1000 VND)</th>
<th>Total cost (1000 VND)</th>
<th>Total cost (US$)</th>
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<th>Land acquisition impacts/entitlements</th>
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<th>Quantity of losses</th>
<th>Unit rate ('000 VND)</th>
<th>Total cost ('000 VND)</th>
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<td>2</td>
<td>63,268</td>
<td>4,108</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Crops</td>
<td>m2</td>
<td>38,062</td>
<td>3</td>
<td>114,506</td>
<td>7,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land (permanent) Permanent loss</td>
<td>m2</td>
<td>159</td>
<td>15</td>
<td>2,385</td>
<td>155</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land (permanent) temporary loss</td>
<td>m2</td>
<td>635</td>
<td>2</td>
<td>1,272</td>
<td>83</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Trees</td>
<td>Tree</td>
<td>1,803</td>
<td></td>
<td>51,670</td>
<td>4,006</td>
</tr>
<tr>
<td>Total land</td>
<td>7.86</td>
<td>73</td>
<td>Total base compensation cost</td>
<td></td>
<td></td>
<td></td>
<td>6,636,996</td>
<td>430,974</td>
</tr>
</tbody>
</table>

| Total base compensation cost | 6,636,996 | 430,974 |

Exchange rate. 1 USD = 15,400 VND

| Administration cost (15%) | 5% | 995,550 | $64,946 |
| Monitoring cost           | 5% | 154,000 | $10,000 |
| Training cost (3%)        | 3% | 195,110 | $12,929 |
| Contingency Cost (10%)    | 5% | 1,597,132 | $103,710 |
| Grand Total Resettlement cost | 9,582,789 | $622,259 |
IX. IMPLEMENTATION SCHEDULE

79. **Approval of the RAP.** The Government will send this RAP to the World Bank and it has to be approved as a precondition for appraisal.

80. **Information Dissemination Prior to Detailed Design.** Prior to the commencement of detailed design, MARD will implement an information campaign throughout the project area. Information meetings will be held in all potentially affected hamlets to inform the communities about (i) the project scope, (ii) impacts, (iii) entitlements for all categories of loss, (iv) schedule of activities beginning with the detailed design survey, (iv) institutional responsibilities, and (v) the grievance mechanism. The project implementation brochure will be prepared and distributed to all affected communities during the meetings.

81. **Establishment of Resettlement Committees.** All provinces will establish their resettlement committees as soon as the Project has been approved. This will be followed by establishment of resettlement committees at district and commune levels.

82. **Training for Resettlement Staff.** Within 2 months of mobilization of the resettlement consultants for the CPO/PMO all local resettlement staff at PPMU/SIO, PRC, DRC, and CRC levels will be trained by the PMO assisted by the consultants. Training subjects will include

   (i) procedures for updating the RAP;
   (ii) consultation and information dissemination methods;
   (iii) principles, policies and entitlements of the RAP;
   (iv) implementation steps, procedures, and schedule;
   (v) grievance redress mechanism; and
   (vi) powers and obligations of individuals/agencies involved in the process of resettlement programs.

83. **Updating Replacement Cost Unit Rates.** During the preliminary detailed design process, the PPC will update unit rates at replacement cost for all categories of loss and adjust allowances to account for inflation. Prior to formal issuance of the project compensation unit rates, with the assistance of the project resettlement consultants, the implementing agencies and PRCs will validate the unit rates through consultation with PAPs and the local government.

84. **Detailed Measurement Survey.** An updated DMS will be conducted after completion of the detailed design. The updated surveys will serve as the basis for compensation.

85. **Data will be computerized by MARD and CPO/PMO.**

86. **Information Dissemination and Consultation.** This will be implemented as described in Chapter 7.

87. **Updating of the RAP.** This RAP will be updated after detailed design and approved by WB before commencement of any resettlement activities.

88. **Pricing Application and Compensation of PAPs.** Resettlement committees at district or provincial level will be responsible for pricing application and preparing compensation charts for each affected commune/district. These will be subject to verification by the PPMU/SIO, PPC and CPO/PMO and of unit prices, quantity of affected assets, PAP entitlements, etc. before posting them at each commune for the people to review and comment. All compensation forms must be checked and signed by the PAPs to indicate their agreement.
89. **Compensation and allowances** will be handled at commune level under the supervision of representatives of the PRC, DRCs, PPMU/SIO and CPO/PMO. Guidance will be given by the PPMU/SIO to aid local resettlement committees in making payments to PAPs.

90. **Award of Civil Works Contract.** After all PAPs affected for one component have been compensated in accordance with the approved RAP, approval can be given for award of civil works contract for that component.

91. **Income Restoration and Rehabilitation Assistance.** In order to provide adequate economic rehabilitation measures, PAPs entitled to rehabilitation assistance shall be consulted on rehabilitation options and shall be assisted to participate in the relevant activities.

92. **Monitoring.** Internal and external monitoring shall start as soon as the updated RAP has been approved. Monitoring will continue throughout the construction period. A replacement cost survey should be conducted by the external Monitoring organization prior or during DMS to update and advice PPC on compensation rates. A post-resettlement evaluation will be undertaken by the external monitoring organization 6 to 12 months after completion of all resettlement activities.

### X. MONITORING

93. Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation. It provides systematic and continuous collection and analysis of information on the progress of the project. It is a tool to identify strengths and weaknesses and to enable timely decisions for corrections.

94. Monitoring has two purposes:

   (i) To verify that project activities have been effectively completed including quantity, quality, and timeliness.

   (ii) To assess whether and how well these activities are achieving the stated goal and purpose of the Project.

95. Regular monitoring of the RP implementation will be conducted by the PMO and WB, as well as by an independent external monitoring organization hired by the PMO.

#### A. Internal Monitoring

96. Internal monitoring of the implementation of the subproject RAP for the main components will be the responsibility of the Ke Go PPMU, with the assistance of the project consultants. The implementing agencies will oversee the progress in resettlement preparation and implementation through regular progress reports.

97. **Monitoring indicators.** The main indicators that will be monitored regularly are:

   (i) Payment of compensation to PAPs in various categories, according to the compensation policy described in the RAP.

   (ii) Delivery of technical assistance, relocation, payment of subsistence and moving allowances.

   (iii) Delivery of income restoration and rehabilitation assistance.
98. The implementing agencies will collect information every month from the different resettlement committees. A database of resettlement monitoring information regarding the Project will be maintained and updated every month.

99. The Ke Go implementing agency will submit to the PMO, and the PMO assisted by the project consultants will submit to the WB as part of PMO’s regular quarterly progress report to WB, a monitoring report on the progress of implementation of the RAP every 3 months. The internal monitoring reports shall include the following topics:

- The number of PAPs by category of impact per component, and the status of compensation payment and income restoration for each category.
- The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.
- The eventual outcome of complaints and grievances and any outstanding issues requiring action from management.
- Implementation problems (if any)
- Revised actual resettlement implementation schedule.

B. External Monitoring

1. Objectives

100. The general objective of the external monitor is to provide an independent periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.

2. Agency Responsible

101. In accordance with WB requirements for consultant procurement, the Project Management Office will hire an organization for the independent monitoring and evaluation of RAP implementation. This organization, to be called the Monitoring Organization (MO) will be specialized in the social sciences and experienced in resettlement monitoring. The MO should start their work as soon as the updated RAP has been approved.

3. Monitoring and Evaluation Indicators

102. The following indicators will be monitored and evaluated by the MO:

- Payment of compensation will be as follows: (a) Full payment to be made to all affected persons sufficiently before land acquisition; adequacy of payment to replace affected assets;
- Coordination of resettlement activities with construction schedule: the completion of land acquisition and resettlement activities for any component should be completed prior to award of the civil works contract for that component.
- Provision of income restoration assistance under Rehabilitation Assistance Program.
(iv) Public consultation and awareness of compensation policy: (a) PAPs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) The monitoring team should attend at least one public consultation meeting each month to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) Public awareness of the compensation policy and entitlements will be assessed among the PAP; (d) Assessment of awareness of various options available to PAP as provided for in the RAP.

(v) Affected persons should be monitored regarding restoration of productive activities.

(vi) The level of satisfaction of PAPs with various aspects of the RAP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.

(vii) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

C. Monitoring Methodology

103. The methodology for conducting monitoring and evaluation of the RAP implementation will include the following activities:

1. Sample Survey

104. A socio-economic survey will be required before, during and after resettlement implementation to provide a clear comparison of success/failure of the resettlement plan. Monitoring will be on a sample basis. The sample size should be 100% of relocating households and severely affected farmers, and at least 10% of all other households. The sample survey should be conducted twice a year.

105. The survey should include women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents.

106. A Post-Resettlement Evaluation will be carried out 6 to 12 months after completion of all resettlement activities.

2. Database Storage

107. The MO will maintain a database of resettlement monitoring information. It will contain files on each affected household and will be updated based on information collected in successive rounds of data collection. All databases compiled will be fully accessible by implementing agencies and the PMO.

3. Reporting

108. The MO will be required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted to the PMO, which in turn will submit the reports to the World Bank as an annex of its progress report.

109. The report should contain (i) a report on the progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.
4. Monitoring Report Follow-Up

110. The monitoring reports will be discussed in a meeting between the MO, PMO and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

D. Evaluation

111. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. The external monitor will conduct an evaluation of the resettlement process and impact 6 to 12 months after completion of all resettlement activities using the same survey questionnaire and sample as used during the monitoring activities.
### Entitlement Matrix for Ke Go Subproject

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Definition of Entitled Person</th>
<th>Compensation Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent loss of arable land</td>
<td>Less than 20% of total affected assets lost due to acquisition of arable land</td>
<td>Legal user with permanent rights to use the affected land, and temporary user who will be legalized before compensation as a permanent user.</td>
<td>Cash compensation for acquired land at 100% of replacement cost, and Cash compensation for crops and trees at market price.</td>
</tr>
<tr>
<td></td>
<td>Marginal impact on household income and living standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land users with temporary or leased rights to use land that cannot be legalized as long term land user</td>
<td></td>
<td>(i) Cash compensation for acquired land equivalent to 30% of land replacement cost; AND (ii) Cash compensation for loss of crops and trees at full market prices.</td>
<td></td>
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<td></td>
<td></td>
<td>(i) In lieu of compensation for land, the PAP will receive assistance corresponding to the remaining investment in the land. (ii) Compensation for crops and trees at 100% of market prices.</td>
<td></td>
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**Implementation Issues:**
- HH without LURC but their name listed in the land book of the commune and still now using that land are considered as fully legal users.
- If the viability of the remaining land is less than the minimum viable economic unit, then the entire piece of land would be acquired and the PAP would fall under the next category.
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ENTITLEMENT MATRIX FOR KE GO SUBPROJECT
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<td>Marginal impact on household income and living standards</td>
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<td>Land Users Wht. 1</td>
<td>Temporary or Leased Rights to Use Land that cannot be legalized as long term land user</td>
<td>(i) Cash compensation for acquired land equivalent to 30% of land replacement cost; AND (ii) Cash compensation for loss of crops and trees at full market prices;</td>
<td>(i) In lieu of compensation for land, the PAP will receive assistance corresponding to the remaining investment in the land. (ii) Compensation for crops and trees at 100% of market prices.</td>
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</table>
| 1    | More than 20% of total affected assets lost due to acquisition of arable land. | Legal user with permanent rights to use the affected land, and legalizable as a permanent user. | (i) Compensation for loss of trees and crops at full market price  
(ii) As priority, compensation “land for land” equivalent productive capacity at a location acceptable to the PAPs or, if requested, cash compensation for the lost land at 100% of replacement cost; AND  
(iii) Rehabilitation assistance of not less than VND 3,000,000, which may be in forms of: - skills training and training allowance, - combination of cash and provision of agricultural extension services, and - priority for project-related job opportunities. | Skill training with training allowance will be applied in case if the option “land for land” cannot be available. A combined extension assistance should be taken to help the poor and disadvantaged PAPs to improve their farming techniques and productivity on their remaining land. |
| 2    | Severe impact on household income and living standards. | Land Users with Temporary or Leased Rights to Use Land that can not be legalized as long term land user | (i) As priority, compensation “land for land” equal 30% of the PAP’s affected area, or Cash compensation equivalent to 30% of land replacement cost; AND  
(ii) Cash compensation for loss of crops and trees at full market prices; | If the value of remaining investment put by PAPs on the affected land is undoubtedly higher than the compensating value, which is equal to 30% of the land, the PMO and RCs will revise and adjust adequately case by case. |
| 3    | | | (i) Cash compensation for loss of crops and trees at full market prices;  
(ii) In lieu of compensation the PAP will receive assistance corresponding the remaining investment in the affected land  
(iii) For the poor and disadvantaged farmers who have not been allocated land by Decree 64/CP, the local authority will assist them to obtain land of an area equal to the minimum standard size with full legal title without any PAP cost, OR, if requested, cash compensation plus full rehabilitation assistance packages of 3,000,000 VND | Training assistances will be provided to poor and disadvantaged PAPs if the cash compensation option will be applied. A combined extension assistance would be relevant to assist the poor and disadvantaged farmers to improve their farming productivity. |
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</tr>
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<tbody>
<tr>
<td>3</td>
<td>Permanent loss of residential land</td>
<td>Loss of residential land without structures built thereon</td>
<td>Legal user with permanent rights or legalizable rights to use the affected land.</td>
<td>(i) PAPs will be entitled to cash compensation for land at 100% replacement cost of the land, (ii) Compensation for trees/crops at full market prices</td>
<td>In case a multi-generation HHs need to subdivided to net family, the remaining land is not enough for building house, the PAP will be entitled to option compensating land for land as priority, and Cash in lieu of land will be offered only as a last resort or at the informed request of the PAP.</td>
</tr>
<tr>
<td>4</td>
<td>Structures</td>
<td>Structures located within the ROW of the canal network or other project components</td>
<td>Legal owner of the affected structure</td>
<td>PAP with legal right to build the affected structure will be entitled to compensation at 100% of replacement cost of the affected structure in material, cash or a combination of the two. No deduction will be made for depreciation or salvageable materials.</td>
<td>In rural areas, right to use land implies right to build a structure. No building permit is required.</td>
</tr>
<tr>
<td>5</td>
<td>Secondary PAPs</td>
<td>PAP affected by land acquisition for borrow areas or individual relocation</td>
<td>Legal user with permanent or temporary use rights who are legalizable.</td>
<td>Because all secondary PAPs are affected through loss of arable land, the provision of Section 1 (Loss of arable land) will apply to these secondary PAPs</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Allowances</td>
<td>Rehabilitation assistance</td>
<td>Severely affected farmer PAPs</td>
<td>All severely affected farmers are entitled to a rehabilitation assistance at least of VND 3,000,000 to restore their income generating capacity.</td>
<td>Concrete form of assistance will be defined during resettlement implementation through intensive consultation with PAPs to respond to PAPs' needs.</td>
</tr>
<tr>
<td>7</td>
<td>Loss of standing crops</td>
<td>Crops located within the ROW of the canal network or affected by other project component</td>
<td>Household who cultivates the land.</td>
<td>PAPs are entitled to compensation in cash at market value.</td>
<td>PAPs will be given notice several months in advance regarding evacuation. Crops grown after issuance of the deadline will not be compensated.</td>
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<td>8</td>
<td>Loss of trees</td>
<td>Trees located within the ROW of the canal network or affected by other project component</td>
<td>Household who occupies the land where trees are located irrespective of land tenure status.</td>
<td>PAPs are entitled to compensation in cash at market value on the basis of type, age, and productive value.</td>
<td>Crops that have special high value will be considered to be assessed for compensation rate case by case. PAPs who have been noticed by competent authority not to use the land within the ROW of the canal network will not be compensated for violation and threaten damage on irrigation network.</td>
</tr>
<tr>
<td>9</td>
<td>Loss of graves</td>
<td>Graves located in the affected areas</td>
<td>Household who own the graves</td>
<td>PAPs are entitled to cash compensation for all costs of excavation, movement, and reburial.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Loss of community assets</td>
<td>Community buildings, structures, community forest, grazing or other land irrigation systems affected by temporary or permanent land acquisition or spoil disposal</td>
<td>Village, Ward, Government Unit</td>
<td>(i) Restoration of affected community buildings and structures to at least previous condition, or (ii) Replacement in areas identified in consultation with affected communities and relevant authorities, or (iii) Compensation at replacement cost for affected community land. Note: If income loss is expected (e.g. irrigation, community forest, community grazing land), the village is entitled to compensation for the total production loss (over 3 years); this compensation should be used collectively for income restoration measures and/or new infrastructure.</td>
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<td>-----------------------</td>
</tr>
<tr>
<td>1</td>
<td>Temporary impact during construction</td>
<td>Damages by contractors to private or public structures or land</td>
<td>Owner or person with user rights</td>
<td>(i) The contractor will be required to pay compensation immediately to affected families, groups, communities or government agencies. (ii) Damaged property will be restored immediately to its former condition. (iii) Compensation for one harvest of crops/trees at full market prices. (iv) Compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use. AND (iii) Restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified, AND (iv) If the duration of project’s use the land exceed more than one year, then the PAP have option to: 1) Continue use of the remaining land, keeping with the legal user's agreement. OR, 2) &quot;Sell&quot; it to the Project at 30% of replacement cost (1).</td>
<td>If the quality of land will be radically changed when return to PAP, requiring PAP to change in the types of land use, then PAP should be compensated for all envisaged cost of losses.</td>
</tr>
<tr>
<td></td>
<td>Temporary loss of arable land</td>
<td>Land users with legal/legalizable rights or temporary land use right</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Socialist Republic of Vietnam

Ministry of Agriculture and Rural Development

(Draft)

Vietnam Water Resource Assistance Project (VWRAP)

RESETTLEMENT ACTION PLAN

For

QUANG HUE RIVER SUBPROJECT

August 2003
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74. Severely affected farmers and other vulnerable households will be entitled to assistance to restore or improve their pre-project conditions. These costs will be updated at the time of compensation to adjust for inflation.
I. INTRODUCTION

1. The VWRAP includes four project components, where the Thu Bon Basin Integrated Planning (TBIP) is the third one. The scope of the TBIP is to identify and select the feasibility for identified subprojects, which are essential for the formation of a River Basin Integrated Planning.

2. Quang Hue is a small river connecting Vu Gia and Thu Bon rivers, and plays a role as a water regulator for Vu Gia River. Severe floods occurred in the years 1999 and 2000 which created a new Quang Hue flow in the upstream of Vu Gia river, of about 1700 m from the old Quang Hue. The new Quang Hue "river" brought radical changes in the hydrological regime and posed serious threats to river bank morphology which can be listed as follows: (i) Created severe bank erosions and destroyed all cultivative land of hamlets 8, 9 and On Gia Bac of Dai Cuong commune; (ii) Increased flood flows, from 17-25% in the past to 73-76% presently diverted from Vu Gia river into Thu Bon through the new Quang Hue river. This resulted (iii) in severely increased floods along the whole areas downstream of Thu Bon river, particularly in Hoi An ancient town during the flood season, while (iv) creates a severe shortage of water for irrigation of 10,000 ha of agricultural land and domestic and industrial needs of Da Nang city, as well as (v) creating severe threats of salinity intrusion upstream of Vu Gia river.

3. The Vu Gia - Thu Bon Integrated Planning Project (Component) has given a high priority to Quang Hue River stabilization, calling for an investment subproject within the VWRAP. The subproject aims (a) to restore the former balance of water discharge diverted from Vu Gia to Thu Bon, and take control over it, (b) reduce severity of floods in Hoi An and the Thu Bon's downstream during the rainy season, (c) protecting local population from flood dangers/damages, and (d) increase water provision for domestic and irrigation needs in addition (e) to protect water quality through reduced salinity intrusion from the sea upstream of Vu Gia in the dry season. This will be achieved through:

(i) rehabilitation of the old Quang Hue River through dredging and cleaning of the river bed;
(ii) closing the new Quang Hue low (dry season) flow through land filling and embankments;
(iii) embankments of vulnerable sections of Quang Hue and Vu Gia rivers;
(iv) construction of hydraulic regulatory works (intake) at the Quang Hue river mouth.

4. The proposed investment is planned to be restricted to Quang Hue river area and includes the river bank protecting works and water intake regulating works at Quang Hue river mouth to take control over water discharge from Vu Gia to Thu Bon river.

5. All these listed works will pose certain resettlement impacts on the local population of two communes, Dai Cuong and Dai Hoa, of Dai Loc district, Quang Nam province.

6. The proposed subproject for Quang Hue river stabilization will bring following benefits:
• Increase of fresh water availability will allow to satisfy irrigation needs for 10,000ha of agricultural land downstream of Vu Gia River,
• Improved drainage and reduced flood threats will protect the population of Dai Cuong commune from possible flood damages and losses caused by severe river bank erosion;
• Prevent/protect the downstream area from marine salinity intrusion;
• Rehabilitate Vu Gia downstream flow and reduce river bed sedimentation;
• Favor water provision for diverse, multi-purpose, uses, including urban domestic use, irrigation, and aquaculture, maintaining river flows.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

7. This resettlement action plan (RAP) applies to the components according to the present technical design. The RAP is prepared to deal with compensation and rehabilitation of the project affected people, which can be identified at this project preparation stage. It will be updated before implementation through a detailed measurement survey (DMS) to precisely identify compensation requirement according to the final technical design. Each component is described as follows:

(i) Rehabilitation of the old Quang Hue River will involve dredging and cleaning of the old riverbed. Land acquisition will be required for disposal of the dredged and/or cleaning materials. In principle, the acquisition of land may consider as being temporary because the land would be returned to users when the civil works will be completed. However, our experience shows that due to the fact that a relatively big volume of dredged and materials (mostly sandy materials) will be disposed in the relatively restricted area (which is currently under annual crops). Such an action will result in considerable increase in elevation of the land surface (0.5 -1 m or higher) by dredged materials, which is the poorly nutritious, composed mainly of sand. Thus the temporarily acquired land may either not be suitable for cultivation, particularly regarding annual crops, for some years with relatively high cost in order to restore the soil to the original quality. Therefore, the overall negative impacts posed by the disposal of dredged materials on the agricultural land may be considerable and the cost of restoration so high that the impacts on land acquisition should be considered as permanent. The major part of such land belongs to Dai Hoa commune and only about a fifth of the area will come from the land of Dai Cuong commune.

(ii) Closing up the new Quang Hue River, achieved through land filling of the new river bed and embankments of Vu Gia river bank with sediment materials taken from the opposite river side of Vu Gia. These activities may create new, but rather restored, land area (which is acquired temporarily) in the place (that is to be filled) of the new river, which in the future will be suitable for cultivation. The borrow area, from where the most part of necessary soils needed for filling the new Quang Hue River including improvement of river bank base will be taken, is the annually flooded land in the opposite, left bank, sediment side, of Vu Gia river. The materials dredged from the old Quang Hue riverbed will be partially used as the materials for filling the new Quang Hue flow. Actually, that's called "borrow" area of flooded land in the left bank of Vu Gia river will in fact be acquired permanently as it is planned that this place will become a new part of Vu Gia river widened bed. The proposed widening of Vu Gia riverbed to the left side is planned to make a change of the current direction of river flow.

All the land required for this component currently belongs to Dai Cuong commune.

(iii) Embankments of vulnerable sections of Quang Hue and Vu Gia rivers: So far this is not identified land acquisition required for this component, but there may be certain area which will be acquired temporarily during civil works.

(iv) Construction of hydraulic regulatory works (intake) at the Quang Hue River mouth: So far ii is not identified land acquisition required for this component. There may be certain area, which will be acquired temporarily during civil works.

8. The Inventory of Losses (IOL) of all acquired land and assets identified at this preparation stage and the number of people affected has been carried out by the local authorities of communes Dai Cuong and Dai Hoa.
9. The Project will cause both permanent and temporary impacts on agricultural land, which is currently used for annual crops. In total, there are 72.9 ha agricultural land of 785 HHs (including two commune PCs) which will be affected. Among these there are 14.5 ha land and 148 HHs with permanent losses due to acquisition of the “borrowed” area, while the remaining 58.3 ha land used by 639 HHs will be lost “temporarily” due to disposal of dredged materials. 606 HHs will be severely affected due to loss of more than 20% of their agricultural land holding. There no HH losing their house due to the subproject intervention. Most of the land to be acquired from project affected people (PAP) is under legal, long-term user rights. About 19.1 ha (of which 3.3 ha of Dai Cuong and 15.8 ha of Dai Hoa communes) are under commune’s management. Table 1 presents a summary of the impacts on the land and structures for all subproject components.

Table 1: Summary of resettlement Impacts of Quang Hue river Stabilization Subproject

<table>
<thead>
<tr>
<th>Name of works</th>
<th>Severe Impact</th>
<th>Marginal Impact</th>
<th>Total Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Resid. HH**</td>
<td>Shop/ Houses HH***</td>
<td>Agric. &lt;20%, HH</td>
</tr>
<tr>
<td>Rehabilitation of the old Quang Hue river</td>
<td>0</td>
<td>0</td>
<td>447</td>
</tr>
<tr>
<td>Closing of the new Quang Hue river</td>
<td>0</td>
<td>0</td>
<td>159</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>606</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Loss of Land (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Rehabilitation of the old Quang Hue river</td>
</tr>
<tr>
<td>Closing of the new Quang Hue river</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Source: Inventory of losses by Dai Cuong and Dai Hoa CPCs
Key: HH = household; ha = hectares.
** Includes Shop/Houses; *** Combined shop/houses are also included in the column for Residential.
Persons is calculated based on average number of members per household.

10. The purpose of this resettlement action plan (RAP) is to deal with compensation and rehabilitation of the people affected by Quang Hue river Stabilization Subproject, ensuring that all project affected people will be at least as well off after the project as they would have been in the absence of the Project. This RAP is based on (i) a census and Inventory of Losses (IOL) of 100% of PAP in the area covered by the project for disposal of dredged from river materials and borrowed areas for taking filling-materials and widening the river bed of Vu Gia River, (ii) a sample HHs socio-economic survey of PAP, conducted by the consultants in 2003, (iii) group interviews and discussions in project affected communes, conducted by the consultants during the study, May 2003. Policies for compensation, relocation, and rehabilitation have been
established based on these surveys, applying Vietnam’s existing laws and sub-laws regulations and the World Bank Operative Directives OD 4.30 on Involuntary Resettlement, OD 4.20 on Indigenous People and OPN 11.03 on Cultural Property. Careful coordination between all the agencies and ministries will be necessary to complete the different resettlement activities successfully. The provisions and policies of this RAP will form the legal basis for the implementation of resettlement activities for the Quang Hue Subproject.

III. SOCIOECONOMIC INFORMATION

A. Source of Data

11. This RP has been based on census and land acquisition surveyed for 100% of PAP due to the disposal of dredged materials of the old Quang Hue River and the widening Vu Gia river bed in the opposite side of new Quang Hue River. The local communes Dai Loc and Dai Hoa have carried out the inventory survey in May 2002. Land acquisition and resettlement requirements were estimated based on detailed land use data in each subproject’s area, and on technical designs. A DMS will be carried out before implementation of Phase 1.

12. Socioeconomic information has come from several sources: (i) household socioeconomic questionnaire survey of 22 affected HHs conducted by the consultant in June 2003; (ii) group interview surveys conducted by the consultants in both project communes in May and June, 2003; (iii) stakeholder consultation at all levels, and (iv) review of secondary data/literature on subproject areas.

13. Specific resettlement group interviews with PAP were conducted to collect data on (i) specific resettlement needs of vulnerable groups which may be adversely affected by the Project, (ii) resettlement concerns and preferences of affected families, and (iii) measures to reduce impact.

B. Impacts on Land and Structures

14. Rehabilitation of the old Quang Hue River and closing its new one of the Quang Hue Subproject will recover about 74.4 ha of land. In total, resettlement impacts is posed on approximately eight hundreds households with 3,694 people. Despite the land acquisition of existing annual-crop-land, which is required for disposal of dredged materials, is temporary, it is anticipated that the impacts may rather be radical, involving either change in cropping patterns or change of types of land use. It can be explained as follows: according to estimation made by the technical consultant, the elevation of the annual crops fields may be increased by 0.5-1 m higher or more. Thus, it’s difficult to continue using the land for annual crops at least for several years due to the increased level of ground water, as the consequence of the elevation. Further, the change of the soil structure towards heavy domination of the sand materials will make land unsuitable for normal cultivation. There no HHs losing residential land and no PAP will lose shops or business. The most of affected HHs will likely experience severe impacts due to loss of more than 20% of their total land holding, counting for 660 HHs out of the total 788 PAP.

C. Land holding:

15. The average number of plots possessed by affected farmers is about 3.5. The average agricultural land holding is 1862 m2 for all PAP. The amount of land per HH varies between communes with 2254m2 for Dai Cuong commune and lower, 1671m2, for Dai Hoa as shown in table 2 below.
### Table 2: Average land holding (arable land) (m²)

<table>
<thead>
<tr>
<th></th>
<th>Total (m²)</th>
<th>Average land holding (m²/HH)</th>
<th>Per capiata arable land (m²/pers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dai Cuong</td>
<td>568102</td>
<td>2254</td>
<td>492</td>
</tr>
<tr>
<td>Dai Hoa</td>
<td>867170</td>
<td>1671</td>
<td>369</td>
</tr>
<tr>
<td>Total</td>
<td>1435272</td>
<td>1862</td>
<td>416</td>
</tr>
</tbody>
</table>

Source: Results of Inventory of losses, 2003

### Table 3: Composition of HH land holding (%)

<table>
<thead>
<tr>
<th>Commune</th>
<th>Composition of agricultural land</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% garden land</td>
<td>% rice land</td>
<td>% upland crop land</td>
<td></td>
</tr>
<tr>
<td>Dai Cuong</td>
<td>8</td>
<td>51</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>Dai Hoa</td>
<td>25</td>
<td>21</td>
<td>54</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>32</td>
<td>50</td>
<td></td>
</tr>
</tbody>
</table>

Source: Results of HH socio-economic survey

### D. Population:

16. All PAP surveyed are of the majority Kinh ethnic group. There no ethnic minority living in the area. The average size HH for the population is 4.45 persons/HH, but the average HH size of the surveyed PAP is much higher, equal 5.26 persons/HH. The sex ratio of the surveyed population is 51% of male and 50% of female, but the male HHHs make up 95% of the total surveyed. The average age of the HH's Heads (HHHs) are 53.9 and their average education is 5.5 years (see table 4 and 5). The result of the census reveals a general trend that the younger HHH the higher is their educational level.

### Table 4: Population characteristics of PAP

<table>
<thead>
<tr>
<th>Commune</th>
<th>HH size</th>
<th>Ethnic (%)</th>
<th>Sex ratio (%)</th>
<th>Active labors (pers/HH)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total (pers)</td>
<td>Size (pers/HH)</td>
<td>Kinhh Other</td>
<td>Male</td>
</tr>
<tr>
<td>Dai Cuong</td>
<td>1153</td>
<td>4.3</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Dai Hoa</td>
<td>2335</td>
<td>4.5</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>3488</td>
<td>4.45</td>
<td>100</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: results of the IOL of PAPs, 2003

### Table 5: Characteristics of HH Heads surveyed

<table>
<thead>
<tr>
<th>Sample (HHs)</th>
<th>HHH sex Male (%)</th>
<th>Average age</th>
<th>Educ. Grade</th>
<th>Main Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dai Cuong</td>
<td>10</td>
<td>48</td>
<td>5.6</td>
<td>100 Salary</td>
</tr>
<tr>
<td>Dai Hoa</td>
<td>12</td>
<td>50</td>
<td>5.3</td>
<td>100 Salary</td>
</tr>
<tr>
<td>Total</td>
<td>22</td>
<td>54</td>
<td>5.5</td>
<td>100 Salary</td>
</tr>
</tbody>
</table>

Source: HHs socio-economic survey, 2003
E. Occupation and Income

17. Agriculture is the most important source of HHs income of the PAP surveyed. Out of the total 22 HH Heads, there was only one who had the main income derived from the non-agricultural sector. However, among the labor active population in the two communes, the non-farm income involves a considerable part of the members surveyed, and it contributes an important portion of the HHs income, especially for Dai Hoa commune:

Table 6: Occupation structure of the active labors surveyed

<table>
<thead>
<tr>
<th>Occupation structure (%)</th>
<th>Per cap monthly income</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>Dai Cuong</td>
<td>100</td>
</tr>
<tr>
<td>Dai Hoa</td>
<td>100</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
</tr>
</tbody>
</table>

* Others include industrial workers, retired, small services, and handicrafts. Source: Socioeconomic surveys 2003.

18. Survey results indicate that only 9.1% of PAP have per capita monthly income below 100,000 VND. The well-off group and wealthy-income per capita group each counts for 27.3% of the total HHs surveyed, indicating a relatively fair economic situation in the communes. Based on the Ministry of Labor Invalids and Social Affairs classification, four income-level categories have been identified:

(i) Category I: The poor-income per capita is < D100,000/month.
(ii) Category II: The low-income per capita is from D100,000-D199,000/month.
(iii) Category III: The well-off-income per capita is from D200,000-D399,000/month.
(iv) Category IV: The wealthy-income per capita is > D400,000/month.

Table 7: Levels of Monthly Income (%)

<table>
<thead>
<tr>
<th>Sample</th>
<th>&lt;100</th>
<th>100-199</th>
<th>200-400</th>
<th>&gt;400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dai Cuong</td>
<td>10</td>
<td>10</td>
<td>40</td>
<td>20</td>
</tr>
<tr>
<td>Dai Hoa</td>
<td>12</td>
<td>8.3</td>
<td>33</td>
<td>33</td>
</tr>
<tr>
<td>Total</td>
<td>22</td>
<td>9.1</td>
<td>36.4</td>
<td>27.3</td>
</tr>
</tbody>
</table>

Source: Socioeconomic survey 2003.

F. Living Conditions

19. All the surveyed communes had access road with asphalt surface and electricity. The rural road network was well developed and concreted. Social infrastructure was available in all communes with primary schools, health care center and connection to telecommunication. Possessions of HH facilities are shown in Table 8 below.
Table 8: Households facilities (%)

|                  | Lighting              | Source of domestic water | Toilet at home |
|------------------|-----------------------|--------------------------|----------------
|                  | Electricity          | other energy             | Well UNICEF | Dig well | Flushing | No toilet |
| Dai Cuong        | 100                   | 0                        | 90           | 10       | 0        | 100        |
| Dai Hoa          | 100                   | 0                        | 92           | 8        | 25       | 75         |
| Total            | 100                   | 0                        | 91           | 9        | 14       | 86         |

Source: Socioeconomic survey 2003.

20. The ownership of assets by the PAPs surveyed shows that Dai Hoa commune is relatively more wealthy than Dai Cuong commune. This fact can be explained by the more favorable location and more diverse economic activities in Dai Hoa than in Dai Cuong, which is located in a more remote area. Possessions of HH assets are shown in table 9 below.

Table 9: Possession of HHs assets

<table>
<thead>
<tr>
<th>Commune</th>
<th>Finance</th>
<th>Radio cassette</th>
<th>TV</th>
<th>Pumping machine</th>
<th>Boat</th>
<th>Telephone</th>
<th>Motorbike</th>
<th>Refrigerator</th>
<th>Generator</th>
<th>Bike cycles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dai Cuong</td>
<td>80</td>
<td>20</td>
<td>60</td>
<td>90</td>
<td>80</td>
<td>0</td>
<td>20</td>
<td>0</td>
<td>10</td>
<td>90</td>
</tr>
<tr>
<td>Dai Hoa</td>
<td>100</td>
<td>50</td>
<td>91</td>
<td>83</td>
<td>40</td>
<td>0</td>
<td>33</td>
<td>0</td>
<td>0</td>
<td>100</td>
</tr>
<tr>
<td>Total</td>
<td>91</td>
<td>36</td>
<td>77</td>
<td>86</td>
<td>59</td>
<td>0</td>
<td>27</td>
<td>0</td>
<td>5</td>
<td>86</td>
</tr>
</tbody>
</table>

G. Gender and Poverty

21. The poor are 11% of total population in Dai Cuong and Dai Hoa commune. The ratio of HH having per capita monthly income lower than 100,000 VND of the HHs surveyed were lower than the poverty rate average for the communes, equal to 10% for Dai Cuong and 8.3% for Dai Hoa.

22. The ratio of HHs headed by women is relatively high in the both communes, between one and two third of the total HHs. The reasons were the consequences of the war during which many of the men died and left the family burden to women's shoulders.

23. Although there was no general social discrimination against women, the women headed HHs still face many disadvantages in life where the shortage of labor is among the most challenging. Special attention and equal allocation of development resources and opportunities to the women headed and poor HHs should be given throughout project's cycle.

IV. LEGAL FRAMEWORK

A. World Bank's resettlement Policy

24. The main objective of WB's Policy on Involuntary Resettlement is to ensure that PAP should be assisted to improve their living standards, income level and income generating capacity, or at least would be as well off as without the project. This policy aims to avoid involuntary resettlement whenever feasible, to minimize resettlement where population displacement is unavoidable. The policy stipulates that lack of legal certificate on land will not be an obstacle for a part of affected people to be entitled to compensation and rehabilitation.
The policy requires that compensation for all losses should be made at replacement cost, without depreciation and deduction of savage materials.

B. Viet Nam Laws

1. Relevant Vietnamese Acts and Bylaws

25. In recent years, the Government has formulated several rules and regulations to protect the interests of displaced persons. Relevant acts and bylaws that govern various aspects of land acquisition and resettlement include:

(iii) Decree 87/CP, dated 17 August 1993, on the stipulation of the frame for the price of various categories of land.
(iv) Decree 64/CP, dated 27 September 1993, on the distribution of agricultural land to households for long-term use.
(v) Circular No.05-BXD/DT, dated 9 February 1993, on the classification of house types.
(vi) Decree 22/CP, dated 24 April 1998, on compensation levels and other allowances for land and structures recovered for the national and public interest.
(vii) Decree 17/CP, 4 May 2001, on Management and Utilization of ODA.

2. Decree 22/CP

26. In April 1998, the Government issued a major decree regarding compensation for land acquisition, Decree 22/CP on Compensation for Damage when the State Recovers Land for Use in National Defense, Security, and National and Public Interests. The Government has also issued guidelines for the implementation of this Decree (145/1998/TT-BTC). By issuing Decree 22/CP on 24 April 1998, the Government:

(i) added new stipulations to accommodate with the major changes in compensation unit prices, objects to be affected, assistance levels, etc. in Viet Nam since 1993. Many of these stipulations have proven themselves appropriate with ongoing WB, ADB and other donor-funded projects in Viet Nam;
(ii) provided general provisions for compensation processes and procedures to all organizations and individuals who need to acquire land; and
(iii) assigned, in detail, the responsibilities of the government agencies concerned in implementing the Decree.

27. Generally, Decree CP/22 meets the objectives of WB's policy on involuntary resettlement, however, some discrepancies can be found regarding the compensation of PAP without legal rights. Table 10 presents the main areas of discrepancy.

<table>
<thead>
<tr>
<th>Decree 22/CP</th>
<th>WB Policy</th>
<th>Project Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 7: Any person whose land is recovered and who has not met one of the conditions of Article 6, or who has violated the plan, or who violates the protecting corridor work, or who illegally occupies land shall not receive compensation when the state recovers</td>
<td>The absence of formal legal title to land by some affected groups should not prevent compensation.</td>
<td>All project affected people, irrespective of tenure status, social or economic standing, will be equally entitled to be compensated for their lost assets, incomes, and businesses at full replacement cost and provided with rehabilitation</td>
</tr>
<tr>
<td>Decree 22/CP</td>
<td>WB Policy</td>
<td>Project Policy</td>
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<td>the land. In case of necessity, the Provincial People's Committee shall consider and decide on a case-by-case basis.</td>
<td>measures sufficient to assist them to improve or at least restore their pre-project living standards, income levels and productive capacity.</td>
<td></td>
</tr>
<tr>
<td>Article 8: The compensation rates shall be determined on the basis of local prices for land issued according to the provisions of the Government, and then multiplied by a coefficient to ensure the compatibility of the compensation with the profitability and the price of the assignment of the land use right in the community.</td>
<td>Compensate all affected persons, including those without title to land, for all their losses at replacement rates.</td>
<td>Replacement cost surveys have been carried out and will be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value to be updated at the time of compensation.</td>
</tr>
<tr>
<td>Article 17: The total maximum level of compensation shall not exceed 100% and the minimum level shall not be lower than 60% of the value of the house or construction, priced according to the construction price for new buildings with technical standards equivalent to the affected.</td>
<td>Compensate all affected persons, including those without title to land, for all their losses at replacement rates.</td>
<td>Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation.</td>
</tr>
<tr>
<td>Article 18: People without legal permit of construction shall only receive 80% in compensation rural areas and 70% in urban area. People who violate zoning area will receive no compensation and illegal construction shall be forced to dismantle it.</td>
<td>All Project affected persons will be entitled to compensation irrespective of the legal status in both rural and urban areas.</td>
<td>Full compensation at replacement cost for all Project affected structures irrespective of legal entitlement.</td>
</tr>
</tbody>
</table>

V. COMPENSATION POLICY

A. Objectives for Resettlement

28. The objectives of the Vietnamese legislation governing the resettlement and rehabilitation of displaced persons and of WB's policy concerning involuntary resettlement have been adapted for the preparation of this RAP for the Quang Hue River Subproject. They are set out below. An entitlement matrix is shown in Appendix 1. The policies and principles adopted for the Project supersede the provisions of relevant Government decrees currently in force in Vietnam wherever a gap exists between WB's Policy on Involuntary Resettlement and Vietnamese law.

29. The main objective of the Resettlement Plan is to ensure that populations affected by the Project should be at least as well-off, if not better-off, than they would have been without the Project. Affected populations should be able to maintain and preferably improve their standard of living and quality of life.

1. Minimize the Adverse Impacts from the Project

30. Considerable attention has been directed, during the Project's technical design stage and through modifications to various design parameters, to minimizing adverse impacts as well as the number of households that would be severely affected due to the loss of agricultural land. Related actions are the following:
(i) Alternative options with modification of technical design have been taken into consideration to avoid or reduce permanent land acquisition wherever possible.

(ii) All the canals will be lined on that side of canals where the less of land currently in use would be affected.

(iii) The time of closing water for civil works will be based on PAPs' recommendation, which correspond to their needs and cultivation calendar.

2. Compensation and Assistance

31. Compensation and assistance will be provided to ensure that the economic and social conditions of the PAP are at least as favorable as they were in absence of the Project. The compensation policy, which encompasses compensation for all affected assets, along with rehabilitation measures as suggested in this RAP, will ensure that all PAP are able to, at minimum, restore their income, standard of living, and productive capacities to pre-project levels. Specific measures to ensure restoration of incomes and living standards of PAP includes compensation for lost assets based on:

   (i) Land-for-land of equivalent productive capacity and at a location suitable and acceptable to the PAP, or
   (ii) at the request of an PAP, who has been informed regarding the options, cash for land or a combination of the two.

3. Compensation at Replacement Cost

32. Compensation for all types of affected assets, including residential and commercial structures as well as standing crops and trees, will be paid at replacement cost. Compensation for affected land will be made either in the form of a trade, land-for-land of equal productive capacity at a location acceptable to the PAP, or at the specific request of the PAP, in cash at replacement cost to ensure that PAP can restore their income generating capacity and income levels.

4. Community Participation and Consultation

33. The preparation and implementation of the RAP is to be carried out with the full participation of, and in consultation with, the affected households and their representatives. Intensive public consultations have been carried out in the preparation of the RAP. Ten group interviews were conducted at commune level in the project areas to inform local populations and to identify their needs and requirements. In addition, four resettlement group interviews were conducted in the project pilot communes in order to collect data on (i) vulnerable groups which may be adversely affected by the Project, (ii) resettlement preferences of affected families, (iii) measures to reduce impacts, and (iv) adequacy of compensation prices issued by the provinces. Further public consultations will be carried out during the implementation stage with a focus on specific activities including assessment of compensation, acquisition of land, and design of rehabilitation assistance planning. The Public Information Campaign and Consultation Program is described in Chapter 7 of this RAP. The PAP will also have well defined avenues for redressing their grievances as described in Chapter 7.

B. Principles of Resettlement

34. The following basic principles have been adopted for the Project:

   (i) The populations affected by the Project are defined as those who may stand to lose, as a consequence of the Project, all or part of physical and nonphysical
assets, including homes, homesteads, productive lands, commercial properties, tenancy, income-earning opportunities, social and cultural activities and relationships, and other losses that may be identified during the process of resettlement planning.

(ii) Involuntary resettlement will be minimized by identifying possible alternative project designs, and appropriate social, economic, operational and engineering solutions that have the least impact on populations in the project area.

(iii) The cut-off date for compensation eligibility for physical assets affected due to rehabilitation, upgrading of existing and construction of new, so far missed of the system, canals/irrigation works will be the date of completion of the detailed measurement survey and census after detailed technical design will be completed for these components.

(iv) A census and detailed measurement survey and baseline socioeconomic survey will be carried out for all subproject components after detailed design of each and in updating of the RAP.

(v) All PAP will be entitled to be compensated for their lost land and standing crops/trees at full replacement cost to assist them to improve or at least restore their pre-project living standards, income levels, and productive capacity.

(vi) All affected populations will be equally eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing, and any such factors that may discriminate against achieving the objectives outlined above.

(vii) Preparation of the RAP and its implementation is to be carried out with the full participation of affected people. PAP comments and suggestions will be duly taken into account during the design and implementation phases of the resettlement plans.

(viii) Adequate budgetary support will be fully committed and be made available to cover the costs of land acquisition and resettlement and rehabilitation within the agreed implementation period.

(ix) WB shall not approve of any civil works contract for any subproject to be financed from the loan proceeds unless the Government has completed satisfactorily and in accordance with the approved RAP for that subproject compensation payment and ensured rehabilitation assistance is in place prior to obtaining possession and rights to the land.

(x) The detailed RAP for implementation will be translated into the local language and placed in project and commune offices for the reference of affected people as well as any interested groups.

(xi) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. Evaluation of the land acquisition process and the final outcome will be conducted independent of the executing agency.

C. Compensation Policy for Loss of Land

35. The Project will acquire some land acquisitions. There are two types of land use rights found in the project affected area: permanent or leagizable and temporary land use rights. Below are set out principles of compensation:

1. Land Users with Permanent or Legal Use Rights

36. For arable land that will be permanently affected, the PAPs will be entitled as follows:
Marginally affected PAP. PAP with losses less than or equal to 20% of their total agricultural landholdings, will be entitled to cash compensation for crops and trees at market prices, AND cash compensation for acquired land at 100% of replacement cost.

Severely affected PAP. PAP with losses of more than 20% of their total agricultural landholdings, will be entitled to cash compensation for crops and trees at market prices AND first priority for land-for-land of equivalent productive capacity at a location acceptable to the PAP, or, if requested, cash compensation for the lost land at 100% of replacement cost AND rehabilitation assistance (skills training for one family member in a current or new occupation and a training allowance, provision of agricultural extension services to increase the productivity of remaining land, and priority for project-related job opportunities).

2. Land Users With Temporary or Leased Rights to Use Land

(i) PAP are marginally affected: PAP with losses less than or equal to 20% of their total productive capacity will be entitled to cash compensation for acquired land equivalent to 30% of land replacement cost; AND cash compensation for loss of crops and trees at full market prices;

(ii) Severely affected PAP: PAP with losses of more than 20% of their total productive capacity, will be entitled to cash compensation for crops and trees at market prices, AND first priority for land-for-land equivalent to 30% of affected area of equivalent productivity at a location acceptable to PAP, or, if requested, cash compensation for the lost land corresponding to 30% of replacement cost.

For poor and vulnerable, including landless, PAPs, who prefer to continue farming but have land less than of a standard size provided by Decree 64/CP, the local authority to assist them to obtain land of area equal to minimal standard size, with permanent land use right, OR training rehabilitation measures, including job training and training allowance for its working member/s if no land available for provision;

3. Land Users Without Permanent or Legal Rights to Use Land

38. Households occupying and using land without permission from the commune will be entitled to compensation for crops and trees at 100% of market prices. They will not be compensated for land but will receive assistance corresponding to the investment in the land.

39. For poor and vulnerable farmers affected who are landless and have not been allocated land before will be entitled to: (i) assistance by local authority to obtain land of an area equal to the minimum standard size, with full legal title to the land, and/or (ii) transition assistance and rehabilitation measures, including social assistance allowance, job training and training allowance for its working member(s) if no land available for provision;

4. Loss of Standing Crops and Trees

40. For annual standing crops, compensation will be paid to households who cultivate the land according to the full market value of the affected crops, regardless of the legal status of the
land. For perennial plants, compensation will be paid according to the full market value of the affected plants, regardless of the legal status of the land. If the plants are not yet ready for harvest, compensation will include the total cost of initial investment and care until the time of the land acquisition. In case perennial plants can only be harvested once, compensation will be paid for the total cost of investments and care calculated until the time of the land acquisition. Compensation will be in cash.

5. **Loss of Residential Land**

41. There are no structures on the affected residential land, and PAPs will be entitled to compensation in cash at 100% of the replacement cost of the affected land.

6. **Secondary PAPs**

42. This applies to those affected by acquired areas needed for construction or for individual resettlement or group resettlement sites. Because all secondary PAP are likely to be affected through loss of agricultural land, they will be entitled to compensation and rehabilitation assistance in accordance with the same provisions for all other PAP.

D. **Compensation Policy for Structures**

1. **Loss of Graves**

43. The level of compensation for the removal of graves will be for all costs of excavation, relocation, and reburial. Compensation in cash will be paid to each affected family.

E. **Temporary Impact During Construction**

44. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that shall be applied to all other assets affected by the Project. In addition, damaged property will be restored immediately to its former condition.

45. For arable land that will be temporarily affected, all PAPs are entitled to compensation for loss of crops and trees at market prices, AND compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use; AND restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified; AND if duration of temporary land use is equal or exceeds two years, then the PAPs are compensated as for permanent loss of land.

F. **Allowances During the Transition Period**

46. The following allowance amounts are indicative only. At the time of compensation, allowances will be adjusted to account for inflation. For severely affected farmer HHs, rehabilitation assistance of amount not least than VND 3,000,000 per HH will be given. The concrete form of assistance to the farmers will be precisely identified in the project implementation stage through investigation and intensive consultation with the entitled PAP to ensure adequacy and effectiveness of rehabilitation assistance in meeting with actual needs of PAP. In may be in form of training plus training subsistence allowance or in cash which combined with relevant technical assistance. In addition, HHs having special social support will
be provided with a special social assistance not less than VND 1,000,000 to rehabilitate their living standards.

V. INSTITUTIONAL ARRANGEMENTS

A. General Organization

47. The implementation of resettlement activities requires the involvement of agencies at the national, provincial, district and commune level. Under the responsibility of MARD, resettlement committees shall be established at the provincial and district level according to the provision of Decree CP 22/1998. The provisions and policies of the RAP will form the legal basis for the implementation of resettlement activities for the Quang Hue subproject.

B. Ministry of Agriculture and Rural Development

48. MARD is responsible for the realization of the VWRAP Project, on behalf of the Government. A Central Project Management Office (PMO) will be established in MARD, at MARD's Department, which is responsible for Management and Modernization of Hydraulic works. The PMO has responsibilities for overall project management and implementation. For each VWRAP Subproject will be established a Provincial Project Management Unit (PMMU) or a Subproject Implementation Unit (SIO). The PMO with the PPMU/SIOs will, in coordination with relevant agencies, manage and supervise the overall Project including resettlement activities and land acquisition. Successful updating and implementation of the RAPs will require close coordination between MARD and other ministries and agencies as well as between PMO, implementing agencies, and all local resettlement committees. Resettlement capacity will be established within the PMO to coordinate all resettlement activities with full-time assistance of consultants. Similar capacity will be established within the implementing agencies to implement resettlement for each subproject. The consultants will provide technical assistance to strengthen the social capacity within the PMO and implementing agencies. The PMO, with assistance of the consultants, will take overall responsibility as follows:

(i) Providing overall planning, coordination, and supervision of the resettlement program.
(ii) Guiding implementing agencies in updating and/or preparing RAPs and implementing resettlement activities in accordance with the Policy Framework and the approved RAP; and if any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensure that the objectives of the RAPs are being met.
(iii) Finalizing RAPs and obtaining Government and WB approval before implementing approved RAPs.
(iv) Coordinating completed implementation of approved RAPs for each component with the award of civil works contracts for each component.
(v) Providing resettlement training to implementing agencies, all PPMU/SIO staff and RCs at all levels, and to the external monitoring organization.
(vi) Providing the budget for resettlement activities.
(vii) Establishing standard procedures for information campaigns and stakeholder consultation such as monthly newsletters to communities on project activities.
(viii) Providing coordination with other components and various agencies involved in resettlement planning and implementation.
(ix) Establishing liaison mechanisms to ensure proper technical and logistical support to implementing agencies and RCs.
(x) Establishing standardized PAP databases for each component, as well as for the Project as a whole.
(xi) Establishing procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies.
(xii) Establishing procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.
(xiii) Recruiting, supervising, and acting upon the recommendations of the external monitoring organization.
(xiv) Establishing procedures for the prompt implementation of corrective actions and the resolution of grievances.
(xv) Reporting periodically on resettlement activities to the WB.

C. Provincial People’s Committee

49. The PPC is the principal authority at the provincial level. The Quang Nam PPC is responsible for setting up and directing a council of compensation, which will be called the Provincial Resettlement Committee (PRC). The PPC is also responsible for reviewing and approving the RAP. The PPC is responsible for the final decision on compensation unit costs, subsidies, allowances, and supporting policies for PAP and vulnerable affected groups, in accordance with this RAP. The PPC is responsible for the approval of project land acquisition. Quang Nam PPC is also responsible for organizing the coordination between the related institutions and provincial departments for the implementation of the RAP, and to execute compensation and resettlement plans effectively.

D. District People’s Committee

50. The District People Committees are responsible for identification of land and structure legality, and appointing members of the DRC and assigning functional tasks for the DRC.

E. Implementing Agency.

1. Quang Hue Subproject Implementation Unit (Quang Hue PPMU)

51. Quang Hue PPMU will be responsible for implementing this RAP. Responsibilities will include the following:

   (i) Preparation, implementation, and monitoring of RAP.
   (ii) Guiding the resettlement committees at all levels in implementing the approved RAP and implementing resettlement activities in accordance with the resettlement policies specified in the RAP. If any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensuring they are addressed so that the objectives of the RAP are met; ensuring proper technical and logistical support to the Ha Tinh’s and its districts’ RCs.
   (iii) Guiding and supervising the RCs while they carry out the Land Acquisition and Census Survey (LAS) to identify exactly the number of affected households and the extent of losses to be compensated, guiding local RCs in following compensation entitlements and procedures as defined in the approved RAP, and submitting compensation/assistance costs for approval.
(iv) Implementing information campaigns and stakeholder consultation in accordance with established project guidelines, supervising the compensation payment process and the implementation of the RAP, and redressing grievances concerning resettlement activities in collaboration with RCs.

(v) Coordinating with other line agencies to ensure delivery of mitigation and support measures.

(vi) Providing income restoration and other social support under the Rehabilitation Assistance Program.

(vii) Implementing established procedures for internal monitoring, establishing and maintaining a PAP databases for each subproject in accordance with established project procedures and providing regular reports to the PMO and all data to the external monitoring organization.

(viii) Implementing prompt corrective actions in response to internal and external monitoring, and resolution of grievances.

(ix) Coordinating project-related employment for PAP (consulting contractors about employment opportunities for local people, informing PAP about opportunities and how to avail of the opportunities).

(x) Implementing established project procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.

2. Provincial Resettlement Committee

The PRC of Quang Nam will be responsible for

(i) implementing, on behalf of PMO, all resettlement activities within the provincial territory under the PPC's management, and signing contracts for the implementation of some resettlement components;

(ii) establishing and strengthening resettlement committees at district and commune levels;

(iii) guiding all resettlement activities of provinces, districts and communes in accordance with the project policies and directives;

(iv) establishing compensation unit prices for land and structures in collaboration with other provincial departments; setting up procedures for land acquisition and allocation and submitting them to the PPC for approval; coordinating, supervising, and monitoring the implementation of resettlement activities in the province;

(v) issuing guidelines about resettlement activities within their power, namely: (a) compensation prices for land, structures, crops, etc. (b) identification of land and structure legality; (c) procedures of land acquisition and allocation; and (d) approval of compensation charts for PAPs and affected public facilities, etc.;

(vi) directing and monitoring the DMS process, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval;

(vii) accepting and handing over the sites to the implementing agencies; and

(viii) cooperating fully with the external monitoring organization.

3. District Resettlement Committees (DRCs)

The DRCs will be responsible for

(i) planning and implementing, on behalf of the District People's Committees, all resettlement activities in their districts under the direct professional guidance of the PRC. If authorized by the PPC to be completely responsible for the
resettlement activities in the district in the case that the PRC will not be established, the DRC will play the same role as the PRC;
(ii) planning and implementing all resettlement activities in the district;
(iii) finding adequate land for individual relocations;
(iv) being responsible for LAS, finalizing compensation forms, preparing compensation charts to submit to the PRC, and paying compensation directly to each AP after receiving the funds;
(v) establishing inspectors to redress PAPs grievances on resettlement policies and entitlements;
(vi) establishing, if necessary, commune resettlement committees (CRC) and directing their operations during the implementation of the resettlement activities;
(vii) cooperating fully with the external monitoring organization.

F. Agency Responsible for External Monitoring

54. One agency specialized in the social sciences must be identified in order to carry out socioeconomic surveys, monitoring, and evaluation of RAP implementation for the Project. They will submit periodic reports on the implementation progress and make recommendations regarding the issues identified. The terms of reference and methodology for monitoring are presented in Section 10.

G. Staffing and Training

55. One full-time specialized resettlement staff will be recruited for each PPMU/SIO. The PMO and the consultant team will assist in fulfilling/performing their resettlement responsibilities. These people should have background on social sciences or anthropology, computer skills, good experiences or will be trained on resettlement issues, preferably be proficiency in spoken and written English. Depending on the scale of resettlement impacts of each subproject, a full time or part time resettlement staff will be required for local resettlement institutions.

56. As Quang Hue suproject poses both marginal and severe resettlement impacts on PAP and involves two different of communes level units, namely Dai Hoa and Dai Cuong Commune under Dai Loc District, there will be needed a resettlement council at provincial level, Quang Nam PRC, to ensure implementation of a unified resettlement policy throughout project affected areas. This PRC will focus in assisting the PPC on decision-making of the issues related to subproject's resettlement policy and problems arising under Quang Nam PPC competence and within its administrative boundaries. At town and district level, there will be established town and District RCs, which will be the implementation bodies responsible for implementation of day-to-day resettlement activities within their district's boundaries and authorization.

57. All full time and part time staff and decision making involved in project resettlement implementation will be trained on the WB's and GOV project's resettlement policy, methods of public consultation, negotiation etc. Specific resettlement skills training will be provided to enumerators, implementation staff in resettlement implementation procedures, techniques, unified DMS forms, and management of the PAPs database.
VI. PUBLIC INFORMATION, CONSULTATIONS AND GRIEVANCE REDRESS

A. Consultations During Preparation of Resettlement Plan

1. Public Information During RP Preparation

58. Actions during which the consultant provided information about the project and the resettlement policy were as follows:

(i) Group interview surveys were conducted in the two communes of the project affected area. Specific resettlement group interviews with affected persons were also conducted. In addition, stakeholder meetings have been organized at the provincial level with Quang Nam PPC, Dai Loc district's and Dai Cuong and Dai Hoa commune's People Committees, Quang Nam DARD.

(ii) A Socio-Economic HHs surveys were conducted for the affected areas, which also benefited of the Quang Hue Subproject. The groups interview surveys were conducted in both affected communes. The surveys provided information on the different needs of different fields (agriculture, social, economy, resettlement) and provided useful socioeconomic insight. Each meeting involved from 15 to 25 persons. The majority of these persons were farmers from the villages of the communes, that is the most threatened by flood impacts and related to the project. Representatives of local farmer groups and other organizations, as well as officials from district and commune levels also attended the meetings. After meetings, women usually asked to be gathered to discuss in separate groups. The HHs questionnaire surveys and the group interviews were conducted in May and June of 2003.

(iii) Specific HH resettlement interviews with Households relocated in recent flood years were conducted in Dai Cuong commune. The group interviews have also been conducted. The surveys, conducted in May 2003, were designed to collect data on: (a) general assessment of project benefit and resettlement impacts; (b) evaluation of the past resettlement efforts after the severe floods; (c) vulnerable groups which may be adversely affected by the Project, (d) resettlement preferences of affected families and (e) measures to reduce impacts.

(iv) Stakeholder meeting with Quang Nam PPC was also focused on resettlement issues and commitments of the PPC to follow a project's Resettlement policy, which reflecting the WB's and GOV resettlement objectives and principles.

(v) In addition, affected households’ preferences regarding resettlement and relocation were investigated through socioeconomic surveys (300 questionnaires).

2. Objectives of Public Information and Consultation

59. Information dissemination to, in consultation with and with the participation of, affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of project delays. This will also enable the Project to design the resettlement and rehabilitation program as a comprehensive development program to suit the needs and priorities of the affected people, thereby maximizing the economic and social benefits of investments. The objectives of the public information campaign and PAP consultation program are as follows:

(i) To ensure that local authorities as well as representatives of PAPs will be included in the planning and decision-making processes. The PMO and the PPMU/SIO in Ke Go will continue a dialogue with the Provincial People's
Committee and the District People’s Committee during Project implementation. PAP involvement in implementation will be continued thereafter by requesting each district to invite PAP representatives to take part in the resettlement activities (property evaluation, compensation, resettlement, and monitoring).

(ii) To fully share information about the proposed project components and activities with the PAP.

(iii) To obtain information about the needs and priorities of the PAP, as well as information about their reactions to proposed policies and activities.

(iv) To ensure that PAP are able to make fully informed decisions that will directly affect their income and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.

(v) To obtain the cooperation and participation of the PAPs and communities in activities necessary for resettlement planning and implementation.

(vi) To ensure transparency in all activities related to land acquisition, resettlement and rehabilitation.

B. Consultations Proposed During Implementation

1. Information Dissemination and Rehabilitation

60. During project implementation, the implementing agency responsible for resettlement (Quang Hue PPMU), assisted by the project consultants, will undertake the following:

(i) Provide information to resettlement committees at all levels through training workshops. Detailed information on project policies and implementation procedures will be provided.

(ii) Conduct information dissemination and consultation for all PAPs throughout the life of the Project.

(iii) Update or establish provincial unit prices, and confirm land acquisition and impact on properties through the DMS.

(iv) The PRC/DRC will then apply prices, calculate compensation entitlements, and complete the Assets Compensation Forms for each affected household. Information on entitlements will then be presented on an individual basis to PAP in the Land Acquisition and Census Survey follow-up visit to each household.

(v) The Asset Compensation Form, showing the household’s affected assets and compensation entitlement will then need to be signed by the PAPs to indicate their agreement with the assessment. Any complaints the PAPs have about the contents of the form will be recorded at this time.

(vi) Consultation regarding PAPs preferred rehabilitation assistance program. This applies to severely affected and vulnerable PAPs. The social support team will inform PAPs of their entitlement to rehabilitation assistance under the Rehabilitation Assistance Program, before asking them to indicate their preferences.

2. Public Meetings

61. Prior to the beginning of the detailed design, a public meeting will be held in each hamlet to provide PAPs with additional information and an opportunity for open discussion about resettlement policies and procedures in each affected hamlet. A letter of invitation will be sent to all PAPs after the LAS has been completed at least 2 weeks before the meeting in their area. This meeting is intended to clarify information that has been given to date and to provide PAPs with the opportunity to discuss issues of concern and obtain clarification. In addition to a letter
informing the PAPs, other means will be used to inform PAPs and the general public such as posters in prominent locations in the communes and districts where PAPs currently reside: radio, television, and newspaper announcements. The letter and notices will advise the time and location of the meeting, and who can attend. Both men and women from affected households will be encouraged to attend, as well as other interested community members. The meeting will explain the Project, and households' rights and entitlements, and there will be opportunities to ask questions. Such meetings will be conducted periodically during the life of the Project.

62. Relevant information will be given to the PAPs at the meetings (verbally, graphically, and on printed information sheets). Extra copies of the printed information sheets will be available at municipal and district offices throughout the project area. The meetings will follow the following format:

(i) Explanations given verbally and in visual format, including written information and drawings of the proposed design for the different component of the Project.
(ii) Adequate opportunities will be provided for PAPs to respond with questions and comments. PAPs will be encouraged to contribute their ideas for PAP rehabilitation options.
(iii) The DRC will establish a complete list of all PAPs present at the meetings.
(iv) The DRC will make a complete record of all questions, comments, opinions, and decisions that arise during the information/consultation meetings, and present a report of all the meetings to the SIO.

63. Information about the following will be given to the PAP:

(i) Project components. This includes the places where they can obtain more detailed information about the project.
(ii) Project impacts. Impacts on the people living and working in the affected areas of the project including explanations about the need for land acquisition for the reservoir, the canal network, and other project components.
(iii) PAP rights and entitlements. These will be defined for PAP (with the cut-off date). The rights and entitlements for different categories of PAP, including the entitlements for those losing businesses, jobs and income. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each. Entitlement to rehabilitation assistance
(iv) Grievance mechanism and the appeal process. PAP will be informed that project policies and procedures are designed to ensure their pre-project living standards are restored. PAP will also be informed that if there is any confusion or misunderstanding about any aspect of the project, the commune or district resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. PAP will receive an explanation about how to access grievance redress procedures.
(v) Right to participate and be consulted. The PAP will be informed about their right to participate in the planning and implementation of the resettlement process. The PAP will be represented on commune resettlement committees, and the representative for the PAP will be present whenever commune/district/provincial committees meet to ensure their participation in all aspects of the project. PAP will be consulted about the training and training preferences in current or new occupations for all PAP whose income levels and living standards are adversely affected due to loss of agricultural land or other assets.
(vi) **Resettlement activities.** PAP will be given an explanation regarding compensation calculations and compensation payments, monitoring procedures (which will include interviews with a sample of PAP), and preliminary information about physical works procedures.

(vii) **Organizational responsibilities.** PAP will be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the Government officials with phone numbers, office locations, and office hours if available.

(viii) **Implementation schedule.** PAP will receive the proposed schedule for the main resettlement activities and informed that physical works will start only after the completion of all resettlement activities and clearance from the project area. It will be clarified that they will be expected to move only after full payment of compensation for their lost assets has been allocated to them. Implementation schedules and charts will be provided to resettlement committees at all levels.

3. **Compensation and Rehabilitation**

64. A letter of notification will be sent to each PAP with the time, location, and procedure for receiving compensation payment. Severely affected and vulnerable PAPs will be personally contacted to confirm their preferences for rehabilitation assistance to take necessary actions to respond to their specific needs.

4. **Public Information Booklet (PIB)**

65. To ensure that PAP, their representatives, and the local government in the affected areas fully understand the details of the resettlement program, and that they are informed about the compensation and rehabilitation packages applicable to the Project, a Public Information Booklet (PIB) will be prepared by the PMO, in consultation with WB. This booklet will be distributed to all PAP in the project area before DMS. General contents of the PIB will include the following:

- Brief Description of the Project, Implementation Schedule, Project Impacts, Entitlements and Rights of PAP, Resettlement and Rehabilitation Policies for All Types of Impacts, Institutions Responsible for Resettlement, Information Dissemination to and Consultations with Project Affected People, What To Do if PAP Have a Question or a Problem, Grievance Procedure, and Independent Monitoring.

5. **Disclosure**

66. In addition to disclosure to affected people and communities, this RAP or a summary will be displayed at public place such as at the PMO, Quang Nam PPMU (SIO), local provincial and district RCs, Provincial Information Center to disseminate information about the Project to all interested parties/stakeholders.

C. **Grievance Redress Procedure**

67. In order to ensure that PAP grievances and complaints on any aspect of land acquisition, compensation, and resettlement are addressed in a timely and satisfactory manner a grievance redress mechanism needs to be established. Such a mechanism will ensure that all possible avenues are available to PAP to air their grievances and that they are well defined. It is also important that all PAP become aware of the established procedures for the proposed grievance redress mechanism. The detailed procedures for both redressing grievances and the appeal process will be publicized among all PAPs through an effective public information
B. Flow of Funds

71. The PMO will be responsible for channeling funds for land acquisition and resettlement to the PRC which will be responsible for the payment of compensation directly to affected persons for land, crops, trees, houses, other structures, and for the various allowances. The PMO will also be responsible for contracting an external organization or other institution that will be engaged for independent monitoring.

C. Adjustments for Inflation

72. The cost estimates in this RAP are based on 2003 prices (to be updated before compensation payment). The rates for compensation and cash entitlements for rehabilitation as well as allowances payable to affected persons will be adjusted annually, based on the actual annual inflation rate. The PMO, together with the provinces, will determine the annual inflation rate and ensure the necessary annual adjustments are made to compensation rates and to all cash entitlements.

D. Compensation Prices

73. The prices used for cost estimates of land acquisition and resettlement are first of all based on the prices issued by Quang Nam PPC in decisions regulating compensation prices for land and different affected properties and assets. The compensation amount in the detailed cost estimates in Table 11 includes a 10% contingency. The current compensation and resettlement costs are based on:

(i) (a) land acquisition and census surveys conducted in May-June, 2003; (b) identification of different categories of impacts, resettlement policies, and entitlements described in Section 5; (c) provision of Decree 22/1998 on compensation and resettlement; (d) compensation prices issued by Quang Nam provinces in ; and, (e) rapid assessment of replacement cost made by consultants, based on available information gathered in May-June 2003.

(ii) According to Decree 22 (Article 8), the prices for compensation shall be decided by the Provincial People's Committee for each specific project. For present purposes, the price lists issued by Quang Nam province in the Decision 07/2000/QD-UB, issued on 03 February, 2000, concerning unit prices for land, the Decision 2424/1998/QD-UB, on 28 August 1998, concerning Unit compensation prices for crops and trees within Quang Nam province, and Decision 2425/1998/QD-UB, on 28 August 1998, concerning Unit compensation prices for houses and structures, within Quang Nam province in case of land acquisition for public, national security, safety, national and public interests, and for its other similar and recent projects, and validated and/or adjusted by the consultants during preparation of the study and applied for preparation of this RAP.

(iii) In order to avoid complaints and to ensure fair compensation prices for affected persons, compensation prices used for cost estimates in the RAP have been based not only on prices issued by the provinces, but also on result of rapid assessment of market price conducted by the consultant in the affected areas. However, to comply with the unit prices issued by the province the consultant has taken those provided as a base and used the higher unit prices for land and other categories of losses.

(iv) During the detailed design of the Project, the subproject will revise compensation unit prices for all categories of loss (land, crops, and trees) to ensure PAP receive actual replacement cost at current market value at the time of compensation. PAP and local authorities will be consulted on the proposed rates before they are finalized.
E. Income Restoration and Rehabilitation Assistance

74. Severely affected farmers and other vulnerable households will be entitled to assistance to restore or improve their pre-project conditions. These costs will be updated at the time of compensation to adjust for inflation.

F. Implementation Costs

75. Costs for land acquisition and compensation will be fully funded by the Government. Resettlement administrative cost includes performing resettlement activities by PPMU/SIO and resettlement consultant, and management fees for various resettlement committees, and implementing agencies. It consists of cost for the payment of salaries, per diem, logistics, management fees, etc; cost for Detailed Measurement Survey (DMS) of losses, evaluation of assets lost, pricing application; public information and dissemination, preparation Project Information Booklet, posters, materials and dissemination of information; cost for organizing and performing public consultation and grievance redress. The administrative costs are set to 5%.

76. A budget will be provided for training of full time and/or part time staff involved in the project resettlement activities. Contents of the training will cover such topics as resettlement policy of the project, of WB and the Vietnam current resettlement policy; outstanding resettlement issues, stakeholder participation; methods of public information and consultation. Specific resettlement topics and skills, for example, the DMS and compensation forms, evaluation of lost assets, identification of entitlements. Training will be provided to particular groups of resettlement officials and consultants. Training of staff and consultants for capacity building is set to VND 154,000 ($ 10,000).

77. Monitoring costs includes costs for internal and external monitoring, which is set to 3%. A contingency cost is set to 10%, as shown in table 11 below.

G. Cost Estimates

78. The estimated cost of resettlement for the all land, crops/trees and other assets affected by the project including administrative, training cost and contingency is VND 22,761,018 ($1,478,053). Detailed cost estimates for this resettlement plan are presented in Table 11 below.

Table 11: Compensation Costs

<table>
<thead>
<tr>
<th>Project component</th>
<th>Acquisiti on reqd (ha)</th>
<th>HHs severely affected</th>
<th>Land acquisition impacts/ entitlements</th>
<th>Unit</th>
<th>Quantity of losses (‘000 VND)</th>
<th>Unit rate (‘000 VND)</th>
<th>Total cost (‘000 VND)</th>
<th>Total cost (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dai Cuong commune</td>
<td></td>
<td></td>
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<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>22.4</td>
<td>159</td>
<td></td>
<td>Land (annual crops)</td>
<td>m2</td>
<td>223839</td>
<td>19.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Crops</td>
<td>m2</td>
<td>223839</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rehabilitation assistance</td>
<td>HH</td>
<td>159</td>
<td>3,000</td>
</tr>
<tr>
<td>Dai Hoa</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Land (annual crops)</td>
<td>m2</td>
<td>520388</td>
<td>19.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Crops</td>
<td>m2</td>
<td>520388</td>
<td>4</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rehabilitation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total land acquisition (ha)</td>
<td>5.3</td>
<td>Total base compensation cost</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Exclusion rate: 1 USD = 15.400 VND</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Total base compensation cost</th>
<th>19,156,489</th>
<th>1,244,113</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration cost (5%)</td>
<td>957,925</td>
<td>62,206</td>
</tr>
<tr>
<td>Monitoring cost (3%)</td>
<td>574,755</td>
<td>37,323</td>
</tr>
<tr>
<td>Training cost</td>
<td>154,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Contingency Cost (10%)</td>
<td>1,815,849</td>
<td>124,411</td>
</tr>
<tr>
<td>Grand Total Resettlement cost</td>
<td>22,761,018</td>
<td>1,478,053</td>
</tr>
</tbody>
</table>

### IX. IMPLEMENTATION SCHEDULE

79. **Approval of the RAP.** The Government will send this RAP to the World Bank and it has to be approved as a precondition for appraisal.

80. **Information Dissemination Prior to Detailed Design.** Prior to the commencement of detailed design, MARD will provide information about the Project throughout the project area. Information meetings will be held in all potentially affected commune to inform the communities about (i) the project scope, (ii) impacts, (iii) entitlements for all categories of loss, (iv) schedule of activities beginning with the detailed design survey, (iv) institutional responsibilities, and (v) the grievance mechanism. The PIB will be prepared and distributed to all affected communities during the meetings.

81. **Establishment of Resettlement Committees.** All provinces will establish their resettlement committees at provincial and district level as soon as the Project has been approved.

82. **Training for Resettlement Staff.** Within 2 months of mobilization of the resettlement consultants for the PMO, all local resettlement staff at SIO, PRC, DRC, and commune levels will be trained by the PMO assisted by the consultants. Training subjects will include

   - (i) procedures for preparing the RAPs;
   - (ii) consultation and information dissemination methods;
   - (iii) principles, policies, and entitlements of the RAPs;
   - (iv) implementation steps, procedures, and schedule;
   - (v) grievance redress mechanism; and
   - (vi) powers and obligations of individuals/agency involved in the process of resettlement programs.

83. **Updating Compensation Rates.** During the preliminary detailed design process, the PPC will update unit rates at replacement cost for all categories of loss and adjust allowances to account for inflation. Prior to formal issuance of the project compensation unit rates, with the assistance of the project resettlement consultants, the implementing agencies and PRCs will validate the unit rates through consultation with PAPs and the local government.
84. **Detailed Measurement and Census Survey.** Before each new phases of the VWRAP, a new DMS will be conducted in each subproject area after completion of the detailed design. These surveys will serve as a basis for compensation and new RAPs. Data will be computerized by PMO.

An updated DMS will be conducted after completion of the detailed design. The updated surveys will serve as the basis for compensation.

85. Data will be computerized by MARD and CPO/PMO.

86. **Information Dissemination and Consultation.** This will be implemented as described in Chapter 7.

87. **Updating of the RAP.** This RAP will be updated after detailed design and approved by WB before commencement of any resettlement activities.

88. **Pricing Application and Compensation of PAPs.** Resettlement committees at district or provincial level will be responsible for pricing application and preparing compensation charts for each affected commune/district. These will be subject to verification by the PPMU/SIO, PPC and CPO/PMO and of unit prices, quantity of affected assets, PAP entitlements, etc. before posting them at each commune for the people to review and comment. All compensation forms must be checked and signed by the PAPs to indicate their agreement.

89. **Compensation and allowances** will be handled at commune level under the supervision of representatives of the PRC, DRCs, PPMU/SIO and CPO/PMO. Guidance will be given by the PPMU/SIO to aid local resettlement committees in making payments to PAPs.

90. **Award of Civil Works Contract.** After all PAPs affected for one component have been compensated in accordance with the approved RAP, approval can be given for award of civil works contract for that component.

91. **Income Restoration and Rehabilitation Assistance.** In order to provide adequate economic rehabilitation measures, PAPs entitled to rehabilitation assistance shall be consulted on rehabilitation options and shall be assisted to participate in the relevant activities.

92. **Monitoring.** Internal and external monitoring shall start as soon as the updated RAP has been approved. Monitoring will continue throughout the construction period. A replacement cost survey should be conducted by the external Monitoring organization prior or during DMS to update and advice PPC on compensation rates. A post-resettlement evaluation will be undertaken by the external monitoring organization 6 to 12 months after completion of all resettlement activities.

X. **MONITORING**

93. Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation. It provides systematic and continuous collection and analysis of information on the progress of the project. It is a tool to identify strengths and weaknesses and to enable timely decisions for corrections.
94. Monitoring has two purposes:

(i) To verify that project activities have been effectively completed including quantity, quality, and timeliness.
(ii) To assess whether and how well these activities are achieving the stated goal and purpose of the Project.

95. Regular monitoring of the RP implementation will be conducted by the PMO and WB, as well as by an independent external monitoring organization hired by the PMO.

D. Internal Monitoring

96. Internal monitoring of the implementation of the subproject RAP for the main components will be the responsibility of the Quang Hue PPMU, with the assistance of the project consultants. The implementing agencies will oversee the progress in resettlement preparation and implementation through regular progress reports.

97. Monitoring Indicators. The main indicators that will be monitored regularly are:

(i) Payment of compensation to PAPs in various categories, according to the compensation policy described in the RAP.
(ii) Delivery of technical assistance, relocation, payment of subsistence and moving allowances.
(iii) Delivery of income restoration and rehabilitation assistance.
(iv) Public information dissemination and consultation performance.
(v) Adherence to grievance procedures and outstanding issues requiring management’s attention.
(vi) Priority of PAPs regarding the options offered.
(vii) Coordination and completion of resettlement activities and award of civil works contract.

98. The implementing agencies will collect information every month from the different resettlement committees. A database of resettlement monitoring information regarding the Project will be maintained and updated every month.

99. The Ke Go implementing agency will submit to the PMO, and the PMO assisted by the project consultants will submit to the WB as part of PMO’s regular quarterly progress report to WB, a monitoring report on the progress of implementation of the RAP every 3 months. The internal monitoring reports shall include the following topics:

(i) The number of PAPs by category of impact per component, and the status of compensation payment and income restoration for each category.
(ii) The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.
(iii) The eventual outcome of complaints and grievances and any outstanding issues requiring action from management.
(iv) Implementation problems (if any)
(v) Revised actual resettlement implementation schedule.
E. External Monitoring

1. Objectives

100. The general objective of the external monitor is to provide an independent periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.

2. Agency Responsible

101. In accordance with WB requirements for consultant procurement, the Project Management Office will hire an organization for the independent monitoring and evaluation of RAP implementation. This organization, to be called the Monitoring Organization (MO) will be specialized in the social sciences and experienced in resettlement monitoring. The MO should start their work as soon as the updated RAP has been approved.

3. Monitoring and Evaluation Indicators

102. The following indicators will be monitored and evaluated by the MO:

(i) Payment of compensation will be as follows: (a) Full payment to be made to all affected persons sufficiently before land acquisition; adequacy of payment to replace affected assets;

(ii) Coordination of resettlement activities with construction schedule: the completion of land acquisition and resettlement activities for any component should be completed prior to award of the civil works contract for that component.

(iii) Provision of income restoration assistance under Rehabilitation Assistance Program.

(iv) Public consultation and awareness of compensation policy: (a) PAPs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) The monitoring team should attend at least one public consultation meeting each month to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) Public awareness of the compensation policy and entitlements will be assessed among the PAP; (d) Assessment of awareness of various options available to PAP as provided for in the RAP.

(v) Affected persons should be monitored regarding restoration of productive activities.

(vi) The level of satisfaction of PAPs with various aspects of the RAP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.

(vii) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

F. Monitoring Methodology

103. The methodology for conducting monitoring and evaluation of the RP implementation will include the following activities:

1. Sample Survey
104. A socio-economic survey will be required before, during and after resettlement implementation to provide a clear comparison of success/failure of the resettlement plan. Monitoring will be on a sample basis. The sample size should be 100% of relocating households and severely affected farmers, and at least 10% of all other households. The sample survey should be conducted twice a year.

105. The survey should include women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents.

106. A Post-Resettlement Evaluation will be carried out 6 to 12 months after completion of all resettlement activities.

2. Database Storage

107. The MO will maintain a database of resettlement monitoring information. It will contain files on each affected household and will be updated based on information collected in successive rounds of data collection. All databases compiled will be fully accessible by implementing agencies and the PMO.

3. Reporting

108. The MO will be required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted to the PMO, which in turn will submit the reports to the World Bank as an annex of its progress report.

109. The report should contain (i) a report on the progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.

4. Monitoring Report Follow-Up

110. The monitoring reports will be discussed in a meeting between the MO, PMO and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

D. Evaluation

111. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. The external monitor will conduct an evaluation of the resettlement process and impact 6 to 12 months after completion of all resettlement activities using the same survey questionnaire and sample as used during the monitoring activities.
ENTITLEMENT MATRIX for Quang Hue subproject

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
</tr>
</thead>
</table>
| 1    | Permanent loss of arable land         | Less than 20% of total affected assets lost due to acquisition of arable land | Legal user with permanent rights to use the affected land, and temporary user who will be legalized before compensation as a permanent user. | PAP will be entitled to:  
   (i) Cash compensation for acquired land at 100% of replacement cost, and  
   (ii) Cash compensation for crops and trees at market price | HH without LURC but their name listed in the land book of the commune and still now using that land are considered as fully legal users.  
If the viability of the remaining land is less than the minimum viable economic unit, then the entire piece of land would be acquired and the AP would fall under the next category. |
| 2    | Land Users With Temporary or Leased Rights to Use Land that can not be legalized as long term land user | (i) Cash compensation for acquired land equivalent to 30% of land replacement cost; AND  
   (ii) Cash compensation for loss of crops and trees at full market prices. |                                                  |                                                          |                                                           |
| 3    | Illegal land users                    | (i) No compensation for land,  
   (ii) Compensation for crops and trees at 100% of market prices. They will not be compensated for land but will receive assistance |                                                  |                                                          |                                                           |
<table>
<thead>
<tr>
<th>ITEM</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
</tr>
</thead>
</table>
| 1    | More than 20% of total affected assets lost due to acquisition of arable land | Legal user with permanent rights to use the affected land, and temporary user who will be legalized before compensation as a permanent user. | (i) Compensation for loss of trees and crops at full market price  
(ii) As priority, compensation “land for land” equivalent productive capacity at a location acceptable to the PAP or, if requested, cash compensation for the lost land at 100% of replacement cost; AND  
(iii) Rehabilitation assistance:  
- Skills training and training allowance,  
- Provision of agricultural extension services, and  
- Priority for project-related job opportunities. | Skill training with training allowance will be applied in case if the option “land for land” cannot be available.  
A combined extension assistance should be taken to help the poor and disadvantaged PAP to improve their farming techniques and productivity on their remaining land |

| 2    | Severe impact on household income and living standards. | Land Users with Temporary or Leased Rights to Use Land that cannot be legalized as long term land user | (i) As priority, compensation “land for land” equal 30% of the PAP affected area, or  
(ii) Cash compensation equivalent to 30% of land replacement cost and training assistance (fees and allowance); AND  
(iii) Cash compensation for loss of crops and trees at full market prices. | If the value of remained investment put by PAP on the affected land is undoubtedly higher than the compensating value, which is equal to 30% of the land, the CPO and RCs will revise and adjust adequately by case. |

| 3    | Illegal land users | (i) Cash compensation for loss of crops and trees at full market prices;  
(ii) No compensation for land if the user have been allocated land followed Decree 64/CP  
(iii) For the poor and disadvantaged PAP having no land for cultivation or those have not been allocated land by Decree 64/CP, the local authority will allocate them land with full legal title without any from PAP cost, or, if requested, cash compensation plus full training assistance packages | Training assistance will be provided to poor and disadvantaged PAP if the cash compensation option will be applied.  
A combined Extension assistance would be relevant to assist the poor and disadvantaged farmers to improve their farming productivity |
<table>
<thead>
<tr>
<th>ITEM</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
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<tbody>
<tr>
<td>1</td>
<td></td>
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<tr>
<td>2</td>
<td>Permanent loss of residential land</td>
<td>Loss of residential land without structures built thereon</td>
<td>Marginal impact on house income and living standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Loss of residential land without structures built thereon</td>
<td>Legal user with permanent rights or irrevocable rights to use the affected land</td>
<td>(i) PAP will be entitled to cash compensation for land at 100% replacement cost of the land; (ii) Compensation for trees/crops if yes at full market prices</td>
<td>In case a multigenerational household needs to subdivide the land for building a house, the remaining land is not enough for building a house, the PAP will be entitled to option compensating land for land as priority, and Cash in lieu of land will be offered only as a last resort or at the informed request of the AP.</td>
</tr>
<tr>
<td>4</td>
<td>Illegal land users without rights to use the affected land</td>
<td></td>
<td></td>
<td>(i) No compensation for land, but will be provided assistance corresponding the remained value of investment on land.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Temporary impact during construction</td>
<td>Damages by contractors to private or public structures or land</td>
<td>Owner or person with use rights</td>
<td>(i) The contractor will be required to pay compensation immediately to affected families, groups, communities or government agencies. (ii) Damaged property will be restored immediately to its former condition.</td>
<td></td>
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<tr>
<td>6</td>
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<tr>
<td>ITEM</td>
<td>TYPE OF LOSS</td>
<td>APPLICATION</td>
<td>DEFINITION OF ENTITLED PERSON</td>
<td>COMPENSATION POLICY</td>
<td>IMPLEMENTATION ISSUES</td>
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<td>-----------------------</td>
</tr>
</tbody>
</table>
| 1    | Temporary loss of arable land | Land users with legal/legizable rights or temporary land use right | (i) Compensation for one harvest of crops/trees at full market prices  
(ii) Compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use, **AND**  
(iii) Restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified, **AND**  
(iv) If the duration of project's use the land exceed more than one year, then the PAP have option to: 1) Continue use of the remaining land, keeping with the legal user's agreement, OR, 2) “Sell” it to the Project at 30% of replacement cost (*) | If the quality of land will be radically changed when return to PAP, requiring PAP to change in the types of land use, then PAP should be compensated for all envisaged cost of losses |

(*) This **remaining land** then **will be transferred** by the project to local land use/management organizations.
Resettlement Action Plan for Da Ban Subproject

August 2003
Resettlement Action Plan for Da Ban Subproject
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I. INTRODUCTION

1. Da Ban Irrigation System is among the largest irrigation schemes in Vietnam and plays an important role in development of agriculture of the country. The system was constructed in the late 70s at a time with shortage of investment capital and inadequate technical capacity. After working more than two decades the capacity of the system has been considerably reduced. It has been seriously damaged and poorly maintained due to the lack of financial resources and poor management. The headwork has been seriously damaged with reduced dam safety and caused reduced irrigation water supplied for downstream agriculture, aquaculture as well as domestic use. Presently, Da Ban system can only provide irrigation water for 6,300 ha. Areas with shortage of water count up for about 1,500 ha.

2. The Da Ban Irrigation System Modernization Subproject aims to improve water services to be provided by Da Ban Imc through investment for rehabilitation and upgrading the irrigation infrastructure wherever needed, and the introduction of modern irrigation management technologies. The Subproject will contribute to increased water provision for irrigation, domestic and other uses, and improved efficiency of water use and use of land and human resources. The Project is expected to reduce flood and disaster risk from the system.

3. The Subproject will include two components: (i) rehabilitation and upgrading of physical infrastructure of the irrigation system, starting with headwork and finishing by irrigated fields, rehabilitation and upgrading of existing and the construction of new, so far missed, canals and works, combined with access management roads and management stations; (ii) modernization of the management system. Development of the first component will cause resettlement impacts due to permanent or temporarily acquisition of land for infrastructure construction or for civil works.

4. Investment and modernization of Da Ban Irrigation system aims to:
   - Ensure safety, reliability and efficiency of the system's operation and service,
   - Make cost of operational management to be low, the system to be easy to operate, easy and flexible to maintain,
   - Satisfy all reasonable water requirements of agriculture, domestic, industry and improve natural environment and prepare for ecological tourism development,
   - Create favorable conditions for utilization of labor resources, poverty alleviation, and economic development in subproject's areas.

5. At completion the Da Ban Irrigation System will provide irrigation water for 7,800 ha and supply water for 6,000 rural people and water for 350 ha of aquaculture, 54 mln m3 water for Thach Khe industrial and mining zone.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

6. The Project will benefit one province, Khanh Hoa, 2 districts, Ninh Hoa and Van Ninh, and 25 communes. This resettlement action plan (RAP) is based on the present design and covers only works to be undertaken in Phase 1, which is headworks, main canals and canals of the pilot area. This RAP is prepared to deal with compensation and rehabilitation of affected people. It will be upgraded when the technical design has been identified. At project's implementation stage, when detailed technical designs will be available, and project marks can indicate the areas to be recovered then the detailed measurement survey (DMS) will able to record all details of losses of the affected people. Such DMS's data will serve as final legal basis for implementation of the subproject compensation, rehabilitation and resettlement activities.
7. Each component is described as follows:

(i) **Headworks.** Rehabilitation of headwork structures of Da Ban subproject doesn't involve permanent land acquisition.

(ii) **Canal system.** The identified canals for investment of Da Ban Irrigation Scheme includes the main canal, two primary canals and the subsystems of the pilot area.

**Main canal** of Da Ban scheme is of 1 km length only. Generally, the canal is in good conditions and doesn't require land acquisition.

**Primary canals:** Four primary canals have identified design parameters and have been included in the Inventory of Losses survey conducted by the local, Da Ban's, IMC

**Pilot area:** The selected pilot area includes subsystems of the two secondary canals N3 and N4 with command areas of 813 ha and 900 ha respectively. Both of these irrigation subsystems belong to the command area of the East Primary canal (Kenh chinh Dong). Their total irrigation areas count for 22% of the whole command area of Da Ban system.

8. The rehabilitation and upgrading of canal system of the pilot area involve following subcomponents: (a) rehabilitate the existing, damaged irrigation canals, construct new, additional canals wherever they are lacking, and rehabilitate and construct supplement irrigation works of the canals; (b) rehabilitation of existing canals and construct additional drainage works; (c) rehabilitate and upgrade water control and delivery works; (d) rehabilitate and upgrade management access roads. These subcomponents are envisaged to require both permanent and temporary acquisition of the land for lining of existing canals or building of new ones so far missing canals of different levels, irrigation works and access roads.

9. The Inventory of Losses (IOL) for all identified canals and the pilot area has been carried out by the Da Ban IMC. According to results of the IOL, there are 7 communes of 1 district Ninh Hoa of Khanh Hoa province which will be affected in the pilot area.

10. The Project will only cause insignificant resettlement effects: Out of the total 34.4 ha agricultural land lost with 926 affected HHs there is only about 4.2 ha of 291 HHs which will be lost permanently, while the remaining 30.2 ha land of 635 HHs with attached crops/trees will be lost temporarily. Very few (10) HHs will be severely affected due to loss of more than 20% of their agricultural land holding and no HHs will lose their houses due to the subproject. Most of the PAPs have legal status to their affected land. Some HHs have no legal title to the affected farm land. Table 1 presents a summary of the impacts on the land and structures for all subproject components.
Table 1: Summary of Impacts on Land and Structures for Da Ban Irrigation System Modernization subproject

<table>
<thead>
<tr>
<th>Name of works</th>
<th>Severe Impact</th>
<th>Marginal Impact</th>
<th>Total Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Severe Impact</td>
<td>Marginal Impact</td>
<td>Total Impact</td>
</tr>
<tr>
<td></td>
<td>Resid. HH**</td>
<td>Shop/ Houses</td>
<td>Agric HH***</td>
</tr>
<tr>
<td>Head works</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Main canal</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>West Main canal</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>East Main canal</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Primary Canals</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>N1T</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>N2T</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>N3T</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Pilot area</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>N3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>N4</td>
<td>0</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
<td>114</td>
</tr>
</tbody>
</table>

Total Loss of Land (ha)

<table>
<thead>
<tr>
<th>Name of works</th>
<th>Residential</th>
<th>Agric.</th>
<th>Forest</th>
<th>Unused</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head works</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Main canal</td>
<td>0.04</td>
<td>13.3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>13.3</td>
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<td>5.1</td>
</tr>
<tr>
<td>East main canal</td>
<td>0</td>
<td>8.2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>8.2</td>
</tr>
<tr>
<td>Primary Canals</td>
<td>4.1</td>
<td>5.3</td>
<td>0.7</td>
<td>0</td>
<td>0</td>
<td>10.1</td>
</tr>
<tr>
<td>N1T</td>
<td>1.4</td>
<td>1.4</td>
<td>0.5</td>
<td>0</td>
<td>0</td>
<td>3.3</td>
</tr>
<tr>
<td>N2T</td>
<td>1.8</td>
<td>2.2</td>
<td>0.2</td>
<td>0</td>
<td>0</td>
<td>4.2</td>
</tr>
<tr>
<td>N3T</td>
<td>0.9</td>
<td>1.7</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2.6</td>
</tr>
<tr>
<td>Pilot area</td>
<td>7.3</td>
<td>3.7</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>11.0</td>
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<tr>
<td>N3</td>
<td>3.7</td>
<td>0.9</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4.6</td>
</tr>
<tr>
<td>N4</td>
<td>3.6</td>
<td>2.8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6.4</td>
</tr>
<tr>
<td>Total</td>
<td>11.4</td>
<td>22.3</td>
<td>0.7</td>
<td>0</td>
<td>0</td>
<td>34.4</td>
</tr>
</tbody>
</table>

Source: inventory of losses by Da Ban IMC

Key: HH = household, ha = hectares.

** Includes Shop/Houses. *** Combined shophouses are also included in the column for Residential.

Persons is calculated based on average number of members per household of Thang Binh district and Tam Ky town.
### Table 2: Summary of Permanent Impacts on Land and attached property for Da Ban Irrigation System Modernization subproject

<table>
<thead>
<tr>
<th>Name of works</th>
<th>Severe Impact</th>
<th>Marginal Impact</th>
<th>Total Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Resid. HH**</td>
<td>Shop/Houses HH***</td>
<td>Agric. (&gt;20%). HH</td>
</tr>
<tr>
<td>Head works</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Main canal</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>West Main canal</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>East Main canal</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Primary Canals</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>N1T</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>N2T</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>N4T</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Pilot area</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>N3</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>N4</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

#### Total Loss of Land (ha)

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Agric.</th>
<th>Forest</th>
<th>Unused</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head works</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Main canal</td>
<td>0</td>
<td>0.2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.2</td>
</tr>
<tr>
<td>West main canal</td>
<td>0</td>
<td>0.2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.2</td>
</tr>
<tr>
<td>East main canal</td>
<td>0</td>
<td>0.2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Primary Canals</td>
<td>1.3</td>
<td>2.0</td>
<td>0.0</td>
<td>0</td>
<td>0</td>
<td>3.3</td>
</tr>
<tr>
<td>N1T</td>
<td>0.5</td>
<td>0.5</td>
<td>0.1</td>
<td>0</td>
<td>0</td>
<td>1.1</td>
</tr>
<tr>
<td>N2T</td>
<td>0.5</td>
<td>0.9</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1.4</td>
</tr>
<tr>
<td>N4T</td>
<td>0.3</td>
<td>0.6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.9</td>
</tr>
<tr>
<td>Pilot area</td>
<td>0.6</td>
<td>0.1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.7</td>
</tr>
<tr>
<td>N3</td>
<td>0.6</td>
<td>0.1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.7</td>
</tr>
<tr>
<td>N4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>1.9</td>
<td>2.3</td>
<td>0.1</td>
<td>0</td>
<td>0</td>
<td>4.2</td>
</tr>
</tbody>
</table>

Source: Inventory of losses by Da Ban IMC

Key: HH = household, ha = hectares.

** Includes Shop/Houses. *** Combined shophouses are also included in the column for Residential.

Persons is calculated based on average number of members per household of Thang Binh district and Tam ky town.

11. The purpose of this Resettlement Action Plan (RAP) is to secure that all project affected people (PAP) will receive compensation for losses due to the Project, and to ensure that the PAP will be at least as well off after the project as they would have been in the absence of the Project. This RAP is based on (i) a census and Inventory of Losses (IOL) of 100% of PAPs in the main/primary canals and all canals and access management roads identified in the pilot area; (ii) on a sample HHs socio-economic surveys in the project's affected communes, conducted by Da Ban IMC in 2002 and the consultants in 2003; (iii) on group interviews and discussions in project affected communes, conducted by the
consultants during the study in April 2003. Policies for compensation, relocation, and rehabilitation have been established based on these surveys, applying Vietnam’s existing laws and sub-laws regulations and the World Bank Operative Directives OD 4.30 on Involuntary Resettlement, OD 4.20 on Indigenous People and OPN 11.03 on Cultural Property. Following detailed design of these main components, this RAP will be updated by Da Ban Provincial Project Management Unit (PPMU) to include revised numbers of PAP and updated compensation unit rates for all categories of lost assets and allowances, and following approval the Government and the World Bank, the updated RAP will be implemented by the resettlement committees (RCs) under the guidance of the people’s committees of each district and MARD. Careful coordination between all the agencies and ministries will be necessary to complete the different resettlement activities successfully. The provisions and policies of this RAP will form the legal basis for the implementation of resettlement activities for the Da Ban Subproject.

II. SOCIOECONOMIC INFORMATION

A. Source of Data

12. This RAP has been based on census and land acquisition surveys for 100% of PAP identified at the main and primary canals, and canals of the pilot irrigation areas. Da Ban IMC conducted the inventory survey in April-May 2003. Land acquisition and resettlement requirements were estimated based on detailed land use data in each subproject’s area, and on technical designs. A detailed measurement survey (DMS) will update the findings during the implementation phase.

13. Socioeconomic information has come from several sources: (i) household socioeconomic questionnaire survey of 40 affected HHs conducted by the IMC in April 2003; (ii) group interview surveys conducted by the consultants in all three communes of the project pilot area, including Ninh An, Ninh Dong and Ninh Tho of Ninh Hoa district, in April 2003; (iii) Stakeholder consultation at all levels and review of secondary data/literature on subproject areas.

14. Specific resettlement group interviews with PAPs were conducted to collect data on (i) specific resettlement needs of vulnerable groups which may be adversely affected by the Project, (ii) resettlement concerns and preferences of affected families, and (iii) measures to reduce impact.

B. Impacts on Land and Structures

15. Rehabilitation of the main canal, two primary canals and canals of the pilot areas and other related irrigation works of Da Ban scheme will recover about 34.4 ha of land among which only 4.2 ha will be acquired permanently. In total, resettlement impact is posed on four thousand. However, among them only 291 HH (1,270 people) will experience impacts caused by permanent land loss. It includes 170 HHs losing residential land (1.9 ha residential in the total) and 139 HHs losing arable land permanently (in total 2.4 ha arable land). The majority of affected HHs will experience marginal impact due to permanent loss of small part of land or temporary loss of land. The number of severely affected HHs include only 10 farmers who will lose more than 20% of their total land holdings. There is no HHs, which will lose their main house, or any PAP who have to move to other site due to construction and rehabilitation in Phase 1.

C. Land holding:

16. Farmers usually have several plots of land. The average agricultural land holding in the affected project area is rather high, comparing to the national average: about 0.96 ha
compared to 0.4. However, it varies greatly between the communes surveyed. The poorest in term of arable land is Ninh Dong, where per capita arable land is about 0.3 thousand square meters only, while this indicator in Ninh An is more than 1.8 thousand m². (see Table 3).

Table 3: Average land holding (arable land) (m²)

<table>
<thead>
<tr>
<th></th>
<th>Total (m²)</th>
<th>Average land holding (m²/HH)</th>
<th>Per capita arable land (m²/pers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ninh Tho</td>
<td>4088</td>
<td>4088</td>
<td>681</td>
</tr>
<tr>
<td>Ninh Dong</td>
<td>1313</td>
<td>1313</td>
<td>313</td>
</tr>
<tr>
<td>Ninh An</td>
<td>1095.5</td>
<td>1095.5</td>
<td>1865</td>
</tr>
<tr>
<td>Total</td>
<td>3515.1</td>
<td>988</td>
<td>1809</td>
</tr>
</tbody>
</table>

Source: Results of Socio-economic survey of PAPs, 2003

D. Population:

17. All PAPs surveyed are of the majority Kinh ethnic group. The average number of people in PAP households is 5.3 persons/HH. 50% of the total surveyed were males, and among a total of 40 HHs, only 3 HHs (7%) were headed by women. The average age of the HH’s Heads (HHHs) were 50.9 years and their average years of education were 7.0 (see table 4 and 5).

Table 4: Population characteristics of PAP surveyed

<table>
<thead>
<tr>
<th>Sample (HHs)</th>
<th>HH size</th>
<th>Ethnic (%)</th>
<th>Sex ratio (%)</th>
<th>Active labors (pers/HH)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total (pers)</td>
<td></td>
<td>Kinh</td>
<td>Other</td>
</tr>
<tr>
<td>Ninh Tho</td>
<td>1</td>
<td>6</td>
<td>6</td>
<td>100</td>
</tr>
<tr>
<td>Ninh Dong</td>
<td>10</td>
<td>42</td>
<td>42</td>
<td>100</td>
</tr>
<tr>
<td>Ninh An</td>
<td>29</td>
<td>164</td>
<td>5.7</td>
<td>100</td>
</tr>
<tr>
<td>Total</td>
<td>40</td>
<td>212</td>
<td>5.3</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: HHs socio-economic survey, 2003

Table 5: Characteristics of HH Heads surveyed

<table>
<thead>
<tr>
<th>Sample (HHs)</th>
<th>HH-HH sex</th>
<th>Average age</th>
<th>Education (Grade)</th>
<th>Occupation</th>
<th>Income</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>HH-HH sex</td>
<td>Male (%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ninh Tho</td>
<td>100</td>
<td>73</td>
<td>3</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Ninh Dong</td>
<td>100</td>
<td>57</td>
<td>6.4</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Ninh An</td>
<td>93</td>
<td>48</td>
<td>7.3</td>
<td>98</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>93</td>
<td>51</td>
<td>7.0</td>
<td>98</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: HHs socio-economic survey, 2003

E. Occupation and Income

18. Agriculture is the most important source of HHs income of the PAPs surveyed. Out of the total 40 HH Heads, only 1 person had income derived from the non-agricultural sector while the rest 39 were engaged in farming as their main source of income (table 6). However, other sources of income supplemented many of the HHs income, of which salary and handicraft was the most common.
Table 6: Average Household income and its composition (%)

<table>
<thead>
<tr>
<th>Monthly Income (100,000 VND/HH)</th>
<th>Per cap monthly income</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>Ninh Tho</td>
<td>8000</td>
</tr>
<tr>
<td>Ninh Dong</td>
<td>3392</td>
</tr>
<tr>
<td>Ninh An</td>
<td>7849</td>
</tr>
<tr>
<td>Total</td>
<td>6676</td>
</tr>
</tbody>
</table>

* Others include industrial workers, retired, small services, and handicrafts.

Source: Socioeconomic surveys 2003.

19. Survey results show that there are only 3 PAP who had monthly income below 100,000 VND/person and belong to the poor income group. The well off group was 40% of the total surveyed. Average per capita income was much higher in Ninh An commune than in Ninh Dong. This may be caused by greater involvement of various non-farm activities in Ninh An than in Ninh Dong.

Based on the Ministry of Labor Invalids and Social Affairs classification, four income-level categories have been identified:

(i) Category I: The poor-income per capita is < D100,000/month.
(ii) Category II: The low-income per capita is from D100,000-D199,000/month.
(iii) Category III: The well-off-income per capita is from D200,000-D399,000/month.
(iv) Category IV: The wealthy-income per capita is > D400,000/month.

Table 7: Levels of Monthly Income (%)

<table>
<thead>
<tr>
<th>Sample</th>
<th>&lt;100</th>
<th>100-199</th>
<th>200-400</th>
<th>&gt;400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ninh Tho</td>
<td>1</td>
<td>0</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Ninh Dong</td>
<td>10</td>
<td>10</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>Ninh An</td>
<td>29</td>
<td>6.8</td>
<td>37.9</td>
<td>41.3</td>
</tr>
<tr>
<td>Total</td>
<td>40</td>
<td>7.5</td>
<td>42.5</td>
<td>40.0</td>
</tr>
</tbody>
</table>

Source: Socioeconomic survey 2003.

F. Living Conditions

20. All the surveyed communes had access road with asphalt surface to the commune and electricity. The rural road network was well connected and developed. The social infrastructure was available in all communes: all the surveyed communes had primary schools, health care center and was connected to telecommunication. HHs' facilities are shown in the Table 8 followed

Table 8: Households facilities

<table>
<thead>
<tr>
<th>Lighting</th>
<th>Source of domestic water</th>
<th>Toilet at home</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Electric</td>
<td>Other energy</td>
</tr>
<tr>
<td>Ninh Tho</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Ninh Dong</td>
<td></td>
<td>90</td>
</tr>
<tr>
<td>Ninh An</td>
<td>93</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>90</td>
<td>5</td>
</tr>
</tbody>
</table>

Source: Socioeconomic survey 2003.
21. The ownership of assets by the PAPs surveyed shows a relatively healthy picture of their living standards. A large number of the surveyed HHs possess valuable, somehow luxury for the rural areas such as telephone, motobikes and refrigerators. Up to a third of the HHs surveyed have pumping machine, while some HHs have ploughing, sewing machine and generators.

Table 9: Possession of HHs assets

<table>
<thead>
<tr>
<th>Commune</th>
<th>Furniture</th>
<th>Radio Cassette</th>
<th>TV</th>
<th>Pumping machine</th>
<th>Sewing machine</th>
<th>Telephone</th>
<th>Motobike</th>
<th>Refrigerator</th>
<th>Generator</th>
<th>Ploughing machine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ninh Tho</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Ninh Dong</td>
<td>80</td>
<td>80</td>
<td>60</td>
<td>20</td>
<td>10</td>
<td>0</td>
<td>40</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ninh An</td>
<td>93</td>
<td>55</td>
<td>76</td>
<td>41</td>
<td>10</td>
<td>14</td>
<td>59</td>
<td>10</td>
<td>10</td>
<td>24</td>
</tr>
<tr>
<td>Total</td>
<td>90</td>
<td>58</td>
<td>76</td>
<td>41</td>
<td>10</td>
<td>10</td>
<td>55</td>
<td>8</td>
<td>8</td>
<td>15</td>
</tr>
</tbody>
</table>

G. Gender and Poverty

22. According to the Ninh Hoa district's statistics, the average poverty ratio is 5.9%, or 2,515 HHs whose per capita income was below standard poverty line set by MOLISA. The commune's authorities reported that the poverty ratios in the communes surveyed was 3.6% for Ninh Dong commune, 6.9% for Ninh An commune and 5.3% for Ninh Tho commune. The results of the survey confirmed about the relatively low poverty level in the communes surveyed. According to the PAP the main reasons causing poverty was lack of arable land for cultivation, lack of capital for investment, unemployment or health problem, poor education, lack of experiences and production know-how, and single HHs.

23. Generally there was no discrimination against women. According to the survey, there was around one quarter of the local administration staff including leadership was occupied by women. However, women still experienced disadvantages compared to men. They are the ones who bear main family workloads after the same working hours earning income as like men. Single mothers and HHs headed by women are facing more difficulties than other ones in term of labors, capitals and voice. Still, the women were not adequately involved in the decision making process. To improve gender equality, the subproject should provide training/capacity building and make sure that special attention will be paid to local women and ensure women's equal participation in the whole subproject's cycle, including the implementation process.

III. LEGAL FRAMEWORK

A. World Bank's resettlement Policy

24. The main objective of WB's Policy on Involuntary Resettlement is to ensure that PAPs should be assisted to improve their living standards, income level and income generating capacity, or at least would be as well off as without the project. This policy aims to avoid involuntary resettlement whenever feasible, to minimize resettlement where population displacement is unavoidable. The policy stipulates that lack of legal certificate on land will not be an obstacle for a part of affected people to be entitled to compensation and rehabilitation. The policy requires that compensation for all losses should be made at replacement cost, without depreciation and deduction of savage materials.
B. Viet Nam Laws

1. Relevant Vietnamese Acts and Bylaws

25. In recent years, the Government has formulated several rules and regulations to protect the interests of displaced persons. Relevant acts and bylaws that govern various aspects of land acquisition and resettlement include:

(iii) Decree 87/CP, dated 17 August 1993, on the stipulation of the frame for the price of various categories of land.
(iv) Decree 64/CP, dated 27 September 1993, on the distribution of agricultural land to households for long-term use.
(v) Circular No.05-BXD/DT, dated 9 February 1993, on the classification of house types.
(vi) Decree 22/CP, dated 24 April 1998, on compensation levels and other allowances for land and structures recovered for the national and public interest.
(vii) Decree 17/CP, 4 May 2001, on Management and Utilization of ODA

2. Decree 22/CP

26. In April 1998, the Government issued a major decree regarding compensation for land acquisition, Decree 22/CP on Compensation for Damage when the State Recovers Land for Use in National Defense, Security, National and Public Interests. The Government has also issued guidelines for the implementation of this Decree (145/1998/TT-BTC). By issuing Decree 22/CP the Government:

(i) added new stipulations to accommodate with the major changes in compensation unit prices, objects to be affected, assistance levels, etc. in Vietnam since 1993. Many of these stipulations have proven themselves appropriate with ongoing WB, ADB and other donor-funded projects in Vietnam;
(ii) provided general provisions for compensation processes and procedures to all organizations and individuals who need to acquire land; and
(iii) assigned, in detail, the responsibilities of the government agencies concerned in implementing the Decree.

27. Generally, Decree CP/22 meets the objectives of WB's policy on involuntary resettlement, however, some discrepancies can be found regarding the compensation of PAPs without legal rights. Table 9 presents the main areas of discrepancy.

<table>
<thead>
<tr>
<th>Decree 22/CP</th>
<th>WB Policy</th>
<th>Project Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 7: Any person whose land is recovered and who has not met one of the conditions of Article 6, or who has violated the plan, or who violates the protecting corridor work, or who illegally occupies land shall not receive compensation when the state recovers the land. In case of necessity, the Provincial People’s Committee shall consider and decide on a case-by-case basis.</td>
<td>The absence of formal legal title to land by some affected groups should not prevent compensation.</td>
<td>All project affected people, irrespective of tenure status, social or economic standing, will be entitled to be compensation or assistance for their lost assets, incomes, and businesses at full replacement cost and provided with rehabilitation measures sufficient to assist them to improve or at least restore their pre-project living standards, income levels and productive capacity.</td>
</tr>
<tr>
<td>Decree 22/CP</td>
<td>WB Policy</td>
<td>Project Policy</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td>Article 5: The compensation rates shall be determined on the basis of local prices for land issued according to the provisions of the Government, and then multiplied by a coefficient to ensure the comparability of the compensation with the profitability and the price of the assignment of the land use right in the community.</td>
<td>Compensate all affected persons, including those without title to land, for all their losses at replacement rates.</td>
<td>Replacement cost surveys have been carried out and will be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value to be updated at the time of compensation.</td>
</tr>
<tr>
<td>Article 17: The total maximum level of compensation shall not exceed 100% and the minimum level shall not be lower than 60% of the value of the house or construction, priced according to the construction price for new buildings with technical standards equivalent to the affected.</td>
<td>Compensate all affected persons, including those without title to land, for all their losses at replacement rates.</td>
<td>Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation.</td>
</tr>
<tr>
<td>Article 18: People without legal permit of construction shall only receive 80% in compensation in rural areas and 70% in urban area. People who violate zoning area will receive no compensation and illegal construction shall be forced to dismantle it.</td>
<td>All Project affected persons will be entitled to compensation irrespective of the legal status in both rural and urban areas.</td>
<td>Full compensation at replacement cost for all Project affected structures irrespective of legal entitlement.</td>
</tr>
</tbody>
</table>

V. COMPENSATION POLICY

A. Objectives for Resettlement

28. The objectives of the Vietnamese legislation governing the resettlement and rehabilitation of displaced persons and of WB’s policy concerning involuntary resettlement have been adapted for the preparation of this RAP for the Da Ban Irrigation System Modernization Subproject. They are set out below. An entitlement matrix is shown in Appendix 1. The policies and principles adopted for the Project supersede the provisions of relevant Government decrees currently in force in Vietnam wherever a gap exists between WB’s Policy on Involuntary Resettlement and Vietnamese law.

29. The main objective of the Resettlement Plan is to ensure that populations affected by the Project should be at least as well-off, if not better-off, than they would have been without the Project. Affected populations should be able to maintain and preferably improve their standard of living and quality of life.

i. Minimize the Adverse Impacts from the Project

30. Considerable attention has been directed, during the Project’s technical design stage and through modifications to various design parameters, to minimizing adverse impacts as well as the number of households that would be severely affected due to the loss of agricultural land. Related actions are the following:

(i) Alternative options with modification of technical design have been taken into consideration to avoid or reduce permanent land acquisition wherever possible.

(ii) All the canals will be lined on that side of canals where the less of land currently in use would be affected.

(iii) The time of closing water for civil works will be based on PAPs’ recommendation, which correspond to their needs and cultivation calendar.
ii. Compensation and Assistance

31. Compensation and assistance will be provided to ensure that the economic and social conditions of the PAP are at least as favorable as they were in absence of the Project. The compensation policy, which encompasses compensation for all affected assets, along with rehabilitation measures as suggested in this RAP, will ensure that all PAP are able to, at minimum, restore their income, standard of living, and productive capacities to pre-project levels. Specific measures to ensure restoration of incomes and living standards of PAP includes compensation for lost assets based on:

(i) Land-for-land of equivalent productive capacity and at a location suitable and acceptable to the PAP, or
(ii) at the request of an PAP, who has been informed regarding the options, cash for land or a combination of the two.

iii. Compensation at Replacement Cost

32. Compensation for all types of affected assets, including residential and commercial structures as well as standing crops and trees, will be paid at replacement cost. Compensation for affected land will be made either in the form of a trade, land-for-land of equal productive capacity at a location acceptable to the PAP, or at the specific request of the PAP, in cash at replacement cost to ensure that PAP can restore their income generating capacity and income levels.

iv. Community Participation and Consultation

33. The preparation and implementation of the RAP is to be carried out with the full participation of, and in consultation with, the affected households and their representatives. Intensive public consultations have been carried out in the preparation of the RAP. Group interviews were conducted at commune level in the project areas to inform local populations and to identify their needs and requirements. In addition, four resettlement group interviews were conducted in the project pilot communes in order to collect data on (i) vulnerable groups which may be adversely affected by the Project, (ii) resettlement preferences of affected families, (iii) measures to reduce impacts, and (iv) adequacy of compensation prices issued by the provinces. Further public consultations will be carried out during the implementation stage with a focus on specific activities including assessment of compensation, acquisition of land, and design of rehabilitation assistance planning. The Public Information Campaign and Consultation Program is described in Chapter 7 of this RAP. The PAP will also have well defined avenues for redressing their grievances as described in Chapter 7.

B. Principles of Resettlement

34. The following basic principles have been adopted for the Project:

(i) The populations affected by the Project are defined as those who may stand to lose, as a consequence of the Project, all or part of physical and nonphysical assets, including homes, homesteads, productive lands, commercial properties, tenancy, income-earning opportunities, social and cultural activities and relationships, and other losses that may be identified during the process of resettlement planning.

(ii) Involuntary resettlement will be minimized by identifying possible alternative project designs, and appropriate social, economic, operational and engineering solutions that have the least impact on populations in the project area.

(iii) The cut-off date for compensation eligibility for physical assets affected due to rehabilitation, upgrading of existing and construction of new, so far missed of
the system, canals/irrigation works will be the date of completion of the
detailed measurement survey and census after detailed technical design will
be completed for these components.

(iv) A census and detailed measurement survey and baseline socioeconomic
survey will be carried out for all subproject components after detailed design
of each and in updating of the RAP.

(v) All PAP will be entitled to be compensated for their lost land and standing
crops/trees at full replacement cost to assist them to improve or at least
restore their pre-project living standards, income levels, and productive
capacity.

(vi) All affected populations will be equally eligible for compensation and
rehabilitation assistance, irrespective of tenure status, social or economic
standing, and any such factors that may discriminate against achieving the
objectives outlined above.

(vii) Preparation of the RAP and its implementation is to be carried out with the full
participation of affected people. PAP comments and suggestions will be duly
taken into account during the design and implementation phases of the
resettlement plans.

(viii) Adequate budgetary support will be fully committed and be made available to
cover the costs of land acquisition and resettlement and rehabilitation within
the agreed implementation period.

(ix) WB shall not approve of any civil works contract for any subproject to be
financed from the loan proceeds unless the Government has completed
satisfactorily and in accordance with the approved RAP for that subproject
compensation payment and ensured rehabilitation assistance is in place prior
to obtaining possession and rights to the land.

(x) The detailed RAP for implementation will be translated into the local language
and placed in project and commune offices for the reference of affected
people as well as any interested groups.

(xi) Appropriate reporting, monitoring and evaluation mechanisms will be
identified and set in place as part of the resettlement management system.
Evaluation of the land acquisition process and the final outcome will be
conducted independent of the executing agency.

C. Compensation Policy for Loss of Land

35. The Project will acquire some land acquisitions. There are two types of land use
rights found in the project affected area: permanent or leasable and temporary land use
rights. Below are set out principles of compensation:

1. Land Users with Permanent or Legal Use Rights

36. For arable land that will be permanently affected, the PAPs will be entitled as follows:

(i) Marginally affected PAP. PAP with losses less than or equal to 20% of their
total agricultural landholdings, will be entitled to cash compensation for crops
and trees at market prices, AND cash compensation for acquired land at 100%
of replacement cost.

(ii) Severely affected PAP. PAP with losses of more than 20% of their total
agricultural landholdings, will be entitled to cash compensation for crops and
trees at market prices AND first priority for land-for-land of equivalent
productive capacity at a location acceptable to the PAP or, if requested, cash
compensation for the lost land at 100% of replacement cost AND
rehabilitation assistance (skills training for one family member in a current
occupation and a training allowance, provision of agricultural extension
services to increase the productivity of remaining land, and priority for project-
related job opportunities.
2. Land Users With Temporary or Leased Rights to Use Land

37. For arable land will be permanently affected, the PAPs having Temporary or Leased Rights will be entitled as follows:

(i) PAP are marginally affected: PAP with losses less than or equal to 20% of their total productive capacity will be entitled to cash compensation for acquired land equivalent to 30% of land replacement cost; AND cash compensation for loss of crops and trees at full market prices;

(ii) Severely affected PAP: PAP with losses of more than 20% of their total productive capacity, will be entitled to cash compensation for crops and trees at market prices, AND first priority for land-for-land equal to 30% of affected area of equivalent productivity at a location acceptable to PAP, or, if requested, cash compensation for the lost land corresponding to 30% of replacement cost.

For poor and vulnerable, including landless, PAPs, who prefer to continue farming but have land less than of a standard size provided by Decree 641/CP, the local authority to assist them to obtain land of area equal to minimal standard size, with permanent land use right, OR training rehabilitation measures, including job training and training allowance for its working member(s) if no land available for provision;

3. Land Users Without Permanent or Legal Rights to Use Land

38. Households occupying and using land without permission from the commune will be entitled to compensation for crops and trees at 100% of market prices. They will not be compensated for land but will receive assistance corresponding to the investment in the land.

39. For poor and vulnerable farmers affected who are landless and have not been allocated land before will be entitled to: (i) assistance by local authority to obtain land of an area equal to the minimum standard size, with full legal title to the land, and/or (ii) transition assistance and rehabilitation measures, including social assistance allowance, job training and training allowance for its working member(s) if no land available for provision;

4. Loss of Standing Crops and Trees

40. For annual standing crops, compensation will be paid to households who cultivate the land according to the full market value of the affected crops, regardless of the legal status of the land. For perennial plants, compensation will be paid according to the full market value of the affected plants, regardless of the legal status of the land. If the plants are not yet ready for harvest, compensation will include the total cost of initial investment and care until the time of the land acquisition. In case perennial plants can only be harvested once, compensation will be paid for the total cost of investments and care calculated until the time of the land acquisition. Compensation will be in cash.

5. Loss of Residential Land

41. There are no structures on the affected residential land, and PAPs will be entitled to compensation in cash at 100% of the replacement cost of the affected land.
6. Secondary PAPs

42. This applies to those affected by acquired areas needed for construction or for individual resettlement or group resettlement sites. Because all secondary PAP are likely to be affected through loss of agricultural land, they will be entitled to compensation and rehabilitation assistance in accordance with the same provisions for all other PAP.

D. Compensation Policy for Structures

1. Loss of Graves

43. The level of compensation for the removal of graves will be for all costs of excavation, relocation, and reburial. Compensation in cash will be paid to each affected family.

E. Temporary Impact During Construction

44. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that shall be applied to all other assets affected by the Project. In addition, damaged property will be restored immediately to its former condition.

45. For arable land that will be temporarily affected, all PAPs are entitled to compensation for loss of crops and trees at market prices, and compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use; AND restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified; AND if duration of temporary land use is equal or exceeds two years, then the PAPs are compensated as for permanent loss of land.

F. Allowances During the Transition Period

46. The following allowance amounts are indicative only. At the time of compensation, allowances will be adjusted to account for inflation. For severely affected farmer HHs, rehabilitation assistance of amount not least than VND 3,000,000 per HH will be given. The concrete form of assistance to the farmers will be precisely identified in the project implementation stage through investigation and intensive consultation with the entitled PAP to ensure adequacy and effectiveness of rehabilitation assistance in meeting with actual needs of PAP. In may be in form of training plus training subsistence allowance or in cash which combined with relevant technical assistance. In addition, HHs having special social support will be provided with a special social assistance not less than VND 1,000,000 to rehabilitate their living standards.

IV. INSTITUTIONS INVOLVED IN RESETTLEMENT

A. General Organization

47. The implementation of resettlement activities requires the involvement of agencies at the national, provincial, district and commune level. Under the responsibility of MARD, resettlement committees shall be established at the provincial and district level according to the provision of Decree CP 22/1998. The provisions and policies of the RAP will form the legal basis for the implementation of resettlement activities for the Da Ban subproject.
B. Ministry of Agriculture and Rural Development

48. MARD is responsible for the realization of the VWRAP Project, on behalf of the Government. A Central Project Management Office (PMO) will be established in MARD, at MARD’s Department, which is responsible for Management and Modernization of Hydraulic works. The PMO has responsibilities for overall project management and implementation. For each VWRAP Subproject will be established a Provincial Project Management Unit (PMMU) or a Subproject Implementation Unit (SIO). The PMO with the PPMUs/SIOs will, in coordination with relevant agencies, manage and supervise the overall Project including resettlement activities and land acquisition. Successful updating and implementation of the RAPs will require close coordination between MARD and other ministries and agencies as well as between PMO, implementing agencies, and all local resettlement committees. Resettlement capacity will be established within the PMO to coordinate all resettlement activities with full-time assistance of consultants. Similar capacity will be established within the implementing agencies to implement resettlement for each subproject. The consultants will provide technical assistance to strengthen the social capacity within the PMO and implementing agencies. The PMO, with assistance of the consultants, will take overall responsibility as follows:

(i) Providing overall planning, coordination, and supervision of the resettlement program.

(ii) Guiding implementing agencies in updating and/or preparing RAPs and implementing resettlement activities in accordance with the Policy Framework and the approved RAP; and if any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensure that the objectives of the RAPs are being met.

(iii) Finalizing RAPs and obtaining Government and WB approval before implementing approved RAPs.

(iv) Coordinating completed implementation of approved RAPs for each component with the award of civil works contracts for each component.

(v) Providing resettlement training to implementing agencies, all PPMU/SIO staff and RCs at all levels, and to the external monitoring organization.

(vi) Providing the budget for resettlement activities.

(vii) Establishing standard procedures for information campaigns and stakeholder consultation such as monthly newsletters to communities on project activities.

(viii) Providing coordination with other components and various agencies involved in resettlement planning and implementation.

(ix) Establishing liaison mechanisms to ensure proper technical and logistical support to implementing agencies and RCs.

(x) Establishing standardized PAP databases for each component, as well as for the Project as a whole.

(xi) Establishing procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies.

(xii) Establishing procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.

(xiii) Recruiting, supervising, and acting upon the recommendations of the external monitoring organization.

(xiv) Establishing procedures for the prompt implementation of corrective actions and the resolution of grievances.

(xv) Reporting periodically on resettlement activities to the WB.

C. Provincial People’s Committee

49. The PPC is the principal authority at the provincial level. Khanh Hoa PPC is responsible for setting up and directing a council of compensation, which will be called the Provincial Resettlement Committee (PRC). The PPC is also responsible for reviewing and
approving the RAP. The PPC is responsible for the final decision on compensation unit costs, subsidies, allowances, and supporting policies for PAP and vulnerable affected groups, in accordance with this RAP. The PPC is responsible for the approval of project land acquisition. Khanh Hoa PPC is also responsible for organizing the coordination between the related institutions and provincial departments for the implementation of the RAP, and to execute compensation and resettlement plans effectively.

D. District People's Committee

50. The District People Committees are responsible for identification of land and structure legality, and appointing members of the DRC and assigning functional tasks for the DRC.

E. Implementing Agency

1. Da Ban Subproject Implementation Unit (Da Ban PPMU)

51. Da Ban PPMU will be responsible for implementing this RAP. Responsibilities will include the following:

(i) Preparation, implementation, and monitoring of RAP.

(ii) Guiding the resettlement committees at all levels in implementing the approved RAP and implementing resettlement activities in accordance with the resettlement policies specified in the RAP. If any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensuring they are addressed so that the objectives of the RAP are met; ensuring proper technical and logistical support to the Khanh Hoa's and its districts' RCs.

(iii) Guiding and supervising the RCs while they carry out the Land Acquisition and Census Survey (LAS) to identify exactly the number of affected households and the extent of losses to be compensated, guiding local RCs in following compensation entitlements and procedures as defined in the approved RAP, and submitting compensation assistance costs for approval.

(iv) Implementing information campaigns and stakeholder consultation in accordance with established project guidelines, supervising the compensation payment process and the implementation of the RAP, and redressing grievances concerning resettlement activities in collaboration with RCs.

(v) Coordinating with other line agencies to ensure delivery of mitigation and support measures.

(vi) Providing income restoration and other social support under the Rehabilitation Assistance Program.

(vii) Implementing established procedures for internal monitoring, establishing and maintaining a PAP databases for each subproject in accordance with established project procedures and providing regular reports to the PMO and all data to the external monitoring organization.

(viii) Implementing prompt corrective actions in response to internal and external monitoring, and resolution of grievances.

(ix) Coordinating project-related employment for PAP (consulting contractors about employment opportunities for local people, informing PAP about opportunities and how to avail of the opportunities).

(x) Implementing established project procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.
2. Provincial Resettlement Committee

52. The PRC of Khanh Hoa will be responsible for

(i) implementing, on behalf of PMO, all resettlement activities within the provincial territory under the PPC's management, and signing contracts for the implementation of some resettlement components;

(ii) establishing and strengthening resettlement committees at district and commune levels;

(iii) guiding all resettlement activities of provinces, districts and communes in accordance with the project policies and directives;

(iv) establishing compensation unit prices for land and structures in collaboration with other provincial departments; setting up procedures for land acquisition and allocation and submitting them to the PPC for approval; coordinating, supervising, and monitoring the implementation of resettlement activities in the province;

(v) issuing guidelines about resettlement activities within their power, namely: (a) compensation prices for land, structures, crops, etc. (b) identification of land and structure legality; (c) procedures of land acquisition and allocation; and (d) approval of compensation charts for PAPs and affected public facilities, etc.;

(vi) directing and monitoring the DMS process, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval;

(vii) accepting and handing over the sites to the implementing agencies; and

(viii) cooperating fully with the external monitoring organization.

3. District Resettlement Committees (DRCs)

53. The DRCs will be responsible for

(i) planning and implementing, on behalf of the District People's Committees, all resettlement activities in their districts under the direct professional guidance of the PRC. If authorized by the PPC to be completely responsible for the resettlement activities in the district in the case that the PRC will not be established, the DRC will play the same role as the PRC;

(ii) planning and implementing all resettlement activities in the district;

(iii) finding adequate land for individual relocations;

(iv) being responsible for LAS, finalizing compensation forms, preparing compensation charts to submit to the PRC, and paying compensation directly to each AP after receiving the funds;

(v) establishing inspectors to redress PAPs grievances on resettlement policies and entitlements;

(vi) establishing, if necessary, commune resettlement committees (CRC) and directing their operations during the implementation of the resettlement activities;

(vii) cooperating fully with the external monitoring organization.

F. Agency Responsible for External Monitoring

54. One agency specialized in the social sciences must be identified in order to carry out socioeconomic surveys, monitoring, and evaluation of RAP implementation for the Project. They will submit periodic reports on the implementation progress and make recommendations regarding the issues identified. The terms of reference and methodology for monitoring are presented in Section 10.
G. Staff and Training

55. One full-time specialized resettlement staff will be recruited for each PPMU/SIO. The PMO and the consultant team will assist in fulfilling/performing their resettlement responsibilities. These people should have background on social sciences or anthropology, computer skills, good experiences or will be trained on resettlement issues, preferably be proficiency in spoken and written English. Depending on the scale of resettlement impacts of each subproject, a full time or part time resettlement staff will be required for local resettlement institutions.

56. As Khanh Hoa subproject poses both marginal and severe resettlement impacts on PAP and involves three different of district level units, there will be needed a resettlement council at provincial level, ie Khanh Hoa PRC, to ensure implementation of a unified resettlement policy throughout project affected areas. This PRC will focus in assisting the PPC on decision-making of the issues related to subproject's resettlement policy and problems arising under Khanh Hoa PPC competence and within its administrative boundaries. At town and district level, there will be established town and District RCs, which will be the implementation bodies responsible for implementation of day-to-day resettlement activities within their district’s boundaries and authorization.

57. All full time and part time staff and decision making involved in project resettlement implementation will be trained on the WB’s and GOV project’s resettlement policy, methods of public consultation, negotiation etc. Specific resettlement skills training will be provided to numerators, implementation staff in resettlement implementation procedures, techniques, unified DMS forms, and management of the PAP's database.

V. PUBLIC INFORMATION, CONSULTATIONS AND GRIEVANCE REDRESS

A. Consultations During Preparation of Resettlement Plan

1. Public Information During RAP Preparation

58. The consultant provided information about the Project regularly. Actions taken were as follows:

(i) Group interview surveys were conducted in communes affected by Phase 1 project activities. Specific resettlement group interviews with affected persons were also conducted. In addition, stakeholder meetings have been organized at the provincial level with Khanh Hoa PPC, district people committees, Khanh Hoa DARD, IMC

(ii) A Socio-Economic HHs surveys were conducted both for the benefited and, specifically, affected areas of the Da Ban Subproject. The group interview surveys were conducted in 4 affected communes of the project pilot area. The surveys combined have provided useful socioeconomic information on agriculture, socioeconomic, cultural, etc. Each meeting involved from 7 to 30 persons. The majority of these persons were farmers from the different villages in the communes. Representatives of local farmer groups and other organizations, as well as officials from municipal and district levels attended the meetings. Women were also represented in common meetings and also discussed in separate groups. The HHs questionnaire surveys were conducted in 2002 and 2003, and the group interview surveys were conducted in April 2003.

(iii) Specific resettlement group interviews with affected persons were conducted in the four mentioned communes. 10-30 persons potentially affected by the project attended these meetings. This survey, conducted in April 2003, was designed to collect data on: (a) vulnerable groups which may be adversely
affected by the Project, (b) resettlement preferences of affected families, (c) measures to reduce impacts, and (d) adequacy of compensation prices issued by the provinces.

(iv) A stakeholder meeting with Khanh Hoa PPC also focused on resettlement issues, on possibility and commitment of the PPC to follow a project’s approved resettlement policy, which reflecting the WB’s and GOV resettlement objectives and principles.

(v) In addition, affected households’ preferences regarding resettlement and relocation were investigated through socioeconomic surveys (300 questionnaires).

2. Objectives of Public Information and Consultation

59. Information dissemination to, in consultation with and with the participation of, affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of project delays. This will also enable the Project to design the resettlement and rehabilitation program as a comprehensive development program to suit the needs and priorities of the affected people, thereby maximizing the economic and social benefits of investments. The objectives of the public information campaign and PAP consultation program are as follows:

(i) To ensure that local authorities as well as representatives of PAPs will be included in the planning and decision-making processes. The PMO and the PPMU/SIO in Da Ban will continue a dialogue with the Provincial People’s Committee and the District People’s Committee during Project implementation. PAP involvement in implementation will be continued thereafter by requesting each district to invite PAP representatives to take part in the resettlement activities (property evaluation, compensation, resettlement, and monitoring).

(ii) To fully share information about the proposed project components and activities with the PAP.

(iii) To obtain information about the needs and priorities of the PAP, as well as information about their reactions to proposed policies and activities.

(iv) To ensure that PAP are able to make fully informed decisions that will directly affect their income and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.

(v) To obtain the cooperation and participation of the PAPs and communities in activities necessary for resettlement planning and implementation.

(vi) To ensure transparency in all activities related to land acquisition, resettlement and rehabilitation.

B. Consultations Proposed During Implementation

1. Information Dissemination and Rehabilitation

60. During project implementation, the implementing agency responsible for resettlement (Da Ban PPMU), assisted by the project consultants, will undertake the following:

(i) Provide information to resettlement committees at all levels through training workshops. Detailed information on project policies and implementation procedures will be provided.

(ii) Conduct information dissemination and consultation for all PAPs throughout the life of the Project.

(iii) Update or establish provincial unit prices, and confirm land acquisition and impact on properties through the DMS.
(iv) The PRC/DRC will then apply prices, calculate compensation entitlements, and complete the Assets Compensation Forms for each affected household. Information on entitlements will then be presented on an individual basis to PAP in the Land Acquisition and Census Survey follow-up visit to each household.

[v] The Asset Compensation Form, showing the household’s affected assets and compensation entitlement will then need to be signed by the PAPs to indicate their agreement with the assessment. Any complaints the PAPs have about the contents of the form will be recorded at this time.

(vi) Consultation regarding PAPs preferred rehabilitation assistance program. This applies to severely affected and vulnerable PAPs. The social support team will inform PAPs of their entitlement to rehabilitation assistance under the Rehabilitation Assistance Program, before asking them to indicate their preferences.

2. Public Meetings

61. Prior to the beginning of the detailed design, a public meeting will be held in each hamlet to provide PAPs with additional information and an opportunity for open discussion about resettlement policies and procedures in each affected hamlet. A letter of invitation will be sent to all PAPs after the LAS has been completed at least 2 weeks before the meeting in their area. This meeting is intended to clarify information that has been given to date and to provide PAPs with the opportunity to discuss issues of concern and obtain clarification. In addition to a letter informing the PAPs, other means will be used to inform PAPs and the general public such as posters in prominent locations in the communes and districts where PAPs currently reside: radio, television, and newspaper announcements. The letter and notices will advise the time and location of the meeting, and who can attend. Both men and women from affected households will be encouraged to attend, as well as other interested community members. The meeting will explain the Project, and households’ rights and entitlements, and there will be opportunities to ask questions. Such meetings will be conducted periodically during the life of the Project.

62. Relevant information will be given to the PAPs at the meetings (verbally, graphically, and on printed information sheets). Extra copies of the printed information sheets will be available at municipal and district offices throughout the project area. The meetings will follow the following format:

(i) Explanations given verbally and in visual format, including written information and drawings of the proposed design for the different component of the Project.

(ii) Adequate opportunities will be provided for PAPs to respond with questions and comments. PAPs will be encouraged to contribute their ideas for PAP rehabilitation options.

(iii) The DRC will establish a complete list of all PAPs present at the meetings.

(iv) The DRC will make a complete record of all questions, comments, opinions, and decisions that arise during the information/consultation meetings, and present a report of all the meetings to the SIO.

63. Information about the following will be given to the PAP:

(i) Project components. This includes the places where they can obtain more detailed information about the project.

(ii) Project impacts. Impacts on the people living and working in the affected areas of the project including explanations about the need for land acquisition for the reservoir, the canal network, and other project components.

(iii) PAP rights and entitlements. These will be defined for PAP (with the cut-off date). The rights and entitlements for different categories of PAP, including
the entitlements for those losing businesses, jobs and income. Options for
land-for-land and cash. Options regarding reorganizing and individual
resettlement, and provisions and entitlements to be provided for each.
Entitlement to rehabilitation assistance

(iv) Grievance mechanism and the appeal process. PAP will be informed that
project policies and procedures are designed to ensure their pre-project living
standards are restored. PAP will also be informed that if there is any
confusion or misunderstanding about any aspect of the project, the commune
or district resettlement committee can help resolve problems. If they have
complaints about any aspect of the land acquisition, compensation,
resettlement, and rehabilitation process, including the compensation rates
being offered for their losses, they have the right to make complaints and to
have their complaints heard. PAP will receive an explanation about how to
access grievance redress procedures.

(v) Right to participate and be consulted. The PAP will be informed about their
right to participate in the planning and implementation of the resettlement
process. The PAP will be represented on commune resettlement committees,
and the representative for the PAP will be present whenever commune/
district/provincial committees meet to ensure their participation in all aspects
of the project. PAP will be consulted about the training and training
preferences in current or new occupations for all PAP whose income levels
and living standards are adversely affected due to loss of agricultural land or
other assets.

(vi) Resettlement activities. PAP will be given an explanation regarding
compensation calculations and compensation payments, monitoring
procedures (which will include interviews with a sample of PAP), and
preliminary information about physical works procedures.

(vii) Organizational responsibilities. PAP will be informed about the
organizations and levels of Government involved in resettlement and the
responsibilities of each, as well as the names and positions of the
Government officials with phone numbers, office locations, and office hours if
available.

(viii) Implementation schedule. PAP will receive the proposed schedule for the
main resettlement activities and informed that physical works will start only
after the completion of all resettlement activities and clearance from the
project area. It will be clarified that they will be expected to move only after full
payment of compensation for their lost assets has been allocated to them.
Implementation schedules and charts will be provided to resettlement
committees at all levels.

3. Compensation and Rehabilitation

A letter of notification will be sent to each PAP with the time, location, and procedure
for receiving compensation payment. Severely affected and vulnerable PAPs will be
personally contacted to confirm their preferences for rehabilitation assistance to take
necessary actions to respond to their specific needs.

4. Public Information Booklet (PIB)

To ensure that PAP, their representatives, and the local government in the affected
areas fully understand the details of the resettlement program, and that they are informed
about the compensation and rehabilitation packages applicable to the Project, a Public
Information Booklet (PIB) will be prepared by the PMO, in consultation with WB. This booklet
will be distributed to all PAP in the project area before DMS. General contents of the PIB will
include the following:
Brief Description of the Project, Implementation Schedule, Project Impacts, Entitlements and Rights of PAP, Resettlement and Rehabilitation Policies for All Types of Impacts, Institutions Responsible for Resettlement, Information Dissemination to and Consultations with Project Affected People, What To Do if PAP Have a Question or a Problem, Grievance Procedure, and Independent Monitoring.

5. Disclosure

66. In addition to disclosure to affected people and communities, this RAP or a summary will be displayed at public place such as at the PMO, Khanh Hoa PPMU (SIO), local provincial and district RCs, Provincial Information Center to disseminate information about the Project to all interested parties/stakeholders.

C. Grievance Redress Procedure

67. In order to ensure that PAP grievances and complaints on any aspect of land acquisition, compensation, and resettlement are addressed in a timely and satisfactory manner a grievance redress mechanism needs to be established. Such a mechanism will ensure that all possible avenues are available to PAP to air their grievances and that they are well defined. It is also important that all PAP become aware of the established procedures for the proposed grievance redress mechanism. The detailed procedures for both redressing grievances and the appeal process will be publicized among all PAPs through an effective public information campaign. The grievance redress mechanism and the appeal procedures will also be explained in the public information booklet distributed to all PAPs.

1. Contents of Grievances

68. PAPs can lodge their complaints regarding any aspect of compensation entitlement, compensation policy, rates, land acquisition, resettlement and entitlements relating to rehabilitation assistance programs. Complaints by PAP can be lodged verbally or in written form, but in case they are lodged verbally, the committee to which it is lodged will write it down during the first meeting with the PAP. PAfs, who present their case to the PMO, District People’s Committee (DPC), or PPMU will be exempted from paying any fees. In addition, PAPs lodging complaints and appeals to district courts will be provided with free legal representation.

2. Grievance Procedures

69. A four-stage procedure for redressing grievances is proposed. This includes:

Stage 1 - Complaints from PAPs on any aspect of the resettlement program, or unaddressed losses shall first be lodged verbally or in written form to the People’s Committee at commune level. The complaint can be discussed in an informal meeting with the plaintiff and the chairman of the people’s committee at commune level. The People’s Committee at commune level will be responsible for resolving the issue within 15 days from the day it is lodged.

Stage 2 - If no understanding or amicable solution can be reached, or if no response from the people’s committee at commune level is received by the PAP within 15 days of registering the complaint, he/she can appeal to the District Resettlement Committee. The vice-chairman of the DPC will hear PAP in person, and PAP will be invited to produce documents which support his/her claim. The complaint must be settled within 2 months of registering the original complaint. The DRC will provide a decision within 1 month of the registering of the appeal.
Stage 3 - If the PAP is not satisfied with the decision of the DPC or its representative, or in the absence of any response by the DPC, the PAP can appeal to the Provincial People's Committee. The Provincial People's Committee together with the representative of the PRC will provide a decision on the appeal within 30 days from the day it is lodged with the PPC.

Stage 4 - If the PAP is still not satisfied with the decision of the PPC or PRC on appeal, or in absence of any response from the PPC within the stipulated time, the PAP, as a last resort, may submit his/her case to the district court.

VIII. BUDGET

A. Financing

70. The Central Government will pay resettlement cost related to land acquisition of primary and secondary canals while compensation for the tertiary and of field levels canals will come from local budget, or by contribution of the direct beneficiaries. The latter will be based on intensive discussion and consultation with farmers to find out the ways for farmers/beneficiary to obtain equitable contribution to development of the tertiary/on-farm small canals, and adequate options has been presented as compensation for the involved losses.

B. Flow of Funds

71. The PMO will be responsible for channeling funds for land acquisition and resettlement to the PRC which will be responsible for the payment of compensation directly to affected persons for land, crops, trees, houses, other structures and for the various allowances. The PMO will also be responsible for contracting an external organization or other institution that will be engaged for independent monitoring.

C. Adjustments for Inflation

72. The cost estimates in this RAP are based on 2003 prices (to be updated before compensation payment). The rates for compensation and cash entitlements for rehabilitation as well as allowances payable to affected persons will be adjusted annually, based on the actual annual inflation rate. The PMO, together with the provinces, will determine the annual inflation rate and ensure the necessary annual adjustments are made to compensation rates and to all cash entitlements.

73. D. Compensation Prices

73. The basis of prices used for land acquisition and resettlement indicate the prices issued by the PPC and the prices used for cost estimates at the time of the study in 2003. The compensation amount in the detailed cost estimates in Table 11 includes a 10% contingency.

(i) The current compensation and resettlement costs are based on: (a) land acquisition and census surveys conducted in April-May, 2003; (b) identification of different categories of impacts, resettlement policies, and entitlements described in Section 5; (c) provision of Decree 22/1998 on compensation and resettlement; (d) compensation prices issued by Khanh Hoa provinces in 1998; and, (e) rapid assessment of replacement cost made by consultants, based on available information gathered in April 2003.

(ii) According to Decree 22 (Article 8) the prices for compensation shall be decided by the Provincial People's Committee for each specific project. For
present purposes, the price lists issued by Khanh Hoa province in the Decision 2424/1998/QD-UB, on 28 August 1998, concerning Unit compensation prices for crops and trees within Khanh Hoa province, and Decision 2425/1998/QD-UB, on 28 August 1998, concerning Unit compensation prices for houses and structures within Khanh Hoa province in case of land acquisition for public, national security, safety, national and public interests, and for its other similar and recent projects, and validated and/or adjusted by the consultants during preparation of the study, have been applied for preparation of this RAP.

(iii) In order to avoid complaints and to ensure fair compensation prices for affected persons, compensation prices used for cost estimates in the RAP have been based not only on prices issued by the provinces, but also on price survey conducted in the affected areas. However, to comply to some extent with the unit prices issued by the province, for cost estimates the consultant used the higher unit prices, than those provided, for land and other categories of losses.

(iv) During the detailed design of the Project, the subproject will revise compensation unit prices for all categories of loss (land, crops, and trees) to ensure PAP receive actual replacement cost at current market value at the time of compensation. PAP and local authorities will be consulted on the proposed rates before they are finalized.

E. Rehabilitation Assistance

74. Severely affected farmers and other vulnerable households will be entitled to assistance to restore or improve their pre-project conditions. These costs will be updated at the time of compensation to adjust for inflation.

F. Implementation Costs Defined

75. Costs for land acquisition and compensation will be fully funded by the Government. Resettlement administrative cost includes performing resettlement activities by PPMU/SIO and resettlement consultant, and management fees for various resettlement committees, implementing agencies. It consists of cost for the payment of salaries, per diem, logistics, management fees, etc; cost for Detailed Measurement Survey (DMS), evaluation of assets lost, pricing application; public information and dissemination, preparation Project Information Booklet, posters, materials and dissemination of information; cost for organizing and performing public consultation and grievance redress. The administrative costs are set to 5%.

76. A budget will be provided for training of full time and/or part time staff involved in the project resettlement activities. Contents of the training will cover such topics as resettlement policy of the project, of WB and the Vietnam current resettlement policy; outstanding resettlement issues, stakeholder participation; methods of public information and consultation. Specific resettlement topics and skills, for example, the DMS and compensation forms, evaluation of lost assets, identification of entitlements. Training will be provided to particular groups of resettlement officials and consultants. Training of staff and consultants for capacity building is set to VND 154,000 ($ 10).

77. Monitoring costs includes costs for internal and external monitoring, which is set to 3%. A contingency cost is set to 10%, as shown in table below.
G. Cost Estimates

78. The estimated costs of resettlement for all land and crops/trees cost affected by project's identified components in Phase 1 is VND 8,006,207 ($519,883) as shown in Table 11 below.

<table>
<thead>
<tr>
<th>Project component</th>
<th>Permanent Acq. reqd (ha)</th>
<th>HHS severely affected</th>
<th>Land acq. impacted entitlements</th>
<th>Unit</th>
<th>Quantity of losses</th>
<th>Unit rate ('000 VND)</th>
<th>Total cost ('000 VND)</th>
<th>Total cost (US$)</th>
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<td>East Main Canal</td>
<td>0</td>
<td>0</td>
<td>Land (annual crops)</td>
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<td>9,050</td>
<td>2</td>
<td>18,100</td>
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<td>Crop</td>
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<td>Land (Aquaculture)</td>
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Exchange rate 1 USD = 15,400 VND

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<th>Cost</th>
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<td>Contingency Cost (10%)</td>
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<td>Grand Total Resettlement cost</td>
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VI. IMPLEMENTATION SCHEDULE

79. Approval of the RAP. The Government will send this RAP to the World Bank and it has to be approved as a precondition for appraisal.

80. Information Dissemination Prior to Detailed Design. Prior to the commencement of detailed design, MARD will implement an information campaign throughout the project area. Information meetings will be held in all potentially affected hamlets to inform the communities about (i) the project scope, (ii) impacts, (iii) entitlements for all categories of loss, (iv) schedule of activities beginning with the detailed design survey, (v) institutional responsibilities, and (vi) the grievance mechanism. The project implementation brochure will be prepared and distributed to all affected communities during the meetings.

81. Establishment of Resettlement Committees. All provinces will establish their resettlement committees as soon as the Project has been approved. This will be followed by establishment of resettlement committees at district and commune levels.

82. Training for Resettlement Staff. Within 2 months of mobilization of the resettlement consultants for the CPO/PMO all local resettlement staff at PPMU/SIO, PRC, DRC, and CRC levels will be trained by the PMO assisted by the consultants. Training subjects will include:

(i) procedures for updating the RAP;
(ii) consultation and information dissemination methods;
(iii) principles, policies and entitlements of the RAP;
(iv) implementation steps, procedures, and schedule;
(v) grievance redress mechanism; and
(vi) powers and obligations of individuals/agencies involved in the process of resettlement programs.

83. Updating Replacement Cost Unit Rates. During the preliminary detailed design process, the PPC will update unit rates at replacement cost for all categories of loss and adjust allowances to account for inflation. Prior to formal issuance of the project compensation unit rates, with the assistance of the project resettlement consultants, the implementing agencies and PRCs will validate the unit rates through consultation with PAPs and the local government.

84. Detailed Measurement Survey. An updated DMS will be conducted after completion of the detailed design. The updated surveys will serve as the basis for compensation.

85. Data will be computerized by MARD and CPO/PMO.

86. Information Dissemination and Consultation. This will be implemented as described in Chapter 7.

87. Updating of the RAP. The RAP will be updated after detailed design and approved by WB before commencement of any resettlement activities.

88. Pricing Application and Compensation of PAPs. Resettlement committees at district or provincial level will be responsible for pricing application and preparing compensation charts for each affected commune/district. These will be subject to verification by the PPMU/SIO, PPC and CPO/PMO and of unit prices, quantity of affected assets, PAP entitlements, etc. before posting them at each commune for the people to review and comment. All compensation forms must be checked and signed by the PAPs to indicate their agreement.
Compensation and allowances will be handled at commune level under the supervision of representatives of the PRC, DRCs, PPMU/SIO and CPO/PMO. Guidance will be given by the PPMU/SIO to aid local resettlement committees in making payments to PAPs.

Award of Civil Works Contract. After all PAPs affected for one component have been compensated in accordance with the approved RAP, approval can be given for award of civil works contract for that component.

Income Restoration and Rehabilitation Assistance. In order to provide adequate economic rehabilitation measures, PAPs entitled to rehabilitation assistance shall be consulted on rehabilitation options and shall be assisted to participate in the relevant activities.

Monitoring. Internal and external monitoring shall start as soon as the updated RAP has been approved. Monitoring will continue throughout the construction period. A replacement cost survey should be conducted by the external Monitoring organization prior or during DMS to update and advice PPC on compensation rates. A post-resettlement evaluation will be undertaken by the external monitoring organization 6 to 12 months after completion of all resettlement activities.

VII. MONITORING

Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation. It provides systematic and continuous collection and analysis of information on the progress of the project. It is a tool to identify strengths and weaknesses and to enable timely decisions for corrections.

Monitoring has two purposes:

(i) To verify that project activities have been effectively completed including quantity, quality, and timeliness.
(ii) To assess whether and how well these activities are achieving the stated goal and purpose of the Project.

Regular monitoring of the RP implementation will be conducted by the PMO and WB, as well as by an independent external monitoring organization hired by the PMO.

A. Internal Monitoring

Internal monitoring of the implementation of the subproject RAP for the main components will be the responsibility of the Da Ban PPMU, with the assistance of the project consultants. The implementing agencies will oversee the progress in resettlement preparation and implementation through regular progress reports.

Monitoring Indicators. The main indicators that will be monitored regularly are:

(i) Payment of compensation to PAPs in various categories, according to the compensation policy described in the RAP.
(ii) Delivery of technical assistance, relocation, payment of subsistence and moving allowances.
(iii) Delivery of income restoration and rehabilitation assistance.
The implementing agencies will collect information every month from the different resettlement committees. A database of resettlement monitoring information regarding the Project will be maintained and updated every month.

The Da Ban implementing agency will submit to the PMO, and the PMO assisted by the project consultants will submit to the WB as part of PMO's regular quarterly progress report to WB, a monitoring report on the progress of implementation of the RAP every 3 months. The internal monitoring reports shall include the following topics:

(i) The number of PAPs by category of impact per component, and the status of compensation payment and income restoration for each category.
(ii) The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.
(iii) The eventual outcome of complaints and grievances and any outstanding issues requiring action from management.
(iv) Implementation problems (if any)
(v) Revised actual resettlement implementation schedule.

B. External Monitoring

1. Objectives

The general objective of the external monitor is to provide an independent periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.

2. Agency Responsible

In accordance with WB requirements for consultant procurement, the Project Management Office will hire an organization for the independent monitoring and evaluation of RAP implementation. This organization, to be called the Monitoring Organization (MO) will be specialized in the social sciences and experienced in resettlement monitoring. The MO should start their work as soon as the updated RAP has been approved.

3. Monitoring and Evaluation Indicators

The following indicators will be monitored and evaluated by the MO:

(i) Payment of compensation will be as follows: (a) Full payment to be made to all affected persons sufficiently before land acquisition; adequacy of payment to replace affected assets;
(ii) Coordination of resettlement activities with construction schedule: the completion of land acquisition and resettlement activities for any component should be completed prior to award of the civil works contract for that component.
(iii) Provision of income restoration assistance under Rehabilitation Assistance Program.
Public consultation and awareness of compensation policy: (a) PAPs should be fully informed and consulted about land acquisition, leasing and relocation activities. (b) The monitoring team should attend at least one public consultation meeting each month to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed. (c) Public awareness of the compensation policy and entitlements will be assessed among the PAP. (d) Assessment of awareness of various options available to PAP as provided for in the RAP.

(v) Affected persons should be monitored regarding restoration of productive activities.

(vi) The level of satisfaction of PAPs with various aspects of the RAP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.

(vii) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

C. Monitoring Methodology

The methodology for conducting monitoring and evaluation of the RP implementation will include the following activities:

1. Sample Survey

A socio-economic survey will be required before, during and after resettlement implementation to provide a clear comparison of success/failure of the resettlement plan. Monitoring will be on a sample basis. The sample size should be 100% of relocating households and severely affected farmers, and at least 10% of all other households. The sample survey should be conducted twice a year.

The survey should include women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents.

A Post-Resettlement Evaluation will be carried out 6 to 12 months after completion of all resettlement activities.

2. Database Storage

The MO will maintain a database of resettlement monitoring information. It will contain files on each affected household and will be updated based on information collected in successive rounds of data collection. All databases compiled will be fully accessible by implementing agencies and the PMO.

3. Reporting

The MO will be required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted to the PMO, which in turn will submit the reports to the World Bank as an annex of its progress report.

The report should contain (i) a report on the progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.

4. Monitoring Report Follow-Up
110. The monitoring reports will be discussed in a meeting between the MO, PMO and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

D. Evaluation

111. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. The external monitor will conduct an evaluation of the resettlement process and impact 6 to 12 months after completion of all resettlement activities using the same survey questionnaire and sample as used during the monitoring activities.
## ENTITLEMENT MATRIX for Da Ban subproject

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
</tr>
</thead>
</table>
| 1    | Permanent loss of arable land | Loss less than 20% of total affected assets lost due to acquisition of arable land | Legal user with permanent rights to use the affected land, and temporary user who will be legalized before compensation as a permanent user | PAP will be entitled to:  
   (i) Cash compensation for acquired land at 100% of replacement cost; and  
   (ii) Cash compensation for crops and trees at market price | HH without LURC but their name listed in the land book of the commune and still are using that land are considered as fully legal users.  
If the viability of the remaining land is less than the minimum viable economic unit then the entire piece of land would be acquired and the PAP would fall under the next category. |
|      |              | Marginal impact on household income and living standards |                        |                     |                      |
| 2    | Permanent loss of arable land | More than 20% of total affected assets lost due to acquisition of arable land | Legal user with permanent rights to use the affected land, and temporary user who will be legalized before compensation as a permanent user | (i) Compensation for loss of trees and crops at full market price  
(ii) As priority, compensation "land for land" equivalent productive capacity at a location acceptable to the PAP or, if requested, cash compensation for the lost land at 100% of replacement cost; AND  
(iii) Rehabilitation assistance:  
   - skills training and training allowance,  
   - provision of agricultural extension services, and  
   - priority for project-related job opportunities. | Skill training with training allowance will be applied in case if the option "land for land" cannot be available.  
A combined extension assistance should be taken to help the poor and disadvantaged PAP to improve their farming techniques and productivity on their remaining land. |
<table>
<thead>
<tr>
<th>ITEM</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
</tr>
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<tr>
<td>1</td>
<td>Land Users with Temporary or Leased Rights to Use Land that cannot be legalized as long term land user</td>
<td>Land Users with Temporary or Leased Rights to Use Land that cannot be legalized as long term land user</td>
<td>(i) As priority, compensation &quot;land for land&quot; equal 30% of the PAP affected area, or (ii) Cash compensation equivalent to 30% of land replacement cost and training assistance (fees and allowance), and (iii) Cash compensation for loss of crops and trees at full market prices;</td>
<td>If the value of remaining investment put by PAP on the affected land is undoubtedly higher than the compensating value, which is equal to 30% of the land, the PMO and RC will revise and adjust adequately case by case.</td>
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<tr>
<td>2</td>
<td>Illegal land users</td>
<td>Illegal land users</td>
<td>(i) Cash compensation for loss of crops and trees at full market prices; (ii) No compensation for land if the user have been allocated land followed Decree 64/CP (iii) For the poor and disadvantaged PAPs having no land for cultivation or those have not been allocated land by Decree 64/CP, the local authority will allocate them land with full legal title without any from PAPs cost, or, if requested, cash compensation plus full rehabilitation assistance packages.</td>
<td>Rehabilitation assistance will be provided to poor and disadvantaged PAP if the cash compensation option will be applied. A combined Extension assistance would be relevant to assist the poor and disadvantaged farmers to improve their farming productivity.</td>
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<tr>
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<td>Permanent loss of residential land</td>
<td>Loss of residential land without structures built thereon</td>
<td>Legal user with permanent rights or legalizable rights to use the affected land.</td>
<td>(i) PAP will be entitled to cash compensation for land at 100% replacement cost of the land; (ii) Compensation for trees/crops if yes at full market prices.</td>
<td>In case a multigenerational HHPs need to be subdivided to net family, the remaining land is not enough for building house, the PAP will be entitled to option compensating land for land at priority, and Cash in lieu of land will be offered only as a last resort or at the informed request of the AP.</td>
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<td>Loss of standing crops</td>
<td>Crops located within project areas recovered for canals and the ROW of the canal network or affected by other project component</td>
<td>Household who cultivates the land.</td>
<td>PAO are entitled to compensation in cash at market value.</td>
<td>PAP will be given notice several months in advance regarding evacuation. Crops grown after issuance of the deadline will not be compensated.</td>
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<tr>
<td>ITEM</td>
<td>TYPE OF LOSS</td>
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<td>DEFINITION OF ENTITLED PERSON</td>
<td>COMPENSATION POLICY</td>
<td>IMPLEMENTATION ISSUES</td>
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<tr>
<td>5</td>
<td>Loss of trees</td>
<td>Trees located within project areas recovered for canals and the ROW of the canal network, or affected by other project components</td>
<td>Household who occupies the land where trees are located irrespective of land tenure status</td>
<td>PAP are entitled to compensation in cash at market value on the basis of type, age, and productive value</td>
<td>Particular crops that have special high value will be considered to be assessed for compensation rate case by case. PAP who have been noticed by competent authority not to use the land within the ROW of the canal network will not be compensated for violation and threatened damage on irrigation network.</td>
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<tr>
<td>6</td>
<td>Temporary loss of arable land</td>
<td>Damages by contractors to private or public structures or land</td>
<td>Owner or person with use rights</td>
<td>(i) The contractor will be required to pay compensation immediately to affected families, groups, communities or government agencies. (ii) Damaged property will be restored immediately to its former condition.</td>
<td>If the quality of land will be radically changed when return to PAP, requiring PAP to change in the types of land use; then PAP should be compensated for all envisaged cost of losses.</td>
</tr>
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</table>

(i) Compensation for one harvest of crops/trees at full market prices
(ii) Compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use, AND
(iii) Restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified, AND
(iv) If the duration of project's use the land exceed more than one year, then the PAP have option to: 1) Continue use of the remaining land, keeping with the legal user's agreement, OR, 2) "Sell" it to the Project at 30% of replacement cost (i);
Ministry of Agriculture and Rural Development

(Draft)

Vietnam Water Resource Assistance Project (VWRAP)

RESETTLEMENT ACTION PLAN

For

DAU TIENG SUBPROJECT

August 2003
Resettlement Action Plan for Dau Tieng Subproject

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I. INTRODUCTION

1. Dau Tieng Irrigation System is one of the largest irrigation schemes in Vietnam and it plays an important role in development of agriculture in the country. The system was constructed in the late of the 70s at a time with shortage of investment capital and inadequate technical ability. After about three decades of existence, the capacity of the system has been considerably reduced. It has been seriously damaged, poorly maintained due to the lack of financial resources and poor management. The water service has been worsened both in quantity and quality. The headwork has been seriously damaged, reducing dam safety and mitigation actions have been taken at the expense of reduced irrigation water for downstream agriculture and aquaculture as well domestic use. Presently, Dau Tieng system can only provide irrigation water for 63,000 ha and 3.0 m³/s of water for domestic and industrial uses. The water provision is about 40% of the designed irrigation capacity of the system only, and it satisfies the current domestic and industrial water uses with 43% of its designed target only. The big gap between service and demand has been the results of the incomplete canal system.

2. The Dau Tieng Irrigation System Modernization Subproject aims to improve the water service provided by Dau Tieng IMC to local users in both quality and quantity through investment for rehabilitation and upgrading the irrigation infrastructure wherever needed, and introduction of modern irrigation management methods. The Subproject will contribute to increased water provision for irrigation, domestic and other uses, and improve efficiency of water use. The Project will also reduce flood and disaster risks. Improved operation build on financial sustainability of the scheme would increase agricultural productivity and invigorate the local economy.

3. The Subproject will include two components: (i) rehabilitation and upgrading of physical infrastructure of the irrigation system, starting with headwork and finishing by irrigated fields. Rehabilitation and upgrading of existing and construction of new, so far missed, canals and works, combined with access management roads and management stations will also be part of this component; (ii) modernization of the management system. Development of the first component will cause resettlement impacts due to permanent or temporarily acquisition of land for infrastructure construction or for civil works.

4. Investment and modernization of Dau Tieng Irrigation system is aimed to:
   • Ensure safety, reliability and efficiency of the system’s operation and service,
   • Make cost of operational management to be low, the system to be easy to operate, easy and flexible to maintain,
   • Satisfy all reasonable water requirements of agriculture, domestic, industry and improve the natural environment and open for ecological tourism development,
   • Create favorable conditions for utilization of labor resources, poverty alleviation, economic development in subproject’s areas.

At completion expected in 2010 the Dau Tieng Irrigation System will provide irrigation water for 111,030 ha of agricultural land and supply water of 19.6 m³/s for domestic and industrial uses for 1.6 million people in seven districts in Tay Ninh province and one district under Ho Chi Minh City.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

5. The Project will have resettlement impacts on 8 communes of 2 districts: Chau Thanh and Trang Bang, province Tay Ninh and one district under Ho Chi Minh City. This resettlement action plan (RAP) applies to the components of Phase 1 of the Subproject, which includes
headworks, main canals, and canals of the pilot area. This RAP is prepared to deal with compensation and rehabilitation of affected people of the currently identified components of the Scheme. When detailed technical design become available and project marks indicate its recovered areas, a detailed measurement survey (DMS) will be undertaken and serve as the final legal basis for implementation of the subproject compensation, rehabilitation and resettlement activities. Each component is described as follows:

(i) **Headworks.** Rehabilitation of headwork structures of Dau Tieng subproject involves reinforcement of existing infrastructure and doesn't implicate acquisition of new land.

(ii) **Canal system.** The identified canals for investment of Dau Tieng Irrigation Scheme includes main canals and the canal subsystems of three pilot areas.

Main canals of Dau Tieng scheme includes three main canals: Kenh Chinh Dong, Kenh Chinh Tay and Kenh Tan Hung with the length of 45.2km; 38.4km and 29.0km respectively. All of them are earthen made canals and have unstable bank conditions, easily subject to erosion and alluvium.

Pilot area: Three selected pilot areas includes subsystems of the canal N17 routed from the Main West Canal (Kenh Chinh Tay); the Canal N20 routed from the Main East Canal (Kenh Chinh Dong) and the Canal 31-A and N31A-27 belonged to subsystem of Cu Chi district.

6. Generally, the canals are in poor conditions, seriously eroded, broken due to poor maintenance and lack of capital for investment. The width (cross sections) is usually wider than the designed parameter as a result of erosion. The bed has been filled up with silts, hindering the water flow to pass through. All these result in reduction of water, which convey only 40-50% of the designed discharge. All primary canals have been included in the Inventory of Losses conducted by the Dau Tieng IMC in May - June 2003.

7. Rehabilitation and upgrading of the canal system in the pilot area involve the following: (a) rehabilitate the existing, damaged irrigation canals, widening the narrowed sections, construct new, construct additional canals wherever they are lacking, and rehabilitate and construct supplement irrigation works of the canals; (b) rehabilitation of existing and construct drainage works; (c) rehabilitate and upgrade water control and delivery works; (d) rehabilitate and upgrade management access roads. Development of these subcomponents requires both permanent and temporary acquisition of the land for lining of existing or building of so far missed canals of different levels, including land for irrigation works and access roads.

8. The Inventory of Losses (IOL) for all identified canals and the pilot areas has been carried out by the Dau Tieng IMC. According to results of the IOL, there are 8 communes of 2 districts: Chau Thanh and Trang Bang, province Tay Ninh, which will be affected by the subproject.

9. The Project will cause total loss of 79.1 ha land of 1144 HHs, of which 53.8 ha of are lost permanently and 25.2 ha are lost temporarily. Among the total 1144 HHs affected, there are 1139 HHs losing 53.8 ha agricultural land, and 7 HHs losing 0.1 ha residential land permanently. There are 31 farming HHs losing more than 20% of their agricultural land holding, but no HH will be severely affected due to loss of residential land. Most of the PAP have legal status to their affected land. Table 1 presents a summary of the impact on the land and structures for all suproject components.
Table 1: Summary of Impacts on Land and Structures for Dau Tieng Irrigation System Modernization subproject

<table>
<thead>
<tr>
<th>Name of works</th>
<th>Severe Impact</th>
<th>Marginal Impact</th>
<th>Total Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Resid. HH**</td>
<td>Agric HH***</td>
<td>HH</td>
</tr>
<tr>
<td>Head works</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Pilot area of Canal N17</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pilot area of Canal N20</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of works</th>
<th>Total Loss of Land (ha)</th>
<th>Residential</th>
<th>Agric</th>
<th>Forest</th>
<th>Unused</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head works</td>
<td>0.2</td>
<td>1.1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1.3</td>
<td></td>
</tr>
<tr>
<td>Pilot area of Canal N17</td>
<td>0.0</td>
<td>38.2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>38.2</td>
<td></td>
</tr>
<tr>
<td>Pilot area of Canal N20</td>
<td>0.0</td>
<td>39.6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>39.6</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>0.2</td>
<td>78.9</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>79.1*</td>
<td></td>
</tr>
</tbody>
</table>

Source: Dau Tieng IMC IOL of May, 2003
* Including both permanent and temporary impacts

10. The purpose of this RAP is to deal with compensation and rehabilitation of project affected people ensuring that all project affected persons (PAP) will be at least as well off after the project as they would have been in the absence of the Project. The RAP is based on (i) a census and Inventory of Losses (IOL) of 100% of PAPs in the headworks, main/primary canals and all canals and access management roads identified in the pilot area; (ii) on a sample HHs socio-economic surveys in the projects affected communes, conducted by Dau Tieng IMC in 2002 and the consultants in 2003; (iii) on group interviews and discussions in project affected communes, conducted by the consultants during the study, May 2003. Compensation, relocation, and rehabilitation have been established based on these surveys by applying Vietnam's existing laws and sub-laws regulations and the World Bank Operative Directives OD 4.30 on Involuntary Resettlement, OD 4.20 on Indigenous People and OPN 11.03 on Cultural Property. Following detailed design of these main components, this RAP will be updated by Dau Tieng Subproject Implementation Offices (SIO) to include revised numbers of PAP and updated compensation unit rates for all categories of lost assets and allowances. Following approval by the Government and the World Bank, the updated RAP will be implemented by the resettlement committees (RCs) under the guidance of the people's committees of each district and MARD. Careful coordination between all the agencies and ministries will be necessary to complete the different resettlement activities successfully. The provisions and policies of this RAP will form the legal basis for the implementation of resettlement activities for the Dau Tieng Subproject.
III. SOCIOECONOMIC INFORMATION

A. Source of Data

11. This RP has been based on census and land acquisition surveys for 100% of project affected people (PAP). The Dau Tieng IMC conducted the inventory survey in May 2002. Land acquisition and resettlement requirements were estimated based on detailed land use data in each subproject's area, and on the technical design. New census and detailed measurement surveys will be necessary during the implementation phase to update the number of people affected by the Project.

12. Socioeconomic information has come from several sources: (i) household socio-economic questionnaire survey of 141 HHs conducted by the IMC in 2002; (ii) group interview surveys conducted by the consultants in two selected communes of the two project pilot areas, including Dong Khoi commune of Chau Thanh district and Loc GHung of Trang Bang district, in May 2003; (iii) Stakeholder consultation at all levels, and (iv) review of secondary data/literature on subproject areas.

13. Specific resettlement group interviews with PAP were conducted to collect data on (i) specific resettlement needs of severely affected farmers and vulnerable groups, which may be adversely affected by the Project, (ii) resettlement concerns and preferences of affected families, and (iii) find measures to reduce impacts.

B. Impacts on Land and Structures

14. Rehabilitation of the headworks, main, primary and secondary canals and canals of the pilot areas and other related irrigation works of Dau Tieng scheme, will recover about 79.1 ha of land among which 53.8 ha will be acquired permanently. Permanent and temporary impact on agricultural land in total will be posed on 1,140 HHs with 4,862 people impacted. No HH will have to be relocated, but there are 31 HHs losing more than 20% of their agricultural land. The total residential land affected are 0.24 ha with 7 HHs affected. Of these only 0.1 ha of residential land of 7 HHs will be lost permanently and other 0.1 ha will be lost temporarily.

C. Land holding:

15. It is common for farmers to have several plots of land. The average agricultural land holding was 4,279 m² for the Pilot area of Canal N20, Trang Bang district, and 9,703 m² for the PAP of the pilot area of the canal N17, Chau Thanh district. (see Table 2).

Table 2: Average land holding (arable land) (m²)

<table>
<thead>
<tr>
<th>Subsystem of pilot area</th>
<th>Total (m²)</th>
<th>Average land holding (m²/HH)</th>
<th>Per capita arable land (m²/pers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>N17 (Chau Thanh district)</td>
<td>2,818.611</td>
<td>4,297</td>
<td>999</td>
</tr>
<tr>
<td>N20 (Trang Bang district)</td>
<td>4,482.862</td>
<td>9,703</td>
<td>1,611</td>
</tr>
<tr>
<td>Total</td>
<td>7,301.476</td>
<td>6,534</td>
<td>1,501</td>
</tr>
</tbody>
</table>

Source: Results of inventory of losses of PAPs, 2003
D. Population:

16. All PAP are of the majority Kinh ethnic group. The survey results of PAP again confirmed that no ethnic minority group is living in the subproject area. According to results of HHs socio-economic survey conducted by Dau Tieng IMC, the average HHs size is 5.0 persons/HH. The males are 51.1% compared to the 48.9% of female.

E. Income

17. Agriculture is the most important source of HHs income of the PAP surveyed. Table 3 below shows the dominant role of agriculture in HHs income. Aquaculture contributes up to 10.5% of HH's average income, while non-farm activities (including salary works and hired works) count up for 15% of the HH's income.

Table 3: Average Household monthly income and its composition (%)

<table>
<thead>
<tr>
<th></th>
<th>Farmin</th>
<th>Livestru</th>
<th>Aquacultu</th>
<th>Salary</th>
<th>Trade, hired</th>
<th>Others</th>
<th>Total</th>
<th>Average per capita income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Song Khoai (VND)</td>
<td>394</td>
<td>88.0</td>
<td>209</td>
<td>117</td>
<td>47</td>
<td>0</td>
<td>856</td>
<td>222</td>
</tr>
<tr>
<td>( % to total HH income)</td>
<td>46</td>
<td>24.4</td>
<td>11.4</td>
<td>13.7</td>
<td>6</td>
<td>0</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Hiep Hoa</td>
<td>407</td>
<td>135</td>
<td>75</td>
<td>31</td>
<td>13</td>
<td>55</td>
<td>696</td>
<td>121</td>
</tr>
<tr>
<td>( % to total HH income)</td>
<td>58</td>
<td>20</td>
<td>17</td>
<td>5</td>
<td>2</td>
<td>8</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>396</td>
<td>223</td>
<td>85</td>
<td>95</td>
<td>38</td>
<td>10</td>
<td>815</td>
<td>196</td>
</tr>
<tr>
<td>( % to total HH income)</td>
<td>49</td>
<td>23</td>
<td>11</td>
<td>12</td>
<td>5</td>
<td>1</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

Source: Socioeconomic surveys 2003.

18. Based on the Ministry of Labor Invalids and Social Affairs classification, four income-level categories have been identified:

(i) Category I: The poor-income per capita is < D100,000/month.
(ii) Category II: The low-income per capita is from D100,000-D199,000/month.
(iii) Category III: The well-off-income per capita is from D200,000-D399,000/month.
(iv) Category IV: The wealthy-income per capita is > D400,000/month.

Results of the survey show that less than one fifth of PAP surveyed have per capita monthly income below 100,000 VND, belonging to the poor income group. The wealthy group count up for 26% of the total surveyed. The wealthy group was 9% of the surveyed HHs of Song Khoai commune, but is none was in the wealthy group in Hiep Hoa commune.

Table 4: Levels of Monthly Income (%)

<table>
<thead>
<tr>
<th></th>
<th>Sample</th>
<th>100-199</th>
<th>200-400</th>
<th>&gt;400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Song Khoai</td>
<td>23</td>
<td>12</td>
<td>43</td>
<td>35</td>
</tr>
<tr>
<td>Hiep Hoa</td>
<td>6</td>
<td>25</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>31</td>
<td>16</td>
<td>52</td>
<td>26</td>
</tr>
</tbody>
</table>

Source: Socioeconomic survey 2003.
F. Living Conditions

19. All the surveyed communes have access road with asphalt surface to the commune and electricity. The rural road network is well developed, concreted. The social infrastructure is available in all communes: all the surveyed communes have primary schools, health care center, and connection to telecommunication. HHs' facilities are shown in the Table 5 below.

<table>
<thead>
<tr>
<th>Lighting Source of domestic water</th>
<th>Toilet at home</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Electricity</td>
<td>Pumping Well</td>
</tr>
<tr>
<td></td>
<td>Traditional Enrthen well</td>
</tr>
<tr>
<td></td>
<td>Rainy water</td>
</tr>
<tr>
<td></td>
<td>Pond/river</td>
</tr>
<tr>
<td></td>
<td>Flushing</td>
</tr>
<tr>
<td></td>
<td>Latrine</td>
</tr>
<tr>
<td></td>
<td>on water surface</td>
</tr>
<tr>
<td></td>
<td>Others</td>
</tr>
</tbody>
</table>

Table 5: Households facilities (in % to total HHs surveyed)

<table>
<thead>
<tr>
<th></th>
<th>Electricly</th>
<th>other energy</th>
<th>Pumping Well</th>
<th>Traditional Enrthen well</th>
<th>Rainy water</th>
<th>Pond/river</th>
<th>Flushing</th>
<th>Latrine</th>
<th>on water surface</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pilot area of</td>
<td>95</td>
<td>4</td>
<td>59</td>
<td>36</td>
<td>5</td>
<td>5</td>
<td>20</td>
<td>50</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>canal N17</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pilot area of</td>
<td>98</td>
<td>2</td>
<td>84</td>
<td>16</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>34</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>canal N20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>96</td>
<td>6</td>
<td>69</td>
<td>28</td>
<td>3</td>
<td>3</td>
<td>16</td>
<td>35</td>
<td>28</td>
<td>21</td>
</tr>
</tbody>
</table>

Source: Socioeconomic survey 2002.

20. The PAP surveyed shows that half of the HHs (56%) possess a TV, mostly color TV; 60% had radio-cassette; 30% had a motorbike; and 3% had a tractor. All of them had wooden furniture, 13% have radio cassettes and 11% have milling machine.

G. Gender and Poverty Conditions

21. The poverty ratio for the project area was 7%. The poor anticipate their main problem to be lack of capital for investment in production and shortage of labors. Thus, their concerns regarding the project was fairness of compensation at replacement cost so that they could restore their income generation capacity, and be sure not to be worse off after project completion.

22. Generally there was no discrimination against women. However to ensure gender equality and participation of women training and capacity building should be provided with special attention to ensuring the vulnerable groups throughout the project cycle.

IV. LEGAL FRAMEWORK

A. World Bank's resettlement Policy

23. The main objective of WB's Policy on Involuntary Resettlement is to ensure that PAP should be assisted to improve their living standards, income level and income generating capacity, or at least would be as well off as without the project. This policy aims to avoid involuntary resettlement whenever feasible. to minimize resettlement where population displacement is unavoidable. The policy states that lack of legal certificate on land will not be an obstacle for a part of affected people to be entitled to compensation and rehabilitation. All persons affected by the Project should be included in the compensation, resettlement, and rehabilitation package and special attention should be paid to the poor and the vulnerable
people. The policy requires that compensation for all losses should be made at replacement cost, without depreciation and deduction of savage materials.

B. Viet Nam Laws

1. Relevant Vietnamese Acts and Bylaws

24. In recent years, the Government has formulated several rules and regulations to protect the interests of displaced persons. Relevant acts and bylaws that govern various aspects of land acquisition and resettlement include:

(iii) Decree 87/CP, dated 17 August 1993, on the stipulation of the frame for the price of various categories of land.
(iv) Decree 64/CP, dated 27 September 1993, on the distribution of agricultural land to households for long-term use.
(v) Circular No.05-BXD/DT, dated 9 February 1993, on the classification of house types.
(vi) Decree 22/CP, dated 24 April 1998, on compensation levels and other allowances for land and structures recovered for the national and public interest.
(vii) Decree 17/CP, 4 May 2001, on Management and Utilization of ODA.

2. Decree 22/CP

25. In April 1998, the Government issued a major decree regarding compensation for land acquisition, Decree 22/CP on Compensation for Damage when the State Recovers Land for Use in National Defense, Security, and National and Public Interests. The Government has also issued guidelines for the implementation of this Decree (145/1998/TT-BTC). By issuing Decree 22/CP on 24 April 1998, the Government:

(i) added new stipulations to accommodate with the major changes in compensation unit prices, objects to be affected, assistance levels, etc. in Viet Nam since 1993. Many of these stipulations have proven themselves appropriate with ongoing WB, ADB and other donor-funded projects in Viet Nam;
(ii) provided general provisions for compensation processes and procedures to all organizations and individuals who need to acquire land; and
(iii) assigned, in detail, the responsibilities of the government agencies concerned in implementing the Decree.

26. Generally, Decree CP/22 meets the objectives of WB's policy on involuntary resettlement, however, some discrepancies can be found regarding the compensation of PAP without legal rights. Table 6 presents the main areas of discrepancy.

<table>
<thead>
<tr>
<th>Decree 22/CP</th>
<th>WB Policy</th>
<th>Project Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 7: Any person whose land is recovered and who has not met one of the conditions of Article 6, or who has violated the plan, or who violates the protecting corridor work, or who illegally occupies land shall not receive compensation when the state recovers the land. In case of necessity, the</td>
<td>The absence of formal legal title to land by some affected groups should not prevent compensation.</td>
<td>All project affected people, irrespective of tenure status, social or economic standing, will be equally entitled to be compensated for their lost assets, incomes, and businesses at full replacement cost and provided with rehabilitation measures sufficient to assist them to</td>
</tr>
</tbody>
</table>
V. COMPENSATION POLICY

A. Objectives for Resettlement

27. The objectives of the Vietnamese legislation governing resettlement and rehabilitation of displaced persons, and that of the World Bank concerning involuntary resettlement, have been adapted for the preparation of this RAP in agreement with the Resettlement Policy Framework (RPF). The objectives are set out below. The policies and principles adopted for the Project supersede the provisions of relevant decrees currently in force in Vietnam wherever a gap exists between the World Bank (BP 4.12 and OP 4.12) and Vietnamese law.

28. The main objective of the RAP is to ensure that all Project Affected People (PAP) will be compensated for their losses at replacement cost and provided with rehabilitation measures to assist them to improve, or at least maintain, their pre-project living standards and income earning capacity.

B. Project Affected People (PAP)

29. Project Affected People (PAP) who are entitled to compensation are:

(a) people whose houses are in part or into affected temporary or permanently by the Project.

(b) people whose premise and/or agricultural land is in part or into affected (permanently or temporally) by the Project;
(c) people whose businesses are affected in part or into (temporarily or permanently) by the Project, and

(d) people whose crops (annual and perennial) and trees are affected in part or into by the Project.

C. Principles of Resettlement

30. The principle for resettlement policy in the project will be as follows:

(a) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible.

(b) All PAP residing, working, doing business or cultivating land in right of way (ROW) of land acquisition under the Project as of the cut-of-date are entitled to be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-Project living standards, income earning capacity and production levels. Lack of legal rights to the assets lost will not bar the PAP from entitlement to such rehabilitation measures.

(c) The rehabilitation measures to be provided are: (i) compensation at replacement cost without deduction for depreciation or salvage materials for houses and other structures; (ii) agricultural land-for-land of equal productive capacity acceptable to the PAP; (iii) replacement of premise land (if any) of equal size acceptable to the PAP; (iv) transfer and subsistence allowances, and (v) loss of income sources or means of livelihood, whether or not the affected persons must move to another location, which is caused by the Project.

(d) Replacement premise and agricultural land will be as nearby as possible to the land that was lost, and acceptable to the PAP. In case of minor fractions of land cash compensation may apply.

(e) The resettlement transition period will be minimized and the rehabilitation means will be provided to the PAP no later than one month prior to the expected start-up date of works in the respective Project site.

(f) Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the PAP to ensure minimal disturbance. Entitlements will be provided to PAP no later than one month prior to expected start-up of works at the respective project site.

(g) The previous level of community services and resources will be maintained or improved.

(h) Financial and physical resources for resettlement and rehabilitation will be made available as when required.

(i) Institutional arrangements will ensure effective and timely design, planning, consultation and implementation of the Resettlement Action Plans (RAP).

(j) Effective and timely supervision, monitoring and evaluation of the implementation of the RAP will be carried out.
D. Compensation Policy for Loss of Land and Crops

31. PAP will be entitled to the following types of compensation and rehabilitation measures:

(a) The general mechanism for compensation of lost agricultural land will be through provision of "land for land" arrangements of equal productive capacity, satisfactory to the PAP.

However, if land is not available or the PAP prefers to receive cash compensation then the following applies:

(i) if the portion of the land to be lost represents 20% or less of the total area of the landholding, and the remaining land is still a viable economic holding, cash compensation, at full replacement cost, may be provided to the PAP, or

(ii) if more than 20% of a households agricultural land is acquired and the remaining holding is not viable then the Project will acquire the entire landholding and provide cash compensation at full replacement cost in addition to a rehabilitation assistance of VND 3,000,000.

(b) PAP will be compensated for the loss of standing crops and fruit or industrial trees at market price. Productive trees will be compensated at replacement cost.

(c) PAP whose land is temporarily taken by the works under the each subproject will be compensated for their loss of income, standing crops and for the cost of soil restoration and damaged infrastructure.

E. Compensation Policy for Residential Land and Structures

32. PAP losing residential land and structures:

(a) For PAP losing structures the mechanism for compensating loss of residential land and structures will be: (1) the provision of replacement residential land (house site and garden) of equivalent size, satisfactory to the PAP; (2) cash compensation reflecting full replacement cost of the structures, without deduction for depreciation or salvage materials, (3) transportation cost and assistance, (4) living allowance for six month during relocation, and (5) house rent during transition.

(b) If the residential land and/or structure is only partially being affected by the Project and the remaining residential land is not sufficient to rebuilt the residential structure lost, then at the request of the PAP the entire residential land and structure will be acquired at full replacement cost, without depreciation.

(c) Tenants, who have leased a house for residential purposes will be provided with a cash grant of six months rental fee at the prevailing market rate in the area, and will be assisted in identifying alternative accommodation.

F. Compensation Policy for Loss of Income and Business

33. For PAP losing income and business the mechanism for compensating will be:

(1) the provision of alternative business site of equal size and accessibility to customers, satisfactory to the PAP; (2) cash compensation for lost business structure reflecting full
replacement cost of the structures, without depreciation; and (3) cash compensation for
the loss of income during the transition period.

G. Compensation for Loss of Other Assets

34. PAP will also be provided compensation at full replacement cost, without deduction for
depreciation and salvage materials for any other fixed assets affected in part or in toto by the
Project, such as tombs and water wells.

H. Compensation for Loss of Community Assets

35. In cases where community infrastructure such as schools, bridges, factories, water
sources, roads, sewage systems is damaged, MPO/SIO of the MARD will ensure that these would
be restored or repaired as the case may be, at no cost to the community.

Allowances During Transition Period

36. Relocated PAP are entitled to: (1) transportation costs from 1,000,000-3,000,000 VND,
(2) subsistence allowance VND 200,000 rice/person/month up till 6 months, and (3) house rent
at market price for up to 6 months.

J. Temporary Impact During Construction

37. Under the contract specifications, the contractor will be required to take extreme care to
avoid damaging property during the construction activities. When damage do occur, the
contractor will be required to pay compensation immediately to affected families, groups,
communities, or government agencies at the same compensation rates that shall be applied to
all other assets affected by the Project. In addition, damaged property will be restored
immediately to its former condition.

K. Rehabilitation Assistance

38. Severely affected people are entitled to rehabilitation assistance to restore their
livelihood not below the standard before the Project, and preferable better than before. People
loosing more than 20% of agricultural land or income sources will be provided with rehabilitation
assistance of VND 3,000,000 per household. This should be adjusted annually with inflation.

VI. INSTITUTIONAL ARRANGEMENTS

39. The implementation of resettlement activities requires the involvement of agencies at the
national, provincial, district and commune level. The Ministry of Agriculture and Rural
Development (MARD) will be responsible for the overall implementation of the RAP.
Resettlement committees shall be established at the provincial, and district level according to
the provision of Decree CP 22/1998. The provisions and policies of the RPF and the RAP will
form the legal basis for the implementation of resettlement activities in the VWRAP.

A. Central Level

Ministry of Agriculture and Rural Development

40. MARD is responsible for the realization of VWRAP on behalf of the Government. A
Project Management Office (PMO) in coordination with relevant agencies will manage and
supervise the overall project, including resettlement activities and land acquisition. Successful
Updating and implementation of the RAP will require close coordination between MARD and other ministries and agencies as well as between PMO implementing agencies, and all local resettlement committees. Resettlement capacity will be established within the PMO to coordinate all resettlement activities with full-time assistance of consultants. Similar capacity will be established within the implementing agencies to implement resettlement for each component. Resettlement specialists will provide technical assistance to strengthen the social capacity within the PMO and implementing agencies. The PMO, with assistance of the consultants, will take overall responsibility as follows:

(i) Providing overall planning, coordination, and supervision of the resettlement program.

(ii) Guiding implementing agencies in updating and/or preparing RAP and implementing resettlement activities in accordance with the approved RAP and the Resettlement Policy Framework (RPF); and if any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensure that the objectives of the RAP is met.

(iii) Finalizing RAPs and obtaining Government and World Bank approval before implementing approved RAPs.

(iv) Coordinating completed implementation of approved RAPs for each component with the award of civil works contracts for each component.

(v) Providing resettlement training to implementing agencies, all Provincial Project Management Units (PPMU) and the Subproject Implementation Office (SIO) staff and resettlement committees (RC) at all levels, and to the external monitoring organization.

(vi) Providing the budget for resettlement activities.

(vii) Providing income restoration and other social support as part of the rehabilitation assistance.

(viii) Coordinating project-related employment for PAP (consulting contractors about employment opportunities for local people, informing PAP about opportunities and how to avail of the opportunities).

(ix) Establishing standard procedures for information meetings and stakeholder consultation, such as monthly newsletters to communities on project activities. Providing coordination with other components and various agencies involved in resettlement planning, implementation and monitoring.

(x) Establishing liaison mechanisms to ensure proper technical and logistical support to implementing agencies;

(xi) Establishing standardized PAP databases for each component, as well as for the Project as a whole.

(xii) Establishing procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies.

(xiii) Establishing procedures for monitoring coordination between contractor and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.

(xiv) Recruiting, supervising, and acting upon the recommendations of the external monitoring organization.

(xv) Establishing procedures for the prompt implementation of corrective actions and the resolution of grievances.

(xvi) Reporting periodically on resettlement activities to the World Bank.
B. Provincial Level

Provincial People’s Committee (PPC)

41. The PPC is the principal authority at the provincial level. The PPC in each involved province is responsible for setting up and directing a council of compensation, which will be called the Provincial Resettlement Committee (PRC). The PPCs are also responsible for reviewing and approving the RAPs. Each PPC is responsible for the final decision on compensation unit costs, subsidies, allowances, and supporting policies for RAPs and vulnerable affected groups, in accordance with the RPF. Each PPC is responsible for the approval of project land acquisition and replacement land sites, if required. Each PPC is responsible for organizing the coordination between the related institutions and provincial departments for implementation of the RAPs, and to execute compensation.

Subproject Implementation Offices (SIO)

42. Dau Tieng Subproject involves two provinces and will therefore be overall managed by MARD through a Subproject Implementation Office (SIO), which will be responsible for implementing the RAPs. Responsibilities will include the following:

(i) implementing, on behalf of the PMO, all resettlement activities within the provincial territory under the PPCs’ and SIO management signing contracts for the implementation of some resettlement components;
(ii) guiding all resettlement activities of provinces, districts and communes in accordance with the project policies and directives;
(iii) establishing compensation unit prices for land and structures in collaboration with other provincial departments following the rules of this RPF; setting up procedures for land acquisition and allocation and submitting them to the PPC for approval; coordinating, supervising, and monitoring the implementation of resettlement activities in the province;
(iv) directing and monitoring the DMS process, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval;
(v) accepting and handing over the sites to the implementing agencies; and
(vi) cooperating fully with the external monitoring organization.

C. District Level

District People’s Committee (DPC)

43. The District People Committees are responsible for identification of land and structures and appointing members of the DRC and assigning functional tasks for the DRC.

District Resettlement Committees (DRCs)

44. The DRCs will be responsible for:

(i) planning and implementation of all resettlement activities in their districts under the direct professional guidance of the PRCs. If authorized by the PPC to be completely responsible for the resettlement activities in the district in the case that no PRC is established, the DRC will play the same role as the PRC;
(ii) finding adequate land for individual relocations;
(iii) being responsible for DMS, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval and paying compensation directly to each PAP after receiving the funds;
(iv) establishing inspectors to redress PAP grievances on resettlement policies and entitlements;
(v) establishing, if necessary, commune resettlement committees (CRC) and directing their operations during the implementation of the resettlement activities;
(vi) paying special attention to the needs and demands of specific groups (ethnic minority groups) and vulnerable people (children, the elderly, woman/single headed households);
(vii) cooperating fully with the external monitoring organization.

D. Agency Responsible for External Monitoring

45. One agency specialized in the social sciences must be identified in order to carry out independent monitoring and evaluation of RAP implementation for the VWRAP. They will submit periodic reports on the implementation progress and make recommendations regarding the issues identified. The terms of reference and methodology for monitoring are presented in Section 9.

E. Staffing and Training

46. One full-time specialized resettlement staff will be recruited for each SIO. The PMO and the consultant team will assist them in fulfilling/performing their resettlement responsibilities. These people should have background in the social sciences, have computer skills, proficiency in spoken and written English, good experiences and be willing to be trained on resettlement issues. Depending on the scale of resettlement impacts of each subproject, a full time or part time resettlement staff will be required for local resettlement institutions.

47. All full time and part time staff and decision making involved in project resettlement implementation will be trained on the WB, GOV and project’s resettlement policy, methods of public consultation, negotiation, etc. Specific resettlement skills training will be given to numerators, implementation staff in resettlement implementation procedures, techniques, unified DMS forms, management of PAP database, etc.

V. PUBLIC INFORMATION, CONSULTATIONS AND GRIEVANCE REDRESS

A. Consultations During Preparation

1. Public Information During RAP Preparation

48. During RAP preparation the actions mentioned below was taken and the consultant provided information about the Project and the resettlement policy to be followed.

(i) Group interview surveys were conducted in two project affected communes. Specific resettlement group interviews with affected persons were also conducted. In addition, stakeholder meetings have been organized at all administrative levels, including Tay Ninh PPC, Tay Ninh DARD, Chau Thanh and Trang Bang District’s PCs, Dong Khoi and Loc Hung Commune’s People Committees.

(ii) A Socio-Economic HHs surveys were conducted for the beneficiary and affected areas of the Dau Tieng Subproject. The groups interview surveys were conducted in both the affected communes. Through the surveys information was gathered on different needs of different fields (agriculture, social, economy, resettlement) and provided useful socioeconomic information. Each meeting
involved from 10 to 25 persons. The majority of these persons were households to be affected in Phase 1. Representatives of local farmer groups and other organizations, as well as officials from district and commune's levels also attended the meetings. After general meetings, women usually asked to be gathered to discuss in separate groups. The HHs questionnaire survey was carried out by IMC in 2002, and the consultants conducted the group interviews in May of 2003.

(iii) Specific interviews of severely affected farmers of the pilot area of Canal N17 were conducted in Dong Khoi commune. The group interviews have also been conducted. This surveys, conducted in May 2003, were designed to collect data on: (a) general assessment of project benefit and resettlement impacts; (b) resettlement needs, preferences and priority of the severely affected families; (c) vulnerable groups which may be adversely affected by the Project, and (d) measures to reduce impacts.

(iv) Stakeholder meeting with Tay Ninn PPC was also focused on resettlement issues and commitments of the PPC to follow a project’s Resettlement policy, which reflects the WB’s and GOV resettlement objectives and principles.

2. Objectives of Public Information and Consultation

49. Information dissemination to, in consultation with and with the participation of, affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of project delays. This will also enable the Project to design the resettlement and rehabilitation program as a comprehensive development program to suit the needs and priorities of the affected people, thereby maximizing the economic and social benefits of investments. The objectives of the public information campaign and PAP consultation program are as follows:

(i) To ensure that local authorities as well as representatives of PAP will be included in the planning and decision-making processes. The SIO will continue a dialogue with the Provincial People’s Committee and the District People’s Committee during Project implementation. PAP involvement in implementation will be continued thereafter by requesting each district to invite PAP representatives to take part in the resettlement activities (property evaluation, compensation, resettlement, and monitoring).

(ii) To fully share information about the proposed project components and activities with the PAP.

(iii) To obtain information about the needs and priorities of the PAP, as well as information about their reactions to proposed policies and activities.

(iv) To ensure that PAP are able to make fully informed decisions that will directly affect their incomes and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.

(v) To obtain the cooperation and participation of the PAP and communities in activities necessary for resettlement planning and implementation.

(vi) To ensure transparency in all activities related to land acquisition, resettlement and rehabilitation.

B. Consultations Proposed During Implementation

1. Information Dissemination and Consultation

50. During project implementation, the implementing agency responsible for resettlement assisted by the project consultants, will undertake the following:
(i) Provide information to resettlement committees at all levels through training workshops. Detailed information on project policies and implementation procedures will be provided.

(ii) Conduct information dissemination and consultation for all PAP throughout the life of the Project.

(iii) Update or establish provincial unit prices, and confirm land acquisition and impact on properties through the Detailed Measurement Survey (DMS) in consultation with PAP.

(iv) The PRC/DRC will then apply prices, calculate compensation entitlements, and complete the Assets Compensation Forms for each affected household. Information on entitlements will then be presented on an individual basis to PAP in the DMS follow-up visit to each household.

(v) The Asset Compensation Form, showing the household’s affected assets and compensation entitlement will then need to be signed by the PAP to indicate their agreement with the assessment. Any complaints the PAP have about the contents of the form will be recorded at this time.

(vi) A letter/questionnaire about resettlement options will be given to all PAP entitled to relocation (a) to inform them about resettlement options (a clear explanation of the consequences of choosing each option will be given), (b) to request that PAP confirm their choice of resettlement option and their preliminary confirmation of resettlement site location, and (c) to request that PAP indicate services such as education/health/markets that they are currently using and their current distance from such services.

2. Public Meetings

51. Prior to the beginning of the technical design a public meeting will be held in each commune to provide PAP with additional information and an opportunity for open discussion about resettlement policies and procedures in each affected commune. A letter of invitation will be sent to all PAP at least 2 weeks before the meeting in their area. This meeting is intended to clarify information that has been given to date and to provide PAP with the opportunity to discuss issues of concern and obtain clarification. In addition to a letter informing the PAP, other means will be used to inform PAP and the general public such as posters in prominent locations in the communes and districts where PAP currently reside: radio, newspaper and public poster announcements. The letter and notices will advise the time and location of the meeting, and who can attend. Both men and women from affected households will be encouraged to attend, as well as other interested community members. The meeting will explain the Project, and households’ rights and entitlements, and there will be opportunities to ask questions. Such meetings will be conducted periodically during the life of the Project.

52. Relevant information will be given to the PAP at the meetings (verbally, graphically, and on printed information sheets). Extra copies of the printed information sheets will be available at township and district offices throughout the project area. The meetings is proposed to have the following format:

(i) Explanations given verbally and in visual format, including written information and drawings of the proposed design for the different component of the Project.

(ii) Adequate opportunities will be provided for PAP to respond with questions and comments. PAP will be encouraged to contribute their ideas for PAP rehabilitation options.

(iii) The DRC will establish a complete list of all PAP present at the meetings.

(iv) The DRC will make a complete record of all questions, comments, opinions and decisions that arise during the information/consultation meetings, and present a report of all the meetings to the SIO.

53. Information about the following will be given to the PAP:
(i) **Project components.** This includes the places where they can obtain more detailed information about the Project.

(ii) **Project impacts.** Impacts on the people living and working in the affected areas of the project including explanations about the need for land acquisition for the reservoir, the canal network, and other project components.

(iii) **PAP rights and entitlements.** These will be defined for PAP (with the cut-off date). The rights and entitlements for different impact on PAP, including the entitlements for those losing businesses, jobs and income will be explained. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each. Entitlement to rehabilitation assistance and opportunities for project-related employment.

(iv) **Grievance mechanism and the appeal process.** PAP will be informed that project policies and procedures are designed to ensure their pre-project living standards are restored. PAP will also be informed that if there is any confusion or misunderstanding about any aspect of the Project, the resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. PAP will receive an explanation about how to access grievance redress procedures.

(v) **Right to participate and be consulted.** The PAP will be informed about their right to participate in the planning and implementation of the resettlement process. The PAP will be represented on commune resettlement committees, and the representative for the PAP will be present whenever commune/district/provincial committees meet to ensure their participation in all aspects of the project.

(vi) **Resettlement activities.** PAP will be given an explanation regarding compensation calculations and compensation payments; monitoring procedures which will include interviews with a sample of PAP; relocation to an individual location/self-relocation; and preliminary information about physical works procedures.

(vii) **Organizational responsibilities.** PAP will be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the government officials with phone numbers, office locations, and office hours if available.

(viii) **Implementation schedule.** PAP will receive the proposed schedule for the main resettlement activities and informed that physical works will start only after the completion of all resettlement activities and clearance from the project area. It will be clarified that they will be expected to move only after full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

### 3. Compensation and Rehabilitation

54. A letter of notification will be sent to each PAP with the time, location, and procedure for receiving compensation payment. Severely affected and vulnerable PAP will be personally contacted to confirm their preferences for rehabilitation assistance.

### 4. Public Information Booklet (PIP)

55. To ensure that PAP, their representatives, and local governments in the affected areas fully understand the details of the resettlement program, and are also informed about the compensation and rehabilitation packages applicable to the Project, a Public Information Booklet (PIB) will be prepared by the PMO, in consultation with the World Bank. This booklet will
be distributed to all PAP in the project area. General contents of the PIB will include the following:

Brief Description of the Project, Implementation Schedule, Project Impacts, Entitlements and Rights of PAP, Resettlement and Rehabilitation Policies for All Types of Impacts, Institutions Responsible for Resettlement, Information Dissemination to and Consultations with Project Affected People, What To Do if PAP Have a Question or a Problem, Grievance Procedure, and Independent Monitoring.

5. Disclosure

56. In addition to disclosure to affected people and communities, the Resettlement Policy Framework and the RAPs will be available at the PMO in Hanoi, in PPMU and/or the SIO and Project districts.

C. Grievance Redress Procedure

57. PAP can lodge their complaints regarding any aspect of compensation policy, rates, land acquisition, resettlement and entitlements relating to rehabilitation assistance programs. Complaints by PAP can be lodged verbally or in written form, but in case they are lodged verbally, the committee to which it is lodged will write it down during the first meeting with the PAP. PAP will be exempted from administrative and legal fees.

58. A four-stage procedure for redressing grievances is proposed as follows:

Stage 1 - Complaints from PAP on any aspect of the resettlement program, or losses not previously addressed shall first be lodged verbally or in written form to the people's committee at commune level. The complaint can be discussed in an informal meeting with the plaintiff and the chairman of the people's committee at commune level. The people's committee at commune level will be responsible for resolving the issue within 15 days from the day it is lodged.

Stage 2 - If no understanding or amicable solution can be reached, or if no response from the people's committee at commune level is received by the PAP within 15 days of registering the complaint, he/she can appeal to the District Resettlement Committee. The complaint must be settled within two months of registering the original complaint. The DRC will provide a decision within 1 month of the registering of the appeal.

Stage 3 - If the PAP is not satisfied with the decision of the DPC or its representative, or, in the absence of any response by the DPC, the PAP can appeal to the Provincial People's Committee. The Provincial People's Committee together with the representative of the PRC will provide a decision on the appeal within 30 days from the day it is lodged with the PPC.

Stage 4 - If the PAP is still not satisfied with the decision of the PPC or PRC on appeal, or in absence of any response from the PPC within the stipulated time, the FAP as a last resort, may submit his/her case to the district court.
VIII. BUDGET

A. Financing

59. The Central Government will pay resettlement cost related to land acquisition of primary and secondary canals while compensation for the tertiary and on-farm canals will come from local budget or by contribution of the direct beneficiaries. The latter will be based on intensive discussion and consultation with farmers to find the ways for farmers/beneficiary equitable contribution to development of the tertiary on-farm small canals and adequate options have been presented as compensation for the involved losses.

B. Flow of Funds

60. The PMO will be responsible for channeling funds for land acquisition and resettlement to the PRC which will be responsible for the payment of compensation directly to affected persons for land, crops, trees, houses, other structures, and for the various allowances. The PMO will also be responsible for contracting an external organization or other institution that will be engaged for independent monitoring.

C. Adjustment for Inflation

61. The cost estimates in this RAP are based on PPC’s issued prices (to be updated before compensation payment). The rates for compensation and cash entitlements for rehabilitation as well as allowances payable to affected persons will be adjusted annually, based on the actual annual inflation rate. The SIO together with the provinces, will determine the annual inflation rate and ensure the necessary annual adjustments are made to compensation rates and to all cash entitlements.

D. Compensation Prices

62. The prices used for cost estimates of land acquisition and resettlement are based on list of all the prices issued by Tay Ninh PPC from decisions regulating compensation prices for land and different affected assets/properties. The compensation amounts in the detailed cost estimates in Table 7. The current compensation and resettlement costs are based on:

(i) (a) land acquisition and census surveys conducted in May-June, 2003; (b) identification of different categories of impacts, resettlement policies, and entitlements described in Section 5; (c) provision of Decree 22/1998 on compensation and resettlement; (d) compensation prices issued by Tay Ninh provinces for similar relevant projects; and, (e) assessment of replacement cost made by consultants, based on available information gathered in May 2003.

(ii) According to Decree 22 (Article 8), the prices for compensation shall be decided by the Provincial People’s Committee for each specific project. For present purposes, the price lists issued by Tay Ninh province in the Decision 200/2001/QD-UB, issued on 17 April, 2001, concerning unit prices for land applied as base for calculation of fees of land transaction, land use conversion, land use allocation, evaluation of land and for evaluation of compensation in case of land acquisition for public, national security, safety, national and public interests in the province; the Decisions 1249/1999/QD-UB of Tay Ninh PPC, concerning Unit compensation prices for crops and trees and the PPC’s Decision 552/2001/QD-UB, dated on 14th August 2001, amendment to the Decision

(1) This remaining land then will be transferred by the project to local land use/management organizations.
No1249, applied for compensation of crops and trees in case of land acquisition for public, national security, safety, national and public interests in the province and validated and/or adjusted by the consultants during preparation of the study have been applied for preparation of this RAP.

(iii) In order to avoid complaints and to ensure fair compensation prices for affected persons, compensation prices used for cost estimates in the RAP have been based not only on prices issued by the provinces, but also on result of rapid assessment of market price conducted by the consultant in the affected areas. However, to comply with the unit prices issued by the province, for cost estimates the consultant has taken those provided as a base and use the higher unit prices for land and other categories of losses.

(iv) During the detailed design of the Project, the subproject will revise compensation unit prices for all categories of loss (land, crops, and trees) to ensure PAP receive actual replacement cost at current market value at the time of compensation. PAP and local authorities will be consulted on the proposed rates before they are finalized.

E. Rehabilitation Assistance

63. Vulnerable households will be entitled to assistance to restore or improve their pre-project conditions. These costs will be updated at the time of compensation to adjust for inflation.

F. Implementation Cost Defined

64. Costs for land acquisition and compensation will be fully funded by the Government. Resettlement administrative cost includes performing resettlement activities by SIO and the resettlement consultant, management fees for various resettlement committees and implementing agencies. It consists of cost for the payment of salaries, per diem, logistics, management fees, etc; cost for Detailed Measurement Survey (DMS), evaluation of assets lost, pricing application; public information and dissemination, preparation Project Information Booklet, posters, materials and dissemination of information; cost for organizing and performing public consultation and grievance redress. The administrative costs are set to 5%.

65. A budget will be provided for training of full time and/or part time staff involved in the project resettlement activities. Training will be provided to particular groups of resettlement officials and consultants. Training of staff and consultants for capacity building is set to VND 154,000 ($ 10,000).

66. Monitoring costs includes costs for internal and external monitoring, which is set to 3%. A contingency cost is set to 10%, as shown in table 7 below.

H. Cost Estimates

67. The total estimated cost of resettlement for the all land and crops/trees cost affected by Project components in Phase 1 is VND 9,910,230 ($ 643,522). The detailed cost estimates for each component are shown in table 7.
### Table 7: Estimated Compensation Costs

<table>
<thead>
<tr>
<th>Project component</th>
<th>Permanent Acquisition reqd (ha)</th>
<th>HHs severely affected</th>
<th>Land acquisition impacts/ entitlements</th>
<th>Unit</th>
<th>Quantity of losses</th>
<th>Unit rate ('000 VND)</th>
<th>Total cost ('000 VND)</th>
<th>Total cost (US$)</th>
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<tr>
<td>Main canals</td>
<td></td>
<td></td>
<td>Land agr. (annual crops, permanently lost)</td>
<td>m2</td>
<td>5,534</td>
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<td>Land (Resid., permanently lost)</td>
<td>m2</td>
<td>1,078</td>
<td>30.0</td>
<td>32,343</td>
<td>2,100</td>
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<td></td>
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<td>Land (Resid., temporarily lost)</td>
<td>m2</td>
<td>1,344</td>
<td>6.0</td>
<td>8,065</td>
<td>524</td>
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<td>Crops (annual)</td>
<td>m2</td>
<td>5,071</td>
<td>1.2</td>
<td>6,065</td>
<td>395</td>
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<td></td>
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<td></td>
<td>Shrim/fish</td>
<td>m2</td>
<td>6,114</td>
<td>5.0</td>
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<td>Pilot area 1 - Subsystem canal N17</td>
<td></td>
<td></td>
<td>Land (annual crops) permanent loss</td>
<td>m2</td>
<td>284,805</td>
<td>12.0</td>
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<td>221,770</td>
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<td>Land (annual crops) temporary loss</td>
<td>m2</td>
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<td>Crops</td>
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<td>458,022</td>
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<td>Rehabilitation assistance</td>
<td>HH</td>
<td>31</td>
<td>3,000</td>
<td>93,000</td>
<td>6,039</td>
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<td>Pilot area 2 - Subsystem canal N20</td>
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<td>Land (annual crops) permanent loss</td>
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<td>247,264</td>
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<td>Land (annual crops) temporary loss</td>
<td>m2</td>
<td>148,344</td>
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<td>Crops</td>
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*Exchange rate: 1USD=15,400VND

| Total Base cost | 8,267,991 | 536,883 |

IX. IMPLEMENTATION SCHEDULE

68. **Approval of the RAP.** The Government will send this RAP to the World Bank and it has to be approved as a precondition for appraisal.

69. **Information Dissemination Prior to Detailed Design.** Prior to the commencement of detailed design, MARD will provide information about the Project throughout the project area. Information meetings will be held in all potentially affected commune to inform the communities.
about (i) the project scope, (ii) impacts, (iii) entitlements for all categories of loss, (iv) schedule of activities beginning with the detailed design survey, (iv) institutional responsibilities, and (v) the grievance mechanism. The PIB will be prepared and distributed to all affected communities during the meetings.

70. Establishment of Resettlement Committees. All provinces will establish their resettlement committees at provincial and district level as soon as the Project has been approved.

71. Training for Resettlement Staff. Within 2 months of mobilization of the resettlement consultants for the PMO, all local resettlement staff at SIO, PRC, DRC, and commune levels will be trained by the PMO assisted by the consultants. Training subjects will include:

(i) procedures for preparing the RAPs;
(ii) consultation and information dissemination methods;
(iii) principles, policies, and entitlements of the RAPs;
(iv) implementation steps, procedures, and schedule;
(v) grievance redress mechanism; and
(vi) powers and obligations of individuals/agencies involved in the process of resettlement programs.

72. Updating Compensation Rates. During the preliminary detailed design process, the PPCs will update unit rates at replacement cost for all categories of loss and adjust allowances to account for inflation. This will be done in consultation with PAP and local government agencies.

73. Detailed Measurement and Census Survey. Before each new phases of the VWRAP new DMS will be conducted in each subproject area after completion of the detailed design. These surveys will serve as a basis for compensation and new RAPs. Data will be computerized by PMO.

74. Pricing Application and Compensation to PAP. Resettlement committees at all levels will be responsible for pricing application and preparing compensation charts for each affected commune/district. These will be subject to verification by SIO, PPCs, and PMO of unit prices, quantity of affected assets, PAP entitlements, etc. before posting them at each commune for the people to review and comment. All compensation forms must be checked and signed by the PAP to indicate their agreement.

75. Compensation and allowances will be handled at commune level under the supervision of representatives of DRCs and the SIO. Guidance will be given by the SIO to aid local resettlement committees in making payments to PAP.

76. Monitoring. Internal and external monitoring shall start as soon as the updated RAP has been approved. Monitoring will continue throughout the construction period. A replacement cost survey should be conducted by the external monitoring organization prior or during DMS to update and advice PPC on compensation rates. A post-resettlement evaluation will also be undertaken by the external monitoring organization 6 to 12 months after completion of all resettlement activities.
X. MONITORING AND EVALUATION

A. Monitoring

77. Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation.

78. Monitoring has two purposes:

(i) To verify that project activities have been effectively completed including quantity, quality, and timeliness; and
(ii) To assess whether and how well these activities are achieving the stated goal and purpose of the Project.

79. Regular monitoring of the RAP implementation will be conducted by the implementing agencies (PPMU/SIO, and PMO) as well as by an independent external monitoring organization hired by the PMO.

B. Internal Monitoring

80. Internal monitoring of the implementation of the subproject RAPs will be the responsibility of the implementing agencies, with the assistance of the project consultants. The implementing agencies will oversee the progress in resettlement preparation and implementation through regular progress reports.

81. The main indicators that will be monitored regularly are:

(i) payment of compensation to PAP in various categories, according to the compensation policy described in the RAP;
(ii) delivery of technical assistance, relocation, payment of subsistence, and moving allowances;
(iii) delivery of income restoration and rehabilitation assistance entitlements;
(iv) public information dissemination and consultation procedures;
(v) adherence to grievance procedures and outstanding issues requiring management’s attention;
(vi) priority of PAP regarding the options offered; and
(vii) coordination and completion of resettlement activities and award of civil works contract.

82. The implementing agencies will collect information every month from the different resettlement committees. A database of resettlement monitoring information regarding the Project will be maintained and updated every month.

83. The implementing agencies will submit to the PMO a monitoring report on the progress on implementation of the RAPs. These reports will be forwarded to the World Bank as part of their regular quarterly report to the World Bank. The internal monitoring reports shall include the following topics:
(i) The number of PAP by category of impact per component, and the status of compensation payment and relocation and income restoration for each category.
(ii) The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.
(iii) The eventual outcome of complaints and grievances and any outstanding issues requiring action by management.
(iv) Implementation problems.
(v) Revised actual resettlement implementation schedule.

C. External Monitoring

84. Objectives. The general objective of the external monitor is to provide an independent periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the organizational effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.

85. Agency Responsible. In accordance with the World Bank requirements for consultant procurement, PMO will hire an organization for the independent monitoring and evaluation of RAPs implementation. This organization, to be called the Monitoring Organization (MO) should be specialized in the Social Sciences and experienced in resettlement monitoring. The MO should start their work as soon as the updated RAPs have been approved.

86. Monitoring and Evaluation Indicators. The following indicators will be monitored and evaluated by the MO:

(i) Payment of compensation will be as follows: (a) full payment to be made to all affected persons sufficiently before land acquisition; (b) adequacy of payment to replace affected assets.
(ii) Provision of technical assistance for house construction to PAP who are rebuilding their structures on their remaining land, or building their own structures in new places as arranged by the project, or on newly assigned plots.
(iii) Provision of income restoration assistance.
(iv) Public consultation and awareness of compensation policy: (a) PAP should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) the monitoring team should attend at least one public consultation meeting to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) public awareness of the compensation policy and entitlements will be assessed among the PAP; and (d) assessment of awareness of various options available to PAP as provided for in the RAPs.
(v) Affected persons should be monitored regarding restoration of productive activities.
(vi) The level of satisfaction of PAP with various aspects of the RAP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.
(vii) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.
D. Monitoring Methodology

Sample Survey

87. A socio-economic survey will be required before, during and after resettlement implementation to provide a clear comparison of success/failure of the resettlement plan. Monitoring will be on a sample basis. The sample size should be 100% of relocating households and severely affected farmers, and at least 10% of all other households. The sample survey should be conducted twice a year.

88. The survey should include women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents.

89. A Post-Resettlement Evaluation will be carried out 6 to 12 months after completion of all resettlement activities.

Database Storage

90. The MO will maintain a database of resettlement monitoring information. It will contain files on each affected household and will be updated based on information collected in successive rounds of data collection. All databases compiled will be fully accessible by implementing agencies, the MO and the PMO.

Reporting

91. The MO will be required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted to the PMO, which in turn will submit the reports to the World Bank as an annex of its progress report.

92. The report should contain (i) a report on the progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (ii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.

Monitoring Report Follow-Up

93. The monitoring reports will be discussed in a meeting between the MO, PMO and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

F. Evaluation

94. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. The external monitor will conduct an evaluation of the resettlement process and impact 6 to 12 months after completion of all resettlement activities using the same survey questionnaire and sample as used during the monitoring activities.
### ENTITLEMENT MATRIX for Dau Tieng subproject

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
</tr>
</thead>
</table>
| 1    | Permanent loss of arable land | Less than 20% of total affected assets lost due to acquisition of arable land | Legal user with permanent rights to use the affected land, and temporary user who will be legalized before compensation as a permanent user | PAP will be entitled to:  
(i) Cash compensation for acquired land at 100% of replacement cost, and  
(ii) Cash compensation for crops and trees at market price. | HH without LURC but their name listed in the land book of the commune and still now using that land are considered as fully legal users.  
If the viability of the remaining land is less than the minimum viable economic unit, then the entire piece of land would be acquired and the PAP would fall under the next category. |
|      |              | Marginal impact on household income and living standards | Land Users With Temporary or Leased Rights to Use Land that can not be legalized as long term land user | (i) Cash compensation for acquired land equivalent to 30% of land replacement cost; AND  
(ii) Cash compensation for loss of crops and trees at full market prices. | |
| 1    |              | Illegal land users | (i) No compensation for land,  
(ii) Compensation for crops and trees at 100% of market prices. They will not be compensated for land but will receive assistance | | |
|      | More than 20% of total affected assets lost due to acquisition of arable land | Severe impact on household income and living standards | Legal user with permanent rights to use the affected land, and temporary user who will be legalized before compensation as a permanent user. | (i) Compensation for loss of trees and crops at full market price  
(ii) As priority, compensation "land for land" equivalent productive capacity at a location acceptable to the PAP or, if requested, cash compensation for the lost land at 100% of replacement cost; AND  
(iii) Rehabilitation assistance:  
- Skills training and training allowance,  
- Provision of agricultural extension services, and  
- Priority for project-related job opportunities. | Skill training with training allowance will be applied in case if the option "land for land" cannot be available.  
A combined extension assistance should be taken to help the poor and disadvantaged PAP to improve their farming techniques and productivity on their remaining land.  
This remaining land then will be transferred by the project to local land use management organizations. |

(1) This remaining land then will be transferred by the project to local land use management organizations.
<table>
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<tr>
<th>ITEM</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td>Land Users with Temporary or Leased Rights to Use Land that can not be legalized as long term land users</td>
<td>(i) As priority, compensation &quot;land for land&quot; equal 30% of the PAP's affected area, or</td>
<td>If the value of remained investment put by PAP on the affected land is undoubtedly higher than the compensating value, which is equal to 30% of the land, the CPO and RCs will revise and adjust adequately by case.</td>
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<td>(ii) Cash compensation equivalent to 30% of land replacement cost and training assistance (fees and allowance); AND (iii) Cash compensation for loss of crops and trees at full market prices;</td>
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<td>2</td>
<td>Permanent loss of residential land</td>
<td>Loss of residential land without structures built thereon</td>
<td>Legal user with permanent rights or legalizable rights to use the affected land.</td>
<td>(i) PAP will be entitled to cash compensation for land at 100% replacement cost of the land; (ii) Compensation for trees /crops if yes at full market prices</td>
<td>In case a multigenerational HHs need to subdivided to net family, the remaining land is not enough for building house, the PAP will be entitled to option compensating land for land as priority, and Cash in lieu of land will be offered only as a last resort or at the informed request of the AP.</td>
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<td>Marginal impact on no. of income and living standards</td>
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<td>3</td>
<td>Loss of standing crops</td>
<td>Crops located within the ROW of the canal network or affected by other project component</td>
<td>Household who cultivates the land.</td>
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<td>PAP are entitled to compensation in cash at market value.</td>
<td></td>
<td>PAP will be given notice several months in advance regarding evacuation. Crops grown after issuance of the deadline will not be compensated.</td>
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### TYPE OF DEFINITION OF COMPENSATION

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<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
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<tr>
<td>4</td>
<td>Loss of trees</td>
<td>Trees located within the ROW of the canal network or affected by other project component.</td>
<td>Household who occupies the land where trees are located irrespective of land tenure status.</td>
<td>PAP are entitled to compensation in cash at market value on the basis of type, age, and productive value.</td>
<td>Particular crops that have special high value will be considered for compensation rate case by case. PAP who have been noticed by competent authority not to use the land within the ROW of the canal network will not be compensated for violation and damage on irrigation network.</td>
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</table>
| 5    | Temporary loss of arable or residential land | Land users with legal/legalizable rights or temporary land use right | (i) Compensation for one harvest of crops/trees at full market prices  
(ii) Compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use. AND  
(iii) Restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified. AND  
(iv) If the duration of project’s use the land exceed more than one year, then the PAP have option to: 1) Continue use of the remaining land, keeping with the legal user’s agreement, OR. 2) Sell it to the Project at 30% of replacement cost (*’*): | If the quality of land will be radically changed when return to PAP, requiring PAP to change in the types of land use, then PAP should be compensated for all envisaged cost of losses. |
|      | Temporary loss of residential land (without structures built thereon) | Land users with legal/legalizable rights or temporary land use right | (i) Compensation for standing crops/trees at full market prices  
(ii) Restoration of land to its previous or better quality by providing measures to improve land quality | | |

*’* This remaining land then will be transferred by the project to local land use/management organizations.
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I. INTRODUCTION

1. Phu Ninh Irrigation System is one of the largest irrigation schemes in Vietnam and plays an important role in development of agriculture of the country. However, since it has been constructed in 1986, the system has never achieved the capacity and effectiveness for which it was designed. The quality of services has been poor, the irrigation infrastructure has been damaged, outdated, and it is badly in need of rehabilitation and modernization. The irrigated areas were designed for 15,320 ha, but in reality the scheme could serve irrigation for 7,200 ha only, and provide water supply for domestic use at 0.3 m³/s, equal to 18.6% of its designed capacity.

2. The Phu Ninh Subproject aims to improve water service, in both quality and quantity, to be provided by Phu Ninh IMC to local users through investment for rehabilitation and upgrading the irrigation infrastructure wherever needed in addition to introduction of modern irrigation management technologies. The Subproject will contribute to increased water provision for irrigation, domestic, and other uses, and improve efficiency of water use, and use of land and human resources, at the same time as reducing flood and disaster risk of the system. The Subproject will also improve operation and financial sustainability of the scheme, increase agricultural productivity, and invigorate the local economy.

3. The Subproject will include two components: (i) rehabilitation and upgrading of technical infrastructure of the irrigation system, starting with headwork and finishing by irrigated fields. It anticipates rehabilitation and upgrading of existing and construction of new, so far missed, canals and works, combined with access-management-roads, and management-stations; (ii) modernization of the management system. Development of the first component will cause resettlement impacts due to permanent or temporarily acquisition of land for infrastructure construction or for civil works.

4. Investment and modernization of Phu Ninh Irrigation System aims to:
   - Ensure safety, reliability and efficiency of the system's operation and service,
   - Lower operational management costs, make the system easy to operate, and make it flexible to maintain,
   - Satisfy all reasonable water requirements for agriculture, domestic, industry, improve the natural environment, and provide for development of environmental tourism, and
   - Create favorable conditions for utilization of labor resources, and contribute to poverty alleviation, and promote economic development in subproject's areas.

5. Phu Ninh Subproject is designed to provide irrigation water for 18,000 ha and supply water of 1.6 m³/s for industrial, domestic and other uses.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

6. The Project will affect 43 communes/towns of 4 district and 1 provincial town (Tam Ky town, Nui Than, Que Son, Duy Xuyen, and Thang Binh) of Quang Nam province. This resettlement action plan (RAP) applies to the components of Phase 1, which includes headwork, main canals and canals of the pilot area. This RAP is prepared to deal with compensation and rehabilitation of project affected people (PAP) of the currently identified components of the Scheme. The RAP will need to be updated when the technical design becomes sufficiently detailed. The inventoried data of losses used for this RAP preparation will be updated by a detailed measurement survey (DMS), which will record all details of losses of the affected people. Such DMS data will serve as the final legal basis for implementation of the subproject compensation, rehabilitation and resettlement activities. Each component is described as follows:

   (i) Headworks. All headwork structures of Phu Ninh subproject have been recently rehabilitated by the WB1 Irrigation Systems Rehabilitation Project. There is no
Socialist Republic of Vietnam

Ministry of Agriculture and Rural Development

(Draft)

Vietnam: Water Resources Assistance Project (VWRAP)

RESETTLEMENT ACTION PLAN

For

PHU NINH SUBPROJECT

August 2003

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I. INTRODUCTION

1. Phu Ninh Irrigation System is one of the largest irrigation schemes in Vietnam and plays an important role in development of agriculture of the country. However, since it has been constructed in 1986, the system has never achieved the capacity and effectiveness for which it was designed. The quality of services has been poor, the irrigation infrastructure has been damaged, outdated, and it is badly in needs of rehabilitation and modernization. The irrigated areas was designed for 15,320 ha. but in reality the scheme could serve irrigation for 7,200 ha only, and provide water supply for domestic use at 0.3 m3/s. equal to 18.6% of its designed capacity.

2. The Phu Ninh Subproject aims to improve water service, in both quality and quantity, to be provided by Phu Ninh IMC to local users through investment for rehabilitation and upgrading the irrigation infrastructure wherever needed in addition to introduction of modern irrigation management technologies. The Subproject will contribute to increased water provision for irrigation, domestic and other uses, and improve efficiency of water use, and use of land and human resources, at the same time as reducing flood and disaster risk of the system. The Subproject will also improve operation and financial sustainability of the scheme, increase agricultural productivity, and invigorate the local economy.

3. The Subproject will include two components: (i) rehabilitation and upgrading of technical infrastructure of the irrigation system, starting with headwork and finishing by irrigated fields. It anticipates rehabilitation and upgrading of existing and construction of new, so far missed, canals and works, combined with access-management-roads, and management-stations: (ii) modernization of the management system. Development of the first component will cause resettlement impacts due to permanent or temporarily acquisition of land for infrastructure construction or for civil works.

4. Investment and modernization of Phu Ninh Irrigation system aims to:
   - Ensure safety, reliability and efficiency of the system's operation and service,
   - Lower operational management costs, make the system easy to operate, and make it flexible to maintain,
   - Satisfy all reasonable water requirements for agriculture, domestic, industry, improve the natural environment, and provide for development of environmental tourism, and
   - Create favorable conditions for utilization of labor resources, and contribute to poverty alleviation, and proste economic development in subproject's areas.

5. Phu Ninh Subproject is designed to provide irrigation water for 18,000 ha and supply water of 1.6 m3/s for industrial, domestic and other uses.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

6. The Project will affect 43 communes/town of 4 district and 1 provincial town (Tam Ky town, Nui Thanh, Que Son, Duy Xuyen, and Thang Binh) of Quang Nam province. This resettlement action plan (RAP) applies to the components of Phase 1, which includes headwork, main canals and canals of the pilot area. This RAP is prepared to deal with compensation and rehabilitation of project affected people (PAP) of the currently indentified components of the Scheme. The RAP will need to be updated when the technical design becomes sufficiently detailed. The inventoried data of losses used for this RAP preparation will be updated by a detailed measurement survey (DMS), which will record all details of losses of the affected people. Such DMS data will serve as the final legal basis for implementation of the subproject compensation, rehabilitation and resettlement activities. Each component is described as follows:

   (i) Headworks. All headwork structures of Phu Ninh subproject have been recently rehabilitated by the WB1 Irrigation Systems Rehabilitation Project. There is no
further need for land acquisition under the VWRAP’s subproject on Modernization of Phu Ninh Irrigation System.

(ii) Canal system. The identified canals for investment of Phu Ninh Irrigation Scheme within the VWRAP, includes its two main canals and the canals of the pilot area.

- Main canals of Phu Ninh scheme includes the Northern (kenh chinh Bac) and the Southern (kenh chinh Nam) canals. The Northern main canal is 47 km long with the canal's designed profile width of 51.2 m². It has a designed irrigation area of 20,000 ha. The Southern main canal is 8 km long and the canal's designed profile width of 7.74 m² and of 7.74 m². No permanent land acquisition is required for construction of these two main canals. In subsequent implementation phases, there may be certain land required temporarily for civil work access road and temporary sites of construction materials, which has not yet been identified yet. A detailed inventory of temporary losses has been carried out and compensation value has been estimated in accordance with the provisions described in Resettlement Policy Framework.
- Pilot area: The selected pilot area includes subsystems of 3 primary canals N12, N16 and N18 downwards to their irrigated field.
  - Subsystem 1: covers the area of 605 ha irrigated by the Canal N12 and the Northern Main Canal
  - Subsystem 2: covers the area of 805 ha of the Canal N16 and the Northern Main Canal
  - Subsystem 3: covers the area of 982 ha of the Canal N18 and the Northern Main Canal

7. The rehabilitation and upgrading of canal system of the pilot area involve following subcomponents: (a) rehabilitate the existing, damaged irrigation canals, construct new, additional canals wherever they are lacking, and rehabilitate and construct supplement irrigation works of the canals; (b) construct additional drainage works; and (c) rehabilitate and upgrade management access roads.

(iii) Borrow and disposal areas. Borrow areas for the irrigation system will be required during implementation for taking necessary soils or temporary gathering of construction materials and access road for civil works. Contractors are responsible for compensation of all losses related to their temporary acquisition of land and they are obligated to restore the land to its original quality before handling back to the land owners/users. Contractors should follow WB's resettlement policy and have to compensate for losses so that the PAP can improve their standard of living or at least be as well off as without the project.

8. The Inventory of Losses (IOL) for the pilot area has been carried out by the Phu Ninh IMC. According to results of the IOL, there are 7 communes of 1 district (Thang Binh) and 1 town (Tam Ky) will be affected in the pilot area.¹

9. The Project will cause insignificant effects on households. Only 4 households (HH) will lose 0.02 ha of residential land and 369 HH will lose the total of 3.2 ha of agricultural land. There is only marginal impact on HH and none will lose more than 20% of their land. Table 1 presents a summary of the impacts on the land and structures for all subproject components. The total area required for project development of identified canals/works (main canals and of the pilot area) is of 3.3 ha, and the total number of HH affected is 373. All affected HHs have either long-term or temporary land use right. There is no illegal encroachers affected by the Project.

¹ The last inventory indicates 5 districts/towns.
Table 1: Summary of Impacts on Land and Structures for Phu Ninh Irrigation System Modernization subproject

<table>
<thead>
<tr>
<th>Name of works</th>
<th>Severe Impact</th>
<th>Marginal Impact</th>
<th>Total Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Resid. HH**</td>
<td>Shop/ Houses HH**</td>
<td>Agric. (&gt;20%) HH**</td>
</tr>
<tr>
<td>Head works</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Canals</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Chinh Bac</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Chinh Nam</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>N12</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>KIII-N16</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>KIII-N16-1-2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>KIII-N16-1-3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>KIII-N18</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>KIII-N18/10</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>KIII-N18/12</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Loss of Land (ha)</th>
<th>Residential</th>
<th>Agric.</th>
<th>Forest</th>
<th>Unused</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head works</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Canals</td>
<td>0.02</td>
<td>3.2</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>3.3</td>
</tr>
<tr>
<td>Chinh Bac</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Chinh Nam</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>N12</td>
<td>0.0</td>
<td>0.3</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.3</td>
</tr>
<tr>
<td>KIII-N16</td>
<td>0.0</td>
<td>0.2</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.2</td>
</tr>
<tr>
<td>KIII-N16-1-2</td>
<td>0.0</td>
<td>0.2</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.2</td>
</tr>
<tr>
<td>KIII-N16-1-3</td>
<td>0.0</td>
<td>0.2</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.2</td>
</tr>
<tr>
<td>KIII-N18</td>
<td>0.0</td>
<td>0.7</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.7</td>
</tr>
<tr>
<td>KIII-N18/10</td>
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<td>0.6</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.6</td>
</tr>
<tr>
<td>KIII-N18/12</td>
<td>0.02</td>
<td>1.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Total</td>
<td>0.02</td>
<td>3.2</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>3.3</td>
</tr>
</tbody>
</table>

Source: Inventory of losses by Phu Ninh IMC

Key: HH = household, ha = hectares
** includes Shop/Houses. ***Combined shophouses are also included in the column for Residential.

10. The purpose of this RAP is to ensure that all project affected persons (PAP) will be compensated at replacement cost for their losses and provided with rehabilitation measures so they are at least as well off as they would have been in the absence of the Project. This RAP is based on (i) a census and inventory of losses of 100% of PAPs in the main canals and all canals and access management roads identified in the pilot area; (ii) on a sample socio-economic survey of households of the project's benefit areas; both were conducted by Phu Ninh IMC; and (iii) on group interviews and discussions in project affected communes, conducted by the consultants during the feasibility study in 2003.

11. Policies for compensation, relocation, and rehabilitation have been established based on these surveys, on Vietnam's existing laws and sub-laws regulations and the World Bank Operative Directives OD 4.30 on Involuntary Resettlement, OD 4.20 on Indigenous People and OPN 11.03 on Cultural Property. Following detailed design of these main components, this RAP
The updated RP will be implemented by the resettlement committees (RCs) under the guidance of the people’s committees of each district and MARD. Careful coordination between all the agencies and ministries will be necessary to complete the different resettlement activities successfully. The provisions and policies of this RAP will form the legal basis for the implementation of resettlement activities for the Phu Ninh Subproject.

III. SOCIOECONOMIC INFORMATION

A. Source of Data

13. This RAP has been based on census and land acquisition surveys for 100% of PAP along the main canals and canals identified in the pilot areas. The Phu Ninh IMC conducted the inventory survey in April-May 2002. Land acquisition and resettlement requirements were estimated based on detailed land use data in each subproject area, and on the technical designs. A DMS will be undertaken before implementation phase to precisely identify households affected by the Project to update the current information.

14. Socioeconomic information has come from several sources: (i) household questionnaires (120) conducted by the IMC in the whole subproject affected area in 2002, (ii) group interview surveys conducted by the consultant in 4 communes over the whole project area in April 2003, and (iv) in April 2003 resettlement group interview surveys was carried out by the consultant in the communes affected by Phase 1. These specific resettlement group interviews with PAP were conducted to collect data on (i) specific resettlement needs of vulnerable groups which may be adversely affected by the Project, (ii) resettlement concerns and preferences of affected families, and (iii) measures to reduce impact.

B. Impacts on Land and Structures

15. There are no severely affected farmers, who will lose more than 20% of their total land holdings. No houses will be lost and no business will be affected. The picture does not include area possibly borrowed during civil work since locations are not yet known. All HHs are marginally affected.

C. Occupation and Income

16. There is an equal gender distribution with 51% of men working in agriculture and 53% women. Salary workers counts up for 4% of men and 3% of women. About 1% men and 2% women work in education as shown in table 2 below.

<table>
<thead>
<tr>
<th>Table 2: Main Occupations of Household members (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmer</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td>Men</td>
</tr>
<tr>
<td>Women</td>
</tr>
<tr>
<td>Average</td>
</tr>
</tbody>
</table>

* Others include industrial workers, retired, small servants, and housekeepers
Source: Socioeconomic surveys 1995-2000
The main source of income for PAPs is agriculture. Levels of income vary considerably in the project area as shown in table 3 below. Based on the Ministry of Labor Invalids and Social Affairs classification, four income-level categories have been identified:

(i) Category I: The poor-income per capita is < D100,000/month.
(ii) Category II: The low-income per capita is from D100,000-D199,000/month.
(iii) Category III: The well-off-income per capita is from D200,000-D399,000/month.
(iv) Category IV: The wealthy-income per capita is > D400,000/month.

<table>
<thead>
<tr>
<th>Project Components</th>
<th>Category I</th>
<th>Category II</th>
<th>Category III</th>
<th>Category IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of HHs</td>
<td>10</td>
<td>59</td>
<td>42</td>
<td>10</td>
</tr>
<tr>
<td>Average</td>
<td>8.3</td>
<td>48.8</td>
<td>34.7</td>
<td>8.3</td>
</tr>
</tbody>
</table>

Source: Socioeconomic survey 2002.

D. Land holding

Farmers usually have several plots of land (up to six). The average agricultural land holding in the whole project area is about 0.32 ha, of which about 0.24 ha is of annual crop land. Rice land makes up to 0.17-0.2 ha per HH. Per capita agricultural land is 753 m2. The average land holding of the affected Thang Binh district is about 0.35 ha. All the affected HHs have legal land use right to their cultivated land that is subject to be recovered by the Phu Ninh subproject.

E. Ethnic Minority Groups

There are no ethnic minority groups in the project area. All the population living within the project pilot area, in headwork and along the main canals of the scheme are of Kinh group. The results of the survey have confirmed this fact where all the HHs surveyed in 5 district and town were of Kinh origin.

F. Living Conditions

Most the affected households (98%) are connected to the electric supply network. There is only 2% of HHs, which use kerosene for lighting. Up to 98% of the surveyed HHs use water derived from earthen or pumping wells. Only 2% has tap water. Up to 86% of HHs have toilet in house, but only 25% of HHs have toilets of satisfying sanitary conditions.

G. Gender and Poverty Conditions

The social analysis showed that the women in the project area have lower education than the men. They also suffer from waterborne diseases. Households headed by women usually have lower monthly income compared to male-headed households.

IV. LEGAL FRAMEWORK

A. World Bank's resettlement Policy

The main objective of WB's Policy on Involuntary Resettlement is to ensure that PAPs should be assisted to improve their living standards, income level and income generating capacity, or at least would be as well off as without the project. This policy aims to avoid involuntary resettlement whenever feasible, to minimize resettlement where population
displacement is unavoidable. The policy stipulates that lack of legal certificate on land will not be an obstacle for a part of affected people to be entitled to compensation and rehabilitation. The policy requires that compensation for all losses should be made at replacement cost, without depreciation and deduction of savage materials.

B. Viet Nam Laws

1. Relevant Vietnamese Acts and Bylaws

23. In recent years, the Government has formulated several rules and regulations to protect the interests of displaced persons. Relevant acts and bylaws that govern various aspects of land acquisition and resettlement include:

(iii) Decree 87/CP, dated 17 August 1993, on the stipulation of the frame for the price of various categories of land.
(iv) Decree 64/CP, dated 27 September 1993, on the distribution of agricultural land to households for long-term use.
(v) Circular No.05-BXD/DT, dated 9 February 1993, on the classification of house types.
(vi) Decree 22/CP, dated 24 April 1998, on compensation levels and other allowances for land and structures recovered for the national and public interest.
(vii) Decree 17/CP, 4 May 2001, on Management and Utilization of ODA.

2. Decree 22/CP

24. In April 1998, the Government issued a major decree regarding compensation for land acquisition, Decree 22/CP on Compensation for Damage when the State Recovers Land for Use in National Defense, Security, and National and Public Interests. The Government has also issued guidelines for the implementation of this Decree (145/1998/TT-BTC). By issuing Decree 22/CP the Government:

(i) added new stipulations to accommodate with the major changes in compensation unit prices, objects to be affected, assistance levels, etc. in Viet Nam since 1993. Many of these stipulations have proven themselves appropriate with ongoing WB, ADB and other donor-funded projects in Vietnam;
(ii) provided general provisions for compensation processes and procedures to all organizations and individuals who need to acquire land; and
(iii) assigned, in detail, the responsibilities of the government agencies concerned in implementing the Decree.

25. Generally, Decree CP/22 meets the objectives of WB’s policy on involuntary resettlement, however, some discrepancies can be found regarding the compensation of PAPs without legal rights. Table 9 presents the main areas of discrepancy.

Table 9: Discrepancies Between Decree 22/CP and WB Policy

<table>
<thead>
<tr>
<th>Decree 22/CP</th>
<th>WB Policy</th>
<th>Project Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 7: Any person whose land is recovered and who has not met one of the conditions of Article 6, or who has violated the plan, or who violates the protection corridor work, or who illegally occupies land shall not receive compensation when the state recovers the land. In case of necessity, the Provincial People’s Committee shall consider and decide on a case-by-case basis.</td>
<td>The absence of formal legal title to land by some affected groups should not prevent compensation.</td>
<td>All project affected people, irrespective of tenure status, social or economic standing, will be entitled to be compensated or assistance for their lost assets, incomes, and businesses at full replacement cost and provided with rehabilitation measures sufficient to assist them to improve or at least restore their pre-project living standards, income levels and</td>
</tr>
</tbody>
</table>
### Decree 22/CP

<table>
<thead>
<tr>
<th>Article</th>
<th>Decree 22/CP</th>
<th>WB Policy</th>
<th>Project Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 8: The compensation rates shall be determined on the basis of local prices for land issued according to the provisions of the Government, and then multiplied by a coefficient to ensure the compatibility of the compensation with the profitability and the price of the assignment of the land use right in the community.</td>
<td>Compensate all affected persons, including those without title to land, for all their losses at replacement rates.</td>
<td>Replacement cost surveys have been carried out and will be carried out by the project staff to ensure that project rates for all categories of land will be equivalent to replacement cost at current market value to be updated at the time of compensation.</td>
<td></td>
</tr>
<tr>
<td>Article 17: The total maximum level of compensation shall not exceed 100% and the minimum level shall not be lower than 60% of the value of the house or construction, priced according to the construction price for new buildings with technical standards equivalent to the affected.</td>
<td>Compensate all affected persons, including those without title to land, for all their losses at replacement rates.</td>
<td>Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation.</td>
<td></td>
</tr>
<tr>
<td>Article 18: People without legal permit of construction shall only receive 80% in compensation in rural areas and 70% in urban area. People who violate zoning area will receive no compensation and illegal construction shall be forced to dismantle it.</td>
<td>All Project affected persons will be entitled to compensation irrespective of the legal status in both rural and urban areas.</td>
<td>Full compensation at replacement cost for all Project affected structures irrespective of legal entitlement.</td>
<td></td>
</tr>
</tbody>
</table>

### V. COMPENSATION POLICY

#### A. Objectives for Resettlement

26. The objectives of the Vietnamese legislation governing the resettlement and rehabilitation of displaced persons and of WB’s policy concerning involuntary resettlement have been adapted for the preparation of this RAP for the Phu Ninh Irrigation System Modernization Subproject. They are set out below. An entitlement matrix is shown in Appendix 1. The policies and principles adopted for the Project supersede the provisions of relevant Government decrees currently in force in Vietnam wherever a gap exists between WB’s Policy on Involuntary Resettlement and Vietnamese law.

27. The main objective of the Resettlement Plan is to ensure that populations affected by the Project should be at least as well-off, if not better-off, than they would have been without the Project. Affected populations should be able to maintain and preferably improve their standard of living and quality of life.

1. Minimize the Adverse Impacts from the Project

28. Considerable attention has been directed, during the Project’s technical design stage and through modifications to various design parameters, to minimizing adverse impacts as well as the number of households that would be severely affected due to the loss of agricultural land. Related actions are the following:

   (i) Alternative options with modification of technical design have been taken into consideration to avoid or reduce permanent land acquisition wherever possible.

   (ii) All the canals will be lined on that side of canals where the less of land currently in use would be affected.

   (iii) The time of closing water for civil works will be based on PAPs’ recommendation, which correspond to their needs and cultivation calendar.
### Decree 22/CP WB Policy Project Policy

| Article 8: The compensation rates shall be determined on the basis of local prices for land issued according to the provisions of the Government, and then multiplied by a coefficient to ensure the compatibility of the compensation with the profitability and the price of the assignment of the land use right in the community. | Compensate all affected persons, including those without title to land, for all their losses at replacement rates. | Replacement cost surveys have been carried out and will be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value to be updated at the time of compensation. |
| Article 17: The total maximum level of compensation shall not exceed 100% and the minimum level shall not be lower than 60% of the value of the house or construction, priced according to the construction price for new buildings with technical standards equivalent to the affected. | Compensate all affected persons, including those without title to land, for all their losses at replacement rates. | Full compensation at replacement cost will be paid for all affected structures, without any deductions for salvageable materials or depreciation. |
| Article 18: People without legal permit of construction shall only receive 80% in compensation in rural areas and 70% in urban areas. People who violate zoning areas will receive no compensation and illegal construction shall be forced to dismantle it. | All Project affected persons will be entitled to compensation irrespective of the legal status in both rural and urban areas. | Full compensation at replacement cost for all Project affected structures irrespective of legal entitlement. |

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1. **Minimize the Adverse Impacts from the Project**

28. Considerable attention has been directed, during the Project's technical design stage and through modifications to various design parameters, to minimizing adverse impacts as well as the number of households that would be severely affected due to the loss of agricultural land. Related actions are the following:

   (i) Alternative options with modification of technical design have been taken into consideration to avoid or reduce permanent land acquisition wherever possible.

   (ii) All the canals will be lined on that side of canals where the level of land currently in use would be affected.

   (iii) The time of closing water for civil works will be based on PAPs' recommendation, which correspond to their needs and cultivation calendar.
2. **Compensation and Assistance**

29. Compensation and assistance will be provided to ensure that the economic and social conditions of the PAP are at least as favorable as they were in the absence of the Project. The compensation policy, which encompasses compensation for all affected assets, along with rehabilitation measures as suggested in this RAP, will ensure that all PAP are able to, at minimum, restore their income, standard of living, and productive capacities to pre-project levels. Specific measures to ensure restoration of incomes and living standards of PAP includes compensation for lost assets based on:

(i) Land-for-land of equivalent productive capacity and at a location suitable and acceptable to the PAP, or
(ii) at the request of an PAP, who has been informed regarding the options, cash for land or a combination of the two.

3. **Compensation at Replacement Cost**

30. Compensation for all types of affected assets, including residential and commercial structures as well as standing crops and trees, will be paid at replacement cost. Compensation for affected land will be made either in the form of a trade, land-for-land of equal productive capacity at a location acceptable to the PAP, or at the specific request of the PAP, in cash at replacement cost to ensure that PAP can restore their income generating capacity and income levels.

4. **Community Participation and Consultation**

31. The preparation and implementation of the RAP is to be carried out with the full participation of, and in consultation with, the affected households and their representatives. Intensive public consultations have been carried out in the preparation of the RAP. Ten group interviews were conducted at commune level in the project areas to inform local populations and to identify their needs and requirements. In addition, four resettlement group interviews were conducted in the project pilot communities in order to collect data on (i) vulnerable groups which may be adversely affected by the Project, (ii) resettlement preferences of affected families, (iii) measures to reduce impacts, and (iv) adequacy of compensation prices issued by the provinces. Further public consultations will be carried out during the implementation stage with a focus on specific activities including assessment of compensation, acquisition of land, and design of rehabilitation assistance planning. The Public Information Campaign and Consultation Program is described in Chapter 7 of this RAP. The PAP will also have well defined avenues for redressing their grievances as described in Chapter 7.

B. **Principles of Resettlement**

32. The following basic principles have been adopted for the Project:

(i) The populations affected by the Project are defined as those who may stand to lose, as a consequence of the Project, all or part of physical and nonphysical assets, including homes, homesteads, productive lands, commercial properties, tenancy, income-earning opportunities, social and cultural activities and relationships, and other losses that may be identified during the process of resettlement planning.

(ii) Involuntary resettlement will be minimized by identifying possible alternative project designs, and appropriate social, economic, operational and engineering solutions that have the least impact on populations in the project area.

(iii) The cut-off date for compensation eligibility for physical assets affected due to rehabilitation, upgrading of existing and construction of new, so far missed of the system, canals/irrigation works will be the date of completion of the detailed
measurement survey and census after detailed technical design will be completed for these components.

(iv) A census and detailed measurement survey and baseline socioeconomic survey will be carried out for all subproject components after detailed design of each and in updating of the RAP.

(v) All PAP will be entitled to be compensated for their lost land and standing crops/trees at full replacement cost to assist them to improve or at least restore their pre-project living standards, income levels, and productive capacity.

(vi) All affected populations will be equally eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing, and any such factors that may discriminate against achieving the objectives outlined above.

(vii) Preparation of the RAP and its implementation is to be carried out with the fullest participation of affected people. PAP comments and suggestions will be duly taken into account during the design and implementation phases of the resettlement plans.

(viii) Adequate budgetary support will be fully committed and be made available to cover the costs of land acquisition and resettlement and rehabilitation within the agreed implementation period.

(ix) WB shall not approve of any civil works contract for any subproject to be financed from the loan proceeds unless the Government has completed satisfactorily and in accordance with the approved RAP for that subproject compensation payment and ensured rehabilitation assistance is in place prior to obtaining possession and rights to the land.

(x) The detailed RAP for implementation will be translated into the local language and placed in project and commune offices for the reference of affected people as well as any interested groups.

(xi) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. Evaluation of the land acquisition process and the final outcome will be conducted independent of the executing agency.

C. Compensation Policy for Loss of Land

33. The Project will acquire some land acquisitions. There are two types of land use rights found in the project affected area: permanent or leagizable and temporary land use rights. Below are set out principles of compensation:

1. Land Users with Permanent or Legal Use Rights

34. For arable land that will be permanently affected, the PAPs will be entitled as follows:

(i) Marginally affected PAP. PAP with losses less than or equal to 20% of their total agricultural landholdings, will be entitled to cash compensation for crops and trees at market prices, AND cash compensation for acquired land at 100% of replacement cost.

(ii) Severely affected PAP. PAP with losses of more than 20% of their total agricultural landholdings, will be entitled to cash compensation for crops and trees at market prices AND first priority for land-for-land of equivalent productive capacity at a location acceptable to the PAP or, if requested, cash compensation for the lost land at 100% of replacement cost AND rehabilitation assistance (skills training for one family member in a current or new occupation AND a training allowance, provision of agricultural extension services to increase the productivity of remaining land, AND priority for project-related job opportunities).
2. Land Users With Temporary or Leased Rights to Use Land

35. For arable land will be permanently affected, the PAPs having Temporary or Leased Rights will be entitled as follows:

(i) PAP are marginally affected: PAP with losses less than or equal to 20% of their total productive capacity will be entitled to cash compensation for acquired land equivalent to 30% of land replacement cost, AND cash compensation for loss of crops and trees at full market prices;

(ii) Severely affected PAP: PAP with losses of more than 20% of their total productive capacity, will be entitled to cash compensation for crops and trees at market prices, AND first priority for land-for-land equal to 30% of affected area of equivalent productivity at a location acceptable to PAP, or, if requested, cash compensation for the lost land corresponding to 30% of replacement cost.

For poor and vulnerable, including landless, PAPs, who prefer to continue farming but have land less than of a standard size provided by Decree 64/CP, the local authority to assist them to obtain land of area equal to minimal standard size, with permanent land use right, OR training rehabilitation measures, including job training and training allowance for its working member(s) if no land available for provision;

3. Land Users Without Permanent or Legal Rights to Use Land

36. Households occupying and using land without permission from the commune will be entitled to compensation for crops and trees at 100% of market prices. They will not be compensated for land but will receive assistance corresponding to the investment in the land.

37. For poor and vulnerable farmers affected who are landless and have not been allocated land before will be entitled to: (i) assistance by local authority to obtain land of an area equal to the minimum standard size, with full legal title to the land, and/or (ii) transition assistance and rehabilitation measures, including social assistance allowance, job training and training allowance for its working member(s) if no land available for provision;

4. Loss of Standing Crops and Trees

38. For annual standing crops, compensation will be paid to households who cultivate the land according to the full market value of the affected crops, regardless of the legal status of the land. For perennial plants, compensation will be paid according to the full market value of the affected plants, regardless of the legal status of the land. If the plants are not yet ready for harvest, compensation will include the total cost of initial investment and care until the time of the land acquisition. In case perennial plants can only be harvested once, compensation will be paid for the total cost of investments and care calculated until the time of the land acquisition. Compensation will be in cash.

5. Loss of Residential Land

39. There are no structures on the affected residential land, and PAPs will be entitled to compensation in cash at 100% of the replacement cost of the affected land.

6. Secondary PAPs

40. This applies to those affected by acquired areas needed for construction or for individual resettlement or group resettlement sites. Because all secondary PAP are likely to be affected through loss of agricultural land, they will be entitled to compensation and rehabilitation assistance in accordance with the same provisions for all other PAP.
D. Compensation Policy for Structures

1. Loss of Graves

41. The level of compensation for the removal of graves will be for all costs of excavation, relocation, and reburial. Compensation in cash will be paid to each affected family.

E. Temporary Impact During Construction

42. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that shall be applied to all other assets affected by the Project. In addition, damaged property will be restored immediately to its former condition.

43. For arable land that will be temporarily affected, all PAPs are entitled to compensation for loss of crops and trees at market prices, AND compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use; AND restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified. AND if duration of temporary land use is equal or exceeds two years, then the PAPs are compensated as for permanent loss of land.

F. Allowances During the Transition Period

44. The following allowance amounts are indicative only. At the time of compensation, allowances will be adjusted to account for inflation. For severely affected farmer HHs, rehabilitation assistance of amount not less than VND 3,000,000 per HH will be given. The concrete form of assistance to the farmers will be precisely identified in the project implementation stage through investigation and intensive consultation with the entitled PAP to ensure adequacy and effectiveness of rehabilitation assistance in meeting with actual needs of PAP. In may be in form of training plus training subsistence allowance or in cash which combined with relevant technical assistance. In addition, HHs having special social support will be provided with a special social assistance not less than VND 1,000,000 to rehabilitate their living standards.

VI. INSTITUTIONS INVOLVED IN RESETTLEMENT

A. General Organization

45. The implementation of resettlement activities requires the involvement of agencies at the national, provincial, district and commune level. Under the responsibility of MARD, resettlement committees shall be established at the provincial and district level according to the provision of Decree CP 22/1998. The provisions and policies of the RAP will form the legal basis for the implementation of resettlement activities for the Phu Nhut subproject.

B. Ministry of Agriculture and Rural Development

46. MARD is responsible for the realization of the VWRAP Project, on behalf of the Government. A Central Project Management Office (PMO) will be established in MARD, at MARD's Department, which is responsible for Management and Modernization of Hydraulic works. The PMO has responsibilities for overall project management and implementation. For each VWRAP Subproject will be established a Provincial Project Management Unit (PPMU) or a Subproject Implementation Unit (SIO). The PMO with the PPMUs/SIOs will, in coordination with relevant agencies, manage and supervise the overall Project including resettlement activities and land acquisition. Successful updating and implementation of the RAPs will require close
coordination between MARD and other ministries and agencies as well as between PMO, implementing agencies, and all local resettlement committees. Resettlement capacity will be established within the PMO to coordinate all resettlement activities with full-time assistance of consultants. Similar capacity will be established within the implementing agencies to implement resettlement for each subproject. The consultants will provide technical assistance to strengthen the social capacity within the PMO and implementing agencies. The PMO, with assistance of the consultants, will take overall responsibility as follows:

(i) Providing overall planning, coordination, and supervision of the resettlement program
(ii) Guiding implementing agencies in updating and/or preparing RAPs and implementing resettlement activities in accordance with the Policy Framework and the approved RAP; and if any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensure that the objectives of the RAPs are being met.
(iii) Finalizing RAPs and obtaining Government and WB approval before implementing approved RAPs.
(iv) Coordinating completed implementation of approved RAPs for each component with the award of civil works contracts for each component.
(v) Providing resettlement training to implementing agencies, all PPMU/SIO staff and RCs at all levels, and to the external monitoring organization.
(vi) Providing the budget for resettlement activities.
(vii) Establishing standard procedures for information campaigns and stakeholder consultation such as monthly newsletters to communities on project activities.
(viii) Providing coordination with other components and various agencies involved in resettlement planning and implementation.
(ix) Establishing liaison mechanisms to ensure proper technical and logistical support to implementing agencies and RCs.
(x) Establishing standardized PAP databases for each component, as well as for the Project as a whole.
(xi) Establishing procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies.
(xii) Establishing procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.
(xiii) Recruiting, supervising, and acting upon the recommendations of the external monitoring organization.
(xiv) Establishing procedures for the prompt implementation of corrective actions and the resolution of grievances.
(xv) Reporting periodically on resettlement activities to the WB.

C. Provincial People's Committee

47. The PPC is the principal authority at the provincial level. The Quang Nam PPC is responsible for setting up and directing a council of compensation, which will be called the Provincial Resettlement Committee (PRC). The PPC is also responsible for reviewing and approving the RAP. The PPC is responsible for the final decision on compensation unit costs, subsidies, allowances, and supporting policies for PAP and vulnerable affected groups, in accordance with this RAP. The PPC is responsible for the approval of project land acquisition. Quang Nam PPC is also responsible for organizing the coordination between the related institutions and provincial departments for the implementation of the RAP, and to execute compensation and resettlement plans effectively.

D. District People's Committee

48. The District People Committees are responsible for identification of land and structure legality, and appointing members of the DRC and assigning functional tasks for the DRC.
E. Implementing Agency

1. Phu Ninh Subproject Implementation Unit (Phu Ninh PPMU)

49. Phu Ninh PPMU will be responsible for implementing this RAP. Responsibilities will include the following:

(i) Preparation, implementation, and monitoring of RAP.
(ii) Guiding the resettlement committees at all levels in implementing the approved RAP and implementing resettlement activities in accordance with the resettlement policies specified in the RAP. If any mistakes or shortcomings are identified through internal and/or external monitoring of RAP implementation, ensuring they are addressed so that the objectives of the RAP are met; ensuring proper technical and logistical support to the Quang Nam's and its districts' RCs.
(iii) Guiding and supervising the RCs while they carry out the Land Acquisition and Census Survey (LAS) to identify exactly the number of affected households and the extent of losses to be compensated, guiding local RCs in following compensation entitlements and procedures as defined in the approved RAP, and submitting compensation/assistance costs for approval.
(iv) Implementing information campaigns and stakeholder consultation in accordance with established project guidelines, supervising the compensation payment process and the implementation of the RAP, and redressing grievances concerning resettlement activities in collaboration with RCs.
(v) Coordinating with other line agencies to ensure delivery of mitigation and support measures.
(vi) Providing income restoration and other social support under the Rehabilitation Assistance Program.
(vii) Implementing established procedures for internal monitoring, establishing and maintaining a PAP databases for each subproject in accordance with established project procedures and providing regular reports to the PMO and all data to the external monitoring organization.
(viii) Implementing prompt corrective actions in response to internal and external monitoring, and resolution of grievances.
(ix) Coordinating project-related employment for PAP (consulting contractors about employment opportunities for local people, informing PAP about opportunities and how to avail of the opportunities).
(x) Implementing established project procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction.

2. Provincial Resettlement Committee

50. The PRC of Quang Nam will be responsible for

(i) implementing, on behalf of PMO, all resettlement activities within the provincial territory under the PPC’s management, and signing contracts for the implementation of some resettlement components;
(ii) establishing and strengthening resettlement committees at district and commune levels;
(iii) guiding all resettlement activities of provinces, districts and communes in accordance with the project policies and directives;
(iv) establishing compensation unit prices for land and structures in collaboration with other provincial departments; setting up procedures for land acquisition and allocation and submitting them to the PPC for approval; coordinating, supervising, and monitoring the implementation of resettlement activities in the province;
(v) issuing guidelines about resettlement activities within their power, namely: (a) compensation prices for land, structures, crops, etc (b) identification of land and
structure legality; (c) procedures of land acquisition and allocation; and (d) approval of compensation charts for PAPs and affected public facilities, etc.;

(v) directing and monitoring the DMS process, finalizing compensation forms, preparing compensation charts to submit to the PPC for approval;

(vi) accepting and handing over the sites to the implementing agencies; and

(vii) cooperating fully with the external monitoring organization

3. District Resettlement Committees (DRCs)

51. The DRCs will be responsible for

(i) planning and implementing, on behalf of the District People’s Committees, all resettlement activities in their districts under the direct professional guidance of the PRC. If authorized by the PPC to be completely responsible for the resettlement activities in the district in the case that the PRC will not be established, the DRC will play the same role as the PRC;

(ii) planning and implementing all resettlement activities in the district;

(iii) finding adequate land for individual relocations;

(iv) being responsible for LAS, finalizing compensation forms, preparing compensation charts to submit to the PRC, and paying compensation directly to each AP after receiving the funds;

(v) establishing inspectors to redress PAPs grievances on resettlement policies and entitlements;

(vi) establishing, if necessary, commune resettlement committees (CRC) and directing their operations during the implementation of the resettlement activities;

(vii) cooperating fully with the external monitoring organization.

52. One agency specialized in the social sciences must be identified in order to carry out socioeconomic surveys, monitoring, and evaluation of RAP implementation for the Project. They will submit periodic reports on the implementation progress and make recommendations regarding the issues identified. The terms of reference and methodology for monitoring are presented in Section 10.

53. One full-time specialized resettlement staff will be recruited for each PPMU/SIO. The PMO and the consultant team will assist them in fulfilling/performing their resettlement responsibilities. These people should have background in the social sciences, have computer skills, proficiency in spoken and written English, good experiences and be willing to be trained on resettlement issues. Depending on the scale of resettlement impacts of each subproject, a full-time or part-time resettlement staff will be required for local resettlement institutions

54. All full-time and part-time staff and decision making involved in project resettlement implementation will be trained on the WB, GOV and project’s resettlement policy, methods of public consultation, negotiation, etc. Specific resettlement skills training will be given to numerators, implementation staff in resettlement implementation procedures, techniques, unified DMS forms, management of PAP database.
VII. PUBLIC INFORMATION, CONSULTATIONS AND GRIEVANCE REDRESS

A. Consultations During Preparation of Resettlement Plan

1. Public Information During RAP Preparation

55. The consultant provided information about the Project regularly. Actions taken were as follows:

(i) Group interview surveys were conducted in 4 communes in the area of Phase 1. Specific resettlement group interviews with affected persons were also conducted. In addition, stakeholder meetings have been organized at the provincial level with Quang Nam PPC, Tam Ky town’s and Thang Binh District’s People Committees, Quang Nam DARD, IMC.

(ii) A Socio-Economic HHs survey was conducted in all project districts/town of Phu Ninh Subproject. The groups interview surveys were conducted in 4 affected communes. The surveys have provided useful information on agriculture, social, economic, and cultural. Each meeting involved 20 to 30 persons. The majority of these persons were farmers from the different villages in the communes. Representatives of local farmer groups and other organizations, as well as officials from municipal and district levels also attended the meetings. Women were also represented in these meetings. The HHs questionnaire survey was conducted in 2002, and the group interview surveys were conducted between 1 to 7 April 2003.

(iii) Specific resettlement group interviews with affected persons were conducted in the four mentioned communes. Twenty to thirty persons potentially affected by the project attended these meetings. This survey, conducted in April 2003, was designed to collect data on: (a) vulnerable groups which may be adversely affected by the Project, (b) resettlement preferences of affected families, (c) measures to reduce impacts, and (d) adequacy of compensation prices issued by the provinces.

(iv) Stakeholder meeting with Quang Nam PPC was also focused on resettlement issues, on possibility and commitment of the PPC to follow a project’s approved Resettlement policy which reflecting the WB’s and GOV resettlement objectives and principles.

(v) In addition, affected households’ preferences regarding resettlement and relocation were investigated through socioeconomic surveys (121 questionnaires).

2. Objectives of Public Information and Consultation

56. Information dissemination to, in consultation with and with the participation of, affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of project delays. This will also enable the Project to design the resettlement and rehabilitation program as a comprehensive development program to suit the needs and priorities of the affected people, thereby maximizing the economic and social benefits of investments. The objectives of the public information campaign and PAP consultation program are as follows:

(i) To ensure that local authorities as well as representatives of PAPs will be included in the planning and decision-making processes. The PMO and the PPMU/SIO in Phu Ninh will continue a dialogue with the Provincial People’s Committee and the District People’s Committee during Project implementation. PAP involvement in implementation will be continued thereafter by requesting each district to invite PAP representatives to take part in the resettlement activities (property evaluation, compensation, resettlement, and monitoring).

(ii) To fully share information about the proposed project components and activities with the PAP.
(iii) To obtain information about the needs and priorities of the PAP, as well as information about their reactions to proposed policies and activities.

(iv) To ensure that PAP are able to make fully informed decisions that will directly affect their income and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.

(v) To obtain the cooperation and participation of the PAPs and communities in activities necessary for resettlement planning and implementation.

(vi) To ensure transparency in all activities related to land acquisition, resettlement and rehabilitation.

B. Consultations Proposed During Implementation

1. Information Dissemination and Rehabilitation

57. During project implementation, the implementing agency responsible for resettlement (Phu Ninh PPMU), assisted by the project consultants, will undertake the following:

(i) Provide information to resettlement committees at all levels through training workshops. Detailed information on project policies and implementation procedures will be provided.

(ii) Conduct information dissemination and consultation for all PAPs throughout the life of the Project.

(iii) Update or establish provincial unit prices, and confirm land acquisition and impact on properties through the DMS.

(iv) The PRC/DRC will then apply prices, calculate compensation entitlements, and complete the Assets Compensation Forms for each affected household. Information on entitlements will then be presented on an individual basis to PAP in the Land Acquisition and Census Survey follow-up visit to each household.

(v) The Asset Compensation Form, showing the household’s affected assets and compensation entitlement, will then need to be signed by the PAPs to indicate their agreement with the assessment. Any complaints the PAPs have about the contents of the form will be recorded at this time.

(vi) Consultation regarding PAPs preferred rehabilitation assistance program. This applies to severely affected and vulnerable PAPs. The social support team will inform PAPs of their entitlement to rehabilitation assistance under the Rehabilitation Assistance Program, before asking them to indicate their preferences.

2. Public Meetings

58. Prior to the beginning of the detailed design, a public meeting will be held in each hamlet to provide PAPs with additional information and an opportunity for open discussion about resettlement policies and procedures in each affected hamlet. A letter of invitation will be sent to all PAPs after the LAS has been completed at least 2 weeks before the meeting in their area. This meeting is intended to clarify information that has been given to date and to provide PAPs with the opportunity to discuss issues of concern and obtain clarification. In addition to a letter informing the PAPs, other means will be used to inform PAPs and the general public such as posters in prominent locations in the communes and districts where PAPs currently reside, radio, television, and newspaper announcements. The letter and notices will advise the time and location of the meeting, and who can attend. Both men and women from affected households will be encouraged to attend, as well as other interested community members. The meeting will explain the Project, and households’ rights and entitlements, and there will be opportunities to ask questions. Such meetings will be conducted periodically during the life of the Project.

59. Relevant information will be given to the PAPs at the meetings (verbally, graphically, and on printed information sheets). Extra copies of the printed information sheets will be available at
municipal and district offices throughout the project area. The meetings will follow the following format:

(i) Explanations given verbally and in visual format, including written information and drawings of the proposed design for the different component of the Project.
(ii) Adequate opportunities will be provided for PAPs to respond with questions and comments. PAPs will be encouraged to contribute their ideas for PAP rehabilitation options.
(iii) The DRC will establish a complete list of all PAPs present at the meetings.
(iv) The DRC will make a complete record of all questions, comments, opinions, and decisions that arise during the information/consultation meetings, and present a report of all the meetings to the SIO.

60. Information about the following will be given to the PAP:

(i) **Project components.** This includes the places where they can obtain more detailed information about the project.
(ii) **Project impacts.** Impacts on the people living and working in the affected areas of the project including explanations about the need for land acquisition for the reservoir, the canal network, and other project components.
(iii) **PAP rights and entitlements.** These will be defined for PAP (with the cut-off date). The rights and entitlements for different categories of PAP, including the entitlements for those losing businesses, jobs and income. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each. Entitlement to rehabilitation assistance
(iv) **Grievance mechanism and the appeal process.** PAP will be informed that project policies and procedures are designed to ensure their pre-project living standards are restored. PAP will also be informed that if there is any confusion or misunderstanding about any aspect of the project, the commune or district resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. PAP will receive an explanation about how to access grievance redress procedures.
(v) **Right to participate and be consulted.** The PAP will be informed about their right to participate in the planning and implementation of the resettlement process. The PAP will be represented on commune resettlement committees, and the representative for the PAP will be present whenever commune/ district/provincial committees meet to ensure their participation in all aspects of the project. PAP will be consulted about the training and training preferences in current or new occupations for all PAP whose income levels and living standards are adversely affected due to loss of agricultural land or other assets.
(vi) **Resettlement activities.** PAP will be given an explanation regarding compensation calculations and compensation payments, monitoring procedures (which will include interviews with a sample of PAP), and preliminary information about physical works procedures.
(vii) **Organizational responsibilities.** PAP will be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the Government officials with phone numbers, office locations, and office hours if available.
(viii) **Implementation schedule.** PAP will receive the proposed schedule for the main resettlement activities and informed that physical works will start only after the completion of all resettlement activities and clearance from the project area. It will be clarified that they will be expected to move only after full payment of compensation for their lost assets has been allocated to them. Implementation schedules and charts will be provided to resettlement committees at all levels.
3. Compensation and Rehabilitation

61. A letter of notification will be sent to each PAP with the time, location, and procedure for receiving compensation payment. Severely affected and vulnerable PAPs will be personally contacted to confirm their preferences for rehabilitation assistance to take necessary actions to respond to their specific needs.

4. Public Information Booklet (PIB)

62. To ensure that PAP, their representatives, and the local government in the affected areas fully understand the details of the resettlement program, and that they are informed about the compensation and rehabilitation packages applicable to the Project, a Public Information Booklet (PIB) will be prepared by the PMO, in consultation with WB. This booklet will be distributed to all PAP in the project area before DMS. General contents of the PIB will include the following:

   - Brief Description of the Project
   - Implementation Schedule
   - Project Impacts
   - Entitlements and Rights of PAP
   - Resettlement and Rehabilitation Policies for All Types of Impacts
   - Institutions Responsible for Resettlement
   - Information Dissemination to and Consultations with Project Affected People
   - What To Do if PAP Have a Question or a Problem
   - Grievance Procedure
   - Independent Monitoring

5. Disclosure

63. In addition to disclosure to affected people and communities, this RAP or a summary will be displayed at public places such as at the PMO, Phú Ninh PPMU (SIO), local provincial and district RCS, Provincial Information Center to disseminate information about the Project to all interested parties/stakeholders.

C. Grievance Redress Procedure

64. In order to ensure that PAP grievances and complaints on any aspect of land acquisition, compensation, and resettlement are addressed in a timely and satisfactory manner a grievance redress mechanism needs to be established. Such a mechanism will ensure that all possible avenues are available to PAP to air their grievances and that they are well defined. It is also important that all PAP become aware of the established procedures for the proposed grievance redress mechanism. The detailed procedures for both redressing grievances and the appeal process will be publicized among all PAPs through an effective public information campaign. The grievance redress mechanism and the appeal procedures will also be explained in the public information booklet distributed to all PAPs.

1. Contents of Grievances

65. PAPs can lodge their complaints regarding any aspect of compensation entitlement, compensation policy, rates, land acquisition, resettlement and entitlements relating to rehabilitation assistance programs. Complaints by PAP can be lodged verbally or in written form, but in case they are lodged verbally, the committee to which it is lodged will write it down during the first meeting with the PAP. PAPs, who present their case to the PMO, District People’s Committee (DPC), or PPMU will be exempted from paying any fees. In addition, PAPs lodging complaints and appeals to district courts will be provided with free legal representation.

2. Grievance Procedures

66. A four-stage procedure for redressing grievances is proposed. This includes:

   Stage 1 - Complaints from PAPs on any aspect of the resettlement program, or unaddressed losses shall first be lodged verbally or in written form to the People’s Committee at commune level. The complaint can be discussed in an informal meeting with the plaintiff
and the chairman of the people's committee at commune level. The People's Committee at commune level will be responsible for resolving the issue within 15 days from the day it is lodged.

**Stage 2** - If no understanding or amicable solution can be reached, or if no response from the people's committee at commune level is received by the PAP within 15 days of registering the complaint, he/she can appeal to the District Resettlement Committee. The vice-chairman of the DPC will hear PAP in person, and PAP will be invited to produce documents, which support his/her claim. The complaint must be settled within 2 months of registering the original complaint. The DRC will provide a decision within 1 month of the registering of the appeal.

**Stage 3** - If the PAP is not satisfied with the decision of the DPC or its representative, or in the absence of any response by the DPC, the PAP can appeal to the Provincial People's Committee. The Provincial People's Committee together with the representative of the PRC will provide a decision on the appeal within 30 days from the day it is lodged with the PPC.

**Stage 4** - If the PAP is still not satisfied with the decision of the PPC or PRC on appeal, or in absence of any response from the PPC within the stipulated time, the PAP, as a last resort, may submit his/her case to the district court.

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**VIII. BUDGET**

**A. Financing**

67. The Central Government will pay resettlement cost related to land acquisition of primary and secondary canals while compensation for the tertiary and of field levels canals will come from local budget, or by contribution of the direct beneficiaries. The latter will be based on intensive discussion and consultation with farmers to find out the ways for farmers/beneficiary to obtain equitable contribution to development of the tertiary/on-farm small canals, and adequate options has been presented as compensation for the involved losses.

**B. Flow of Funds**

68. The PMO will be responsible for channeling funds for land acquisition and resettlement to the PRC which will be responsible for the payment of compensation directly to affected persons for land, crops, trees, houses, other structures and for the various allowances. The PMO will also be responsible for contracting an external organization or other institution that will be engaged for independent monitoring.

**C. Adjustments for Inflation**

69. The cost estimates in this RAP are based on 2003 prices (to be updated before compensation payment). The rates for compensation and cash entitlements for rehabilitation as well as allowances payable to affected persons will be adjusted annually, based on the actual annual inflation rate. The PMO, together with the provinces, will determine the annual inflation rate and ensure the necessary annual adjustments are made to compensation rates and to all cash entitlements.

**D. Compensation Prices**

70. The basis of prices used for land acquisition and resettlement set out below (Tables 5 to 7) indicate the prices issued by the provinces and the prices used for cost estimates at the time
of the feasibility study in 2003. The compensation cost estimates in Table 7 includes a 10% contingency.

(i) The current compensation and resettlement costs are based on: (a) land acquisition and census surveys conducted in April-May, 2003; (b) identification of different categories of impacts, resettlement policies, and entitlements described in Section 5; (c) provision of Decree 22/1998 on compensation and resettlement; and (d) compensation prices issued by Quang Nam provinces in 2000.

(ii) According to Decree 22 (Article 8), the prices for compensation shall be decided by the Provincial People's Committee for each specific project. For present purposes, the price lists issued by Quang Nam province in the Decision 07/2000/QD-UB, on 03 February 2000, concerning land prices, and Price list attached to the Decision 71/2002/QD-UB, on 05 May 2002, regulations on compensation and allowances to PAP in case of government recovering land for National Security, Safety, National and Public Interest in Quang Nam province, and for its other similar and recent projects, and validated and/or adjusted by the consultants during preparation of the feasibility study, have been applied for preparation of this RAP.

(iii) The main findings of the consultants were the following: (a) prices for structures were adequate and fair, even quite high for temporary houses. However, (b) the prices for compensation of agricultural and residential land and some fruit trees were mostly below current market prices.

(iv) In order to avoid complaints and to ensure fair compensation prices for affected persons, compensation prices used for cost estimates in the RAP have been based not only on prices issued by the provinces, but also on price surveys conducted in the affected areas. However, to comply to some extent with the unit prices issued by the province the consultant used the higher unit price for agricultural land and residential land as well as for trees for cost estimates.

(v) During the detailed design of the Project, the subproject will revise compensation unit prices for all categories of loss (land, crops, and trees) to ensure PAP receive actual replacement cost at current market value at the time of compensation PAP and local authorities will be consulted on the proposed rates before they are finalized.

Table 5: Compensation Prices for Agricultural and aquaculture land issued by Quang Nam PPC, December 2000

<table>
<thead>
<tr>
<th>Land Category</th>
<th>Plain Commune</th>
<th>Upland Commune</th>
<th>Prices Used for Cost Estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>7,500</td>
<td>6,300</td>
<td>20,000</td>
</tr>
<tr>
<td>Category 2</td>
<td>6,300</td>
<td>5,000</td>
<td></td>
</tr>
<tr>
<td>Category 3</td>
<td>5,100</td>
<td>3,500</td>
<td></td>
</tr>
<tr>
<td>Category 4</td>
<td>4,000</td>
<td>3,000</td>
<td></td>
</tr>
<tr>
<td>Category 5</td>
<td>2,500</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>Category 6</td>
<td>1,000</td>
<td>600</td>
<td></td>
</tr>
</tbody>
</table>

D = Vietnamese Dong, m = square meter

Table 6: Compensation Prices for Residential Land issued by Quang Nam PPC, Dec. 2000

<table>
<thead>
<tr>
<th>Land Category</th>
<th>Tam Thanh Commune</th>
<th>Binh Giao Commune</th>
<th>Binh Tu Commune</th>
<th>Ha Lam town</th>
<th>Prices Used for Cost Estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 2</td>
<td>13,000</td>
<td></td>
<td></td>
<td></td>
<td>100,000</td>
</tr>
<tr>
<td>Category 3</td>
<td>11,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category 4</td>
<td>9,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category 5</td>
<td>7,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

D = Vietnamese Dong, m = meter, m² = square meter
E. Implementation Costs Defined

61. Costs for land acquisition and compensation will be fully funded by the Government. Resettlement administrative costs include performing resettlement activities by PPMU/SIO and resettlement consultant, and management fees for various resettlement committees, implementing agencies. It consists of cost for the payment of salaries, per diem, logistics, management fees, etc; cost for Detailed Measurement Survey (DMS) of losses, evaluation of assets lost, pricing application; public information and dissemination, preparation Project Information Booklet, posters, materials and dissemination of information; cost for organizing and performing public consultation and grievance redress. The administrative costs are set to 5%.

71. A budget will be provided for training of full time and/or part time staff involved in the project resettlement activities. Contents of the training will cover such topics as resettlement policy of the project, of WB and the Vietnam current resettlement policy; outstanding resettlement issues, stakeholders participation; methods of public information and consultation. Specific resettlement topics and skills, for example, the DMS and compensation forms, evaluation of lost assets, identification of entitlements. Training will be provided to particular groups of resettlement officials and consultants. Training of staff and consultants for capacity building is set to VND 154,000 ($10,000).

72. Monitoring costs includes costs for internal and external monitoring, which is set to 3%. A contingency cost is set to 10%, as shown in table 7 below.

F. Cost Estimates

73. The estimated cost of resettlement for the all land and crops/trees cost affected by identified canals is VND 1,147,545 ($74,516). The total cost estimate is VND 1,404,823 ($92,928).

<table>
<thead>
<tr>
<th>Table 7: Total Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project component</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>Main canals</td>
</tr>
<tr>
<td>Canal 12</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Canal 16</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Canal 16-1-2</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Canal 16-1-3</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Canal 18</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
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<tr>
<td>Canal 18 113</td>
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<tr>
<td></td>
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<tr>
<td>Canal 18 12</td>
</tr>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>
### IX. IMPLEMENTATION SCHEDULE

#### 74. Approval of the RAP.**

The Government will send this RAP to the World Bank and it has to be approved as a precondition for appraisal.

#### 75. Information Dissemination Prior to Detailed Design.**

Prior to the commencement of detailed design, MARD will provide information about the Project throughout the project area. Information meetings will be held in all potentially affected commune to inform the communities about (i) the project scope, (ii) impacts, (iii) entitlements for all categories of loss, (iv) schedule of activities beginning with the detailed design survey, (iv) institutional responsibilities, and (v) the grievance mechanism. The PIB will be prepared and distributed to all affected communities during the meetings.

#### 76. Establishment of Resettlement Committees.**

All provinces will establish their resettlement committees at provincial and district levels as soon as the Project has been approved.

#### 77. Training for Resettlement Staff.**

Within 2 months of mobilization of the resettlement consultants for the PMO, all local resettlement staff at PPMU/SIO, PRC, DRC, and commune levels will be trained by the PMO assisted by the consultants. Training subjects will include:

1. procedures for preparing the RAPs;
2. consultation and information dissemination methods;
3. principles, policies, and entitlements of the RAPs;
4. implementation steps, procedures, and schedule;
5. grievance redress mechanism; and
6. powers and obligations of individuals/agencies involved in the process of resettlement programs.

#### 78. Updating Compensation Rates.**

During the preliminary detailed design process, the PPCs will update unit rates at replacement cost for all categories of losses and adjust allowances to account for inflation. This will be done in consultation with PAP and local government agencies.

#### 79. Detailed Measurement and Census Survey.**

Before each new phases of the VWRAP new DMS will be conducted in each subproject area after completion of the detailed design. These surveys will serve as a basis for compensation and new RAPs. Data will be computerized by PMO.
80. **Pricing Application and Compensation to PAP.** Resettlement committees at all levels will be responsible for pricing application and preparing compensation charts for each affected commune/district. These will be subject to verification by PPMU/SIO, PPCs, and PMO of unit prices, quantity of affected assets, PAP entitlements, etc. before posting them at each commune for the people to review and comment. All compensation forms must be checked and signed by the PAP to indicate their agreement.

81. **Compensation and allowances** will be handled at commune level under the supervision of representatives of DRCs and PPMU. Guidance will be given by PPMUs to aid local resettlement committees in making payments to PAP.

82. **Monitoring.** Internal and external monitoring shall start as soon as the updated RAP has been approved. Monitoring will continue throughout the construction period. A replacement cost survey should be conducted by the external monitoring organization prior or during DMS to update and advice PPC on compensation rates. A post-resettlement evaluation will also be undertaken by the external monitoring organization 6 to 12 months after completion of all resettlement activities.

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**X. MONITORING AND EVALUATION**

**A. Monitoring**

83. Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation.

84. Monitoring has two purposes:

   (i) To verify that project activities have been effectively completed including quantity, quality, and timeliness; and

   (ii) To assess whether and how well these activities are achieving the stated goal and purpose of the Project.

85. Regular monitoring of the RAP implementation will be conducted by the implementing agencies (PPMU/SIO, and PMO) as well as by an independent external monitoring organization hired by the PMO.

**B. Internal Monitoring**

86. Internal monitoring of the implementation of the subproject RAPs will be the responsibility of the implementing agencies, with the assistance of the project consultants. The implementing agencies will oversee the progress in resettlement preparation and implementation through regular progress reports.

87. The main indicators that will be monitored regularly are:

   (i) payment of compensation to PAP in various categories, according to the compensation policy described in the RAP;

   (ii) delivery of technical assistance, relocation, payment of subsistence, and moving allowances;

   (iii) delivery of income restoration and rehabilitation assistance entitlements;

   (iv) public information dissemination and consultation procedures;
(v) adherence to grievance procedures and outstanding issues requiring management's attention;
(vi) priority of PAP regarding the options offered; and
(vii) coordination and completion of resettlement activities and award of civil works contract.

88. The implementing agencies will collect information every month from the different resettlement committees. A database of resettlement monitoring information regarding the Project will be maintained and updated every month.

89. The implementing agencies will submit to the PMO a monitoring report on the progress on implementation of the RAPs. These reports will be forwarded to the World Bank as part of their regular quarterly report to the World Bank. The internal monitoring reports shall include the following topics:

(i) The number of PAP by category of impact per component, and the status of compensation payment and relocation and income restoration for each category.
(ii) The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.
(iii) The eventual outcome of complaints and grievances and any outstanding issues requiring action by management.
(iv) Implementation problems.
(v) Revised actual resettlement implementation schedule.

C. External Monitoring

90. Objectives. The general objective of the external monitor is to provide an independent periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the organizational effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.

91. Agency Responsible. In accordance with the World Bank requirements for consultant procurement, PMO will hire an organization for the independent monitoring and evaluation of RAPs implementation. This organization, to be called the Monitoring Organization (MO) will be specialized in the Social Sciences and experienced in resettlement monitoring. The MO should start their work as soon as the updated RAPs have been approved.

92. Monitoring and Evaluation Indicators. The following indicators will be monitored and evaluated by the MO:

(i) Payment of compensation will be as follows: (a) full payment to be made to all affected persons sufficiently before land acquisition; (b) adequacy of payment to replace affected assets.
(ii) Provision of technical assistance for house construction to PAP who are rebuilding their structures on their remaining land, or building their own structures in new places as arranged by the project, or on newly assigned plots.
(iii) Provision of income restoration assistance.
(iv) Public consultation and awareness of compensation policy: (a) PAP should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) the monitoring team should attend at least one public consultation meeting to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) public awareness of the compensation policy and entitlements will be assessed among the PAP, and (d) assessment of awareness of various options available to PAP as provided for in the RAPs.
(v) Affected persons should be monitored regarding restoration of productive activities.
(vi) The level of satisfaction of PAP with various aspects of the RAP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.
(vii) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

D. Monitoring Methodology

Sample Survey

93. A socio-economic survey will be required before, during and after resettlement implementation to provide a clear comparison of success/failure of the resettlement plan. Monitoring will be on a sample basis. The sample size should be 100% of relocating households and severely affected farmers, and at least 10% of all other households. The sample survey should be conducted twice a year.

94. The survey should include women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents.

95. A Post-Resettlement Evaluation will be carried out 6 to 12 months after completion of all resettlement activities.

Database Storage

96. The MO will maintain a database of resettlement monitoring information. It will contain files on each affected household and will be updated based on information collected in successive rounds of data collection. All databases compiled will be fully accessible by implementing agencies and the PMO.

Reporting

97. The MO will be required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted to the PMO, which in turn will submit the reports to the World Bank as an annex of its progress report.

98. The report should contain (i) a report on the progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.

Monitoring Report Follow-Up

99. The monitoring reports will be discussed in a meeting between the MO, PMO and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

F. Evaluation

100. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. The external monitor will conduct an evaluation of the resettlement process and impact 6 to 12 months after completion of all resettlement activities using the same survey questionnaire and sample as used during the monitoring activities.
## Entitlement Matrix

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Type of Loss</th>
<th>Application</th>
<th>Definition of Entitled Person</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
</table>
| 1    | Permanent loss of arable land | Less than 10% of total affected assets lost due to acquisition of arable land. Marginal impact on household income and living standards. | Legal user with permanent rights to use the affected land, and temporary user who will be legalized before compensation as a permanent user. | PAP will be entitled to:  
  (i) Cash compensation for acquired land at 100% of replacement cost, and  
  (ii) Cash compensation for crops and trees at market price. | HH without LURC but their name listed in the land book of the commune and still now using that land are considered as fully legal users.  
If the viability of the remaining land is less than the minimum viable economic unit, then the entire piece of land would be acquired and the PAP would fall under the next category. |
<table>
<thead>
<tr>
<th>ITEM</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Permanent loss of residential land</td>
<td>Loss of residential land without structures built thereon</td>
<td>Legal user with permanent rights to use the affected land</td>
<td>PAP will be entitled to cash compensation for land and trees/crops if yes at 100% replacement cost of the land</td>
<td>In case a multi-generation HHs need to subdivided to net family, the remaining land is not enough for building house, the PAP will be entitled to compensation option land for land as priority, and Cash in lieu of land will be offered only as a last resort or at the informed request of the PAP.</td>
</tr>
</tbody>
</table>
| 3    | Temporary impact during construction | Temporary loss of arable land | Land users with legal/legalizable rights or temporary land use right | (i) Compensation for one harvest of crops/trees at full market prices
(ii) Compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use, AND
(iii) Restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified, AND
(iv) If the duration of project's use the land exceed more than one year, then the PAP have option to: 1) Continue use of the remaining land, keeping with the legal user's agreement, OR, 2) "Sell" it to the Project at 30% of replacement costs(1); | If the quality of land will be radically changed when return to PAP, requiring PAP to change in the types of land use, then PAP should be compensated for all envisaged cost of losses |

(1) This remaining land then will be transferred by the project to local land use/management organizations.
<table>
<thead>
<tr>
<th>ITEM</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
<th>IMPLEMENTATION ISSUES</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Loss of standing crops</td>
<td>Crops located within project recovered areas and the ROW of the canal network or affected by other project component.</td>
<td>Household who cultivate the land.</td>
<td>PAP are entitled to compensation in cash at market value.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Loss of trees</td>
<td>Trees located within project recovered areas and the ROW of the canal network or affected by other project component.</td>
<td>Household who occupies the land where trees are located irrespective of land tenure status.</td>
<td>PAP are entitled to compensation in cash at market value on the basis of type, age, and productive value.</td>
<td></td>
</tr>
</tbody>
</table>