

RP299

V10

Natural Disaster Mitigation Project (WB4)

LOAN NO. CR. 4114-VN

RESETTLEMENT ACTION PLAN

**Hanoi – HCMC Railway Line Drainage System Improvement
Sub-Project**

Ha Noi, May 2008

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Abbreviated words

CPC	Commune People’s Committee
CPO	Central Projects Office
DMS	Detailed Measurement Survey
DRC	District Resettlement Committee
HCMC	Ho Chi Minh city
LCB	Local Compensation Body
PAP	People Affected by Project
PPC	Provincial People’s Committee
PPMU	Provincial Project Management Unit
PRC	Provincial Resettlement Committee
RAP	Resettlement action plan
RPMU	Railway projects management Unit
VNR	Viet Nam Railway
WB	World Bank

DEFINITION OF TERMS

1. **Affected Persons (APs).** to be any person or persons, household, a firm or private institution, who, as of the cut-off date of the Project, or any of its subcomponents or parts thereof, would have their:
 - (i) right, title or interest in any house, land (including residential, commercial, agricultural, forest and grazing land) or any other fixed or moveable asset acquired or possessed or otherwise adversely affected, in full or in part, permanently or temporarily; and/or
 - (ii) business, occupation, work, place of residence or habitat adversely affected, with or without displacement; and/or
 - (iii) standard of living adversely affected.
2. **Compensation.** Compensation means payment in cash or in kind to replace losses caused by the Project of land, housing, income and other assets.
3. **Cut-off Date.** The date that the subproject census is completed during resettlement plan preparation and the DMS is done once the detailed design of that subproject is completed. The cut-off date of eligibility for entitlement is the date of DMS completion of the subproject.
4. **Eligibility.** Any person (s) who, at the cut-off date, was located within the affected area of the Cut river and Regulating Basins, and would have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, agricultural, forest, and grazing land) or any other fixed or moveable asset acquired or possessed or otherwise adversely affected, in full or in part, permanently or temporarily; or (iii) business, occupation, work, place of residence or habitat adversely affected, with or without displacement.
5. **Land acquisition.** The process whereby a person is compelled by a public agency to alienate all or part of the land that is owned or possessed, to the ownership and possession of that agency, for public purpose in return for compensation.
6. **Monitoring.** Monitoring means the process of regularly measuring the progress in effectively completing project activities and in achieving the goal and objectives of the project.
7. **Rehabilitation.** Rehabilitation is the process of restoring income earning capacity, production levels, living standards, and social networks in the long-term. Rehabilitation measures are provided in the entitlement matrix as an integral part of the entitlements.
8. **Relocation.** Relocation is the physical movement of an AP from the pre-Project place of residence or business to a new location. May include rebuilding housing assets, including productive land and public infrastructure in another location.
9. **Replacement Cost.** Replacement cost means market value, or its nearest equivalent, plus any transaction costs such as administrative charges, registration and titling costs. Replacement cost for agricultural land will be based on its productive potential and/or on its current market value. Replacement cost of houses and structures will be based on current fair market price of new building materials and labor without depreciation or deductions for salvaged building material. Replacement cost for residential land, crops, trees and other commodities will be at the

current market value of these assets. This will ensure that the APs are able to reconstruct houses and other structures of better or at least the same quality as before. In the absence of land markets, the PPC will establish a compensation structure that enables APs to restore their livelihoods to levels equivalent to or better than those maintained at the time of land acquisition and/or resettlement.

10. **Resettlement Affects.** Resettlement affects mean all negative situations directly caused by the Project/subproject, including loss of land, property, income generation opportunity, and cultural assets.

11. **Resettlement Plan.** An action plan that is time-bound with a budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation.

12. **Severely Affected Person (s).** For this Project, severely affected person is defined as a person who will (i) lose more than 20% of total agricultural or commercial landholding; (ii) be physically displaced, or lose more than 50% of their main residential and/or commercial structure, or whose houses or structures are considered unstable or unviable, and/or (iii) lose more than 20% of their total income sources due to the Project.

13. **Vulnerable Groups.** Vulnerable groups are distinct groups of people who might suffer disproportionately from resettlement effects, including the poor landless and semi-landless, female-headed, elderly and disabled households. No ethnic minority households were found to be adversely affected by this Project, or any subcomponents thereof.

CHAPTER 1. INTRODUCTION

Introduction on Natural Disaster Risk Management Project

Basic information on Natural Disaster Risk Management Project

1. Name of Project: Natural Disaster Risk Management Project. Project code: Cr. No 4114 – VN.

2. Project location: The project will concentrate into provinces with the heaviest affected possibility, which is mainly in the heaviest flood areas and the most frequent in Mekong Delta River and North and Central provinces. Stage I includes 12 provinces. Stage II supplements more 5 provinces.

- Sponsor: World Bank (WB): 86. 00 million USD
Netherland Government (NTF): 8. 50 million USD
Japan PHRD fund: 4. 50 million USD
Japan JSDF fund: 1. 46 million USD
Domestic capital: 12. 04 million USD

- Project Manager: Ministry of Agriculture and Rural Development

- Implementation time: 3 years: 2006-2009
Project came into effect from: 30/5/2006.
Finished project (anticipated): 31/12/2009.
Closing day of loans of stage I : 30/6/2010.

Comprehensive target of project

3. Comprehensive target of project is to rescue people, reduce risk, protect economical asset and ensure for quick rehabilitation after natural calamity of poor households living in dangerous areas. Loss of man, economy and finance will be reduced by supporting for Vietnamese government in development and implementation of Second National Strategy. This needs a development and renovation at each level because Vietnam is preparing a comprehensive alternative and unifies in natural calamity risk management action including provision of development plan, preparation, forecast, prevention, reduction and rehabilitation of natural calamity.

4. Development target of proposed project (in Phase 1) is the first step to support for the Government in implementation of Second National Strategy to reduce easily harmful level caused by natural calamity. This project will encourage to change from dealing with natural calamity into natural calamity resolution. It should establish and implement a comprehensive organization structure for natural calamity resolution for its prevention, preparation, reduction and rehabilitation.

Components and main outlet

Component 1- Prevention and Mitigation Investment

5. This is the major investment component of NDRMP and it supports a range of priority structural and non-structural prevention and mitigation subprojects of medium-scale investment, including:

- structural subprojects focussing on participatory planning, construction and rehabilitation of flood and storm-control infrastructure; and
- non-structural subprojects focussing on upgrading flood and storm monitoring, modelling and prediction capabilities, mainstreaming risk-assessment into development planning process, enhancing public awareness, and developing disaster prevention and risk management in educational curricula and knowledge sharing systems.

Component 2: Community-Based Disaster Risk Management (CBDRM)

6. Component 2 addresses three key priorities of the Government of Vietnam: disaster risk management, sustainable development and poverty reduction, and draws attention to the inter-relationship between these. Where rural communities continue to suffer severe impacts of flood, storm, drought and other natural hazards, their health and well-being are affected and their capacity to save, produce and invest is halted or reduced. Conversely, poverty and disaster vulnerability are closely related, in that poverty is a factor that often prevents communities and households making the necessary investments to reduce the potential impacts of natural hazards.

Component 3: Post-Disaster Reconstruction Support (PDRS)

7. Component 3 is designed to address a recurrent financing gap in public resources available to fund reconstruction costs associated with near annual, less major floods and storms. It aims to provide a rapid disbursement facility to fund post-disaster reconstruction of small-scale public infrastructure, supporting fast recovery and reducing the diversion of limited public investment resources from new development investments into reconstruction. The component will be implemented by the MoF and will operate to the extent possible in accordance with existing government procedures for allocation and disbursement of its State Contingency Budget.

Component 4: Project Management and Institutional Strengthening (PMIS)

8. This component will strengthen government institutions to ensure better coordination and integration among the various agencies and different levels responsible for prevention, response and recovery.

9. Project management and institutional strengthening at the Central Government level would focus initially on strengthening the Disaster Management Center (DMC), which acts as the Standing Office of the Central Committee for Flood and Storm Control, situated in MARD, and the General Department of Hydro-Meteorological Services (GDHMS) situated in MoNRE.

10. At the Provincial Government level, the focus would be on the Provincial Flood and Storm Control Committees, with an emphasis on inter-Provincial cooperation mechanisms, as well as on multi-sectoral planning involving all Ministries.

Introduction to The Hanoi – HCMC Railway Line Drainage System Improvement Sub-Project.

11. The Hanoi-Ho chi minh City railway line is the main North-South traffic axis, which is responsible for carrying a big transportation volume on freight and passengers, serving for development of National Economy.

12. The railway line crosses over the midland and plain areas with high density population along to two sides of the railway line. Railway embankment is normally composed of sand with soil, so the adhesion is not tight. In many sections, because of passing over rice fields, the embankment has been carved to its footing for making crop farms and rice field by the local people. Local residents have occupied the low excavation and filling sections at track shoulder and right of way area of railway for planting short-day fruit trees such as banana, bean, peanut and sweet potato buds, etc... They even planted spinach in side ditches. These actions will increasingly weaken the embankments. Especially, in the rainy season, floods created heavy damages to the embankment. Some railway sections were collapsed; bridges and culverts were broken down causing train operation interruption.



13. Mainly slopes of cutting roadbed sections, where passing the hillside and low mountain-side, have not been strengthened. Because of mixing with many gravel and sand, soils of cutting roadbed are incohesive at sections crossing through decayed ashlar or gravel hill area. Therefore, when it is heavy rain, surface water flew down the ditch bringing soils, ashlar, sand gravels filling up the side-ditch. Water overflowed into embankment surface and ballast cushion caused stagnant water and mud pumping.



14. Drainage system in Hue station: Freight yard of Hue station is located under Bao Quoc hill, whenever it is heavy rain, water from the hill flew down to Hue station for coming to Phu Cam River, while the drainage system of station area has been deteriorated seriously, unable to drain water to Phu Cam River. Therefore, turnouts and tracks in loading and unloading yard are always stagnated when heavy rain occurs, rain-water overflows to Bao Quoc road then pours mostly water into entrance of freight yard of station causing submergence of some tracks in station and damage to superstructure as well as weakening of embankment and making unaesthetic view of station in front of a high density of tourists.



15. Regarding to new culverts proposed to install: All positions, which are proposed to install the new culverts, have the following common characteristics: They have no bridge and drainage culvert or they have bridges and culverts but they are lack of drainage aperture for the long-time rains and floods. For this reason, water stagnates and comes up to the upstream causing scouring leading erosion of track shoulder and submergence of fields, water even overflows the embankment and ballast cushion caused damage to the superstructure.



1.3 Sub-project objectives

16. Besides common objectives of the Natural Disaster Risk Management Project, The Hanoi – HCMC Railway Line Drainage System Improvement Sub-Project has specific targets as follows:

- Minimizing damages caused by flood and storm to train passengers and inhabitants living along Hanoi – Ho Chi Minh city Railway;
- Railway infrastructures reinforcing to assure passing ability of traffic network in rainy and storm season to timely response to flood and storm control and rescue task when heavy torrential rain occurs;
- Ensuring stability of works, enhancing transportation safety and transportation means, to protect lives and properties of passengers and persons in charge of transportation, management and repair of track.

1.4 Legal Bases

- Construction law No.16/2003/QH dated 28 November, 2003.
- Decree No.16/2005/ND-CP dated 7 May, 2005 of the Government.
- Decision No.2340/QD-BGTVT dated 03 August, 2004 of Ministry of Transport on preparation permission of work investment.
- Letter No.3301/QD-BGTVT-KHDT dated 30 May, 2007 of Ministry of Transport authorized to the Vietnam Railways to make approval and decision of Investment for The Hanoi – HCMC Railway Line Drainage System Improvement Sub-Project

- Package 6: Included 4 item of railway improvement in Binh Dinh Province
- Package 7: Included 4 item of Drainage system Improvement and 3 item construction new culvert in Phu Yen, and Khanh Hoa provices

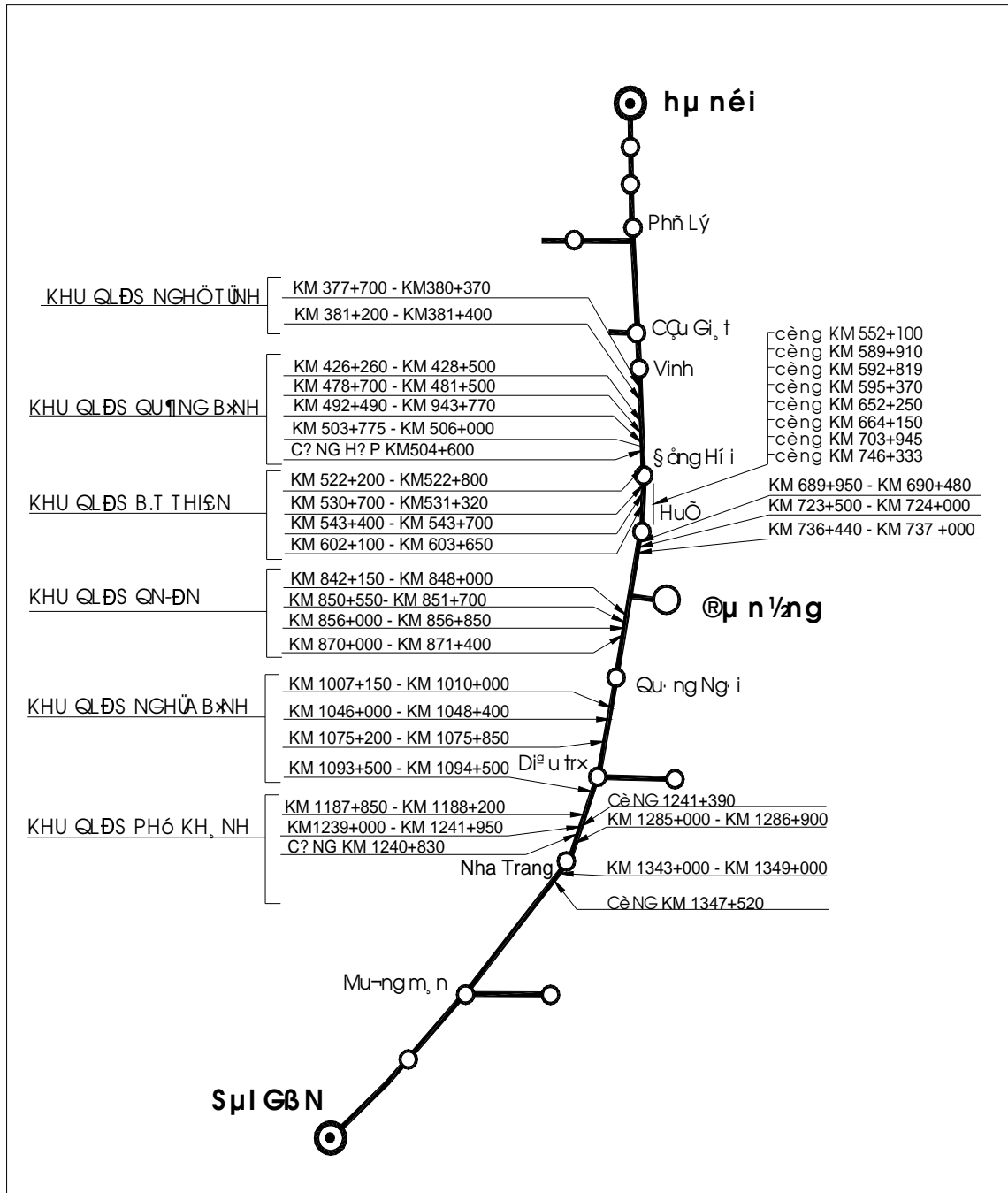
This Schedule will be established basing on following conditions:

- 1) Sub-project will approved by World Bank (WB) on July, 2008
- 2) WB and Vietnam Railways (VNR) will permit to implement Procurement procedure for construction packages before completion of design work due to nature of simple and small scale of packages (construction package 1 is estimated to bid from September, 2008 and finished in November, 2008).

2.1 Scope of civil works

17. The Hanoi – HCMC Railway Line Drainage System Improvement Sub-Project is scattered from Km 337 + 390 (in Ha Tinh province territory) to Km1349 + 000 (in Khanh Hoa province territory). The target of the Sub-project is to improve and upgrade 25 weak embankment sections, construct 12 new culverts and rehabilitate the drainage system at Hue Station (Please see details in Appendix 1).

LOCATION MAP OF THE SUB-PROJECT



2.2 Scope of project impact.

18. There is no permanent land acquisition of local people in this subproject, but temporarily use land in the railway protection zone managed by the Railway Agency. There will be no alignment change for safety or speed reasons that would cause land acquisition, and no evictions or other intensified enforcement of ROW provisions. However, the construction of civil works will affect crops and trees of farmers which are planted on the protection zone. The affected crops and trees mainly are rice and vegetable, banana and some perennial trees (Table 2.2). It is estimated that one crop season will be affected during construction duration of 3 months for each civil works package. If the construction duration is longer than 3 months and it would affect one more crop, an additional compensation for the following crop will be applied.

Table 2.2 – Summary of impacts of the Sub-Project

No	Item	Unit	Quang Binh Province	Khanh Hoa Province	Total
1	Rice and vegetable	m ²	20,767	545	21,312
2	Perennial	tree	5		5
3	Banana	tree	9,900		9,900
4	Number of affected households	household	145	22	167

Source: RPMU

19. It is estimated about 167 households to be affected their crops and trees, of which 145HHs and 22 HHs are in Quang Binh and Khanh Hoa provinces, respectively. All PAPs are Kinh people, no ethnic people living in the project area. The exact number of affected households and assets will be determined after completion of detailed design and inventory.

20. There is no investment in improvement of land due to cultivation on the public land, therefore the affected households are not entitled compensation for land improvement but are entitled compensation for affected trees, rice, vegetable and perennial trees.

21. After completion of the civil works construction, these land areas will be restored as its original situation. The affected households could be allowed to cultivate on these land but not allowed to build structure on the land.

CHAPTER III. SOCIO - ECONOMIC INFORMATION

22. There is no socio-economic survey of affected households in the subproject area since the construction of the civil works temporarily affects land in the railway protection zone in some sections in the territory of Quang Binh and Khanh Hoa provinces, the project impact degree is not serious, no household to be relocated and no ethnic people

living in the project area. After completion of the Project, the cultivations can be done in this area by the PAPs.

CHAPTER IV: COMPENSATION POLICY

4.1 Objective of compensation

23. The Sub-Project affects only crops and trees of farmers cultivated in the railway protection zone in some railway sections in the territory of Quang Binh and Khanh Hoa provinces. Therefore, the compensation policy in this RAP is only applied for affected crops and trees, no rehabilitation allowances are applied in the policy because there is no severely affected PAPs.

24. The general objectives of the compensation policy of the Sub-project is to ensure that living standard and income of all affected people are improved or at least maintained as before project.

4.2 Involuntary Resettlement Policy of the World Bank (OP4.12)

25. All resettlement and compensation activities in WB-funded projects must comply with regulations in OP 4.12 regulating the World Bank Policy on involuntary resettlement. According to this policy, PAPs must be informed and consulted adequately about the land acquisition, resettlement and compensation plan. All PAPs are compensated for assets and land affected, and are supported to improve or at least remain their living conditions and livelihoods as in pre-project conditions.

26. Absence of legal rights on land will not affect the entitlement to compensation of PAPs. Assets affected will be compensated with replacement price.

27. Land acquisition, compensation and resettlement must be acknowledged and implemented as an integral part of the project. Therefore, all costs for land acquisition, resettlement and compensation should be included in the project cost. .

4.3 Compensation and resettlement Policy of the Vietnamese Government

28. In recent years, the Government of Vietnam has promulgated some law and regulations in order to protect the rights and entitlements of PAPs. The laws and regulations that relate and govern the land acquisition, resettlement and compensation activities are:

- (i) The Constitution of the Socialist Republic of Vietnam, April 15th 1992, revised in accordance with Resolution No. 51-2001-QH10 on December 25th 2001 by the Legislature X, issued in Session 10 of the National Assembly;
- (ii) The Land Law No. 13/2003/QH11 (December 2003);
- (iii) The Decree No. 188/2004/ND-CP (November 2004) regulating the methods of determination of land prices and price framework for different land categories;

- (iv) The Decree No. 197/2004/ND-CP (December 2004) regulating the compensation and assistance for resettlement when the State acquires land;
- (v) The Circular No. 116/2004/TT-BTC (December 2004) instructing to implement the Decree No. 197;
- (vi) The Decree No. 181/2004/ND-CP (November 29th 2004) regulating the execution of The Land Law 2003
- (vii) The Circular No. 30/2004/TT-BTNMT (November 1st 2004) guiding to prepare, adjust and appraise the land use plan and planning;
- (viii) The Circular No. 01/2005/TT-BTNMT (April 13th 2005) instructing to execute the Decree No. 181;
- (ix) The Decree No. 17/2006 regulating and supplementing some provisions to the Land Law 2003 and the Decree No. 197 (November 2004).
- (x) The Decree No. 84/2007/ND-CP promulgated in May 25th 2007 regulating the supplement on issuance of certificate of land-use rights, land acquisition, implementation of land-use rights, order and procedures of land acquisition, resettlement, support and compensation when the State acquires land and the land-related grievance mechanism.
- (xi) The Decree No. 123/2007/ND-CP promulgating on July 27th 2007 supplementing to methods on determination of prices for land.

29. The Land Law 2003, passed in December 2003 and came into effect since July 1st 2004, superseding the Land Law 1998. The Land Law 2003 is a comprehensive land administration law, specifies provisions on land allocation, management of land lease, land recovery for development purposes, changes in value of land in market mechanism, and enables people to have access to the land source with the Land-Use Right certificate (LURC). Some of the important issues that are relevant to land usage, acquisition, and resettlement, are summarized as below:

- (i) The State reserves the right to allocate land and determine its usage;
- (ii) Families and individuals who have been allocated land have the right to exchange their land for another piece; transfer their right to use land to another party; and rent, bequeath, or use their land as collateral;
- (iii) The People’s Councils at all levels are responsible for managing land issues in their domains, as provided for by laws.
- (iv) The land user who has “permanent” land-use rights can have “eligible” rights or “legalizable” rights; and
- (v) Eligible land-users are people who possess LURCs, and legalizable land-users are people who are in process of being granted with LURCs by district government or people who have temporary land-lease contracts which can be legalized; and
- (vi) The State reserves the right to expropriate land when truly necessary, in cases of national defense or security or national and public interest. In these cases, as specified in Article 27, the land users will be compensated for the land or assets acquired or affected.

30. The Decree No. 197/2004/ND-CP (3/12/2004) regulating *the compensation, support and resettlement when the State acquires land for its use* which supersedes the Decree No. 22 which used to provide a base for *the compensation, support and resettlement when the State acquires land for national defense or security or national and public interests*. The Decree No. 197 contains many provisions close to the World Bank policy on involuntary resettlement than in the Decree No. 22, including the following provisions:

In projects which are financed from the official development assistance fund (ODA), if the compensation, support and resettlement required by the donor are discrepant to the provisions in this Decree, before signing the international agreement, the project executing agency has to report to the Prime Minister for review and decision. *In case, the international agreement that Vietnam has signed or entered has provisions different from provisions specified in this Decree, the provisions specified in such international agreement will govern*” (Chapter 1, Article 1, Item 2).

31. The Land Law 2003 and the Decree 197 have significant progresses in narrowing the discrepancies between the laws, regulations of the Governments with the applicable requirements for ODA projects, therefore, are closer to the WB’s policy on Involuntary Resettlement. The remaining discrepancies will be continuously narrowed with the promulgation of the Decree No. 17/2006.

32. The Decree No. 84/2007/ND-CP issued on May 25th 2007 regulating the issuance of LURCs, procedures and steps on land acquisition and resettlement. This Decree specifies the time to determine whether land-users are legal or illegal. This Decree also requires that the land acquisition, resettlement and compensation must be implemented democratically and transparently for PAPs.

33. Project Provincial Decisions on resettlement and compensation

(i) Decision No. 28/2005/QĐ-UB dated November 28, 2005 of Quang Binh People’s Committee authorized to compensate, support and resettle when the state recovers land in Quang Binh.

(ii) Decision No. 33/2006/QĐ-UB dated August 21, 2006 of Quang Binh People’s Committee on price list for property to compensate when the State revokes land in Quang Binh province.

(iii) Decision No. 63/2006/QĐ-UB dated December 29, 2006 of Quang Binh People’s Committee on assigning the price of land in Quang Binh province in 2007

(iv) Decision No. 30/2005/QĐ/UB dated March 31, 2005 of Khanh Hoa People’s Committee authorized to assign the limit of delivering land, agricultural land,; the limit of recognizing land in case of land including garden and pound for households, individuals in Khanh Hoa province.

(vi) Decision No.02/2007/QĐ-UB dated on January 15,2005 of Khanh Hoa People’s Committee authorized to compensate, support and resettle when the state recovers land in Khanh Hoa.

(viii) Decision No.04/2007/QĐ-UB dated January 26,2007of Khanh Hoa People’s Committee on Price of land 2007.

34. In this subproject, there is no land compensation, but compensation for affected crops and trees, so there is no presentation on land compensation policy in this RAP.

4.4 Compensation policy for crops and trees

35. All PAPs have crops and trees affected by the subproject to be entitled compensation for their crops and trees, though they cultivate on the public land. The compensation policy is regulated as follows:

(i) Annual crop: before land acquisition 3 months, PAPs will be informed that the land area they are cultivating will be temporarily used for construction of civil works, so they need to harvest crops timely. If the affected crops cannot be harvested timely in notification period, PAPs will be compensated for these crops at market price. The compensation value is equal to average output of the affected crops of 3 last years multiplying with current market price of those crops.

(ii) Perennial trees: Affected persons will be compensated for affected trees at market price. The compensation value is current market price of those trees, based on type, age and production value of affected trees.

36. In case, if the subproject will need to borrow some land temporarily for storing material or construction camp, the same policies will be applied to compensate for the lost tree, crops and the borrowed land will be restored to the original status before returning to the land owners.

37. All compensation payments should be made before the civil work starts

CHAPTER 5. REMOVAL OF HOUSE AND RESETTLEMENT

38. There is no residential land acquisition and house impacts in the subproject, so removal and resettlement issues are not applied.

CHAPTER 6. INFORMATION DISSEMINATION, PUBLIC CONSULTATION AND GRIEVANCE REDRESS

6.1 Objectives of public information and consultation

39. Public dissemination, consultation with PAPs and mobilization of participation of PAPs as well of relevant agencies and organizations is to ensure the transparency in the project, 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 PAPs.

40. The objectives of the public information dissemination, participation of relevant parties and public consultation with PAPs are to: (i) provide PAPs full information about the project, project components and recommended activities; (ii) collect information on needs and priorities of PAPs and affected communities, their reactions to the project policies and activities; (iii) Obtain the cooperation and participation of the PAPs and communities in activities necessary for resettlement planning and implementation; (iv) have the opportunity to participate in activities and decision-making about issues that will directly affect their income and living conditions; and (v) ensure the transparency in all activities related to land acquisition, resettlement, compensation, and rehabilitation.

6.2 Information dissemination implementation

41. This RAP will be delivered to PAPs after approved by WB and PPC of related provinces. The RAP and Sub-project information documents are also posted publicly at Investor’s Office, DRCs’ Office, and CPCs’ Office so that people can access and read.

42. Besides, RPMU have responsibility to co-operate with project location authorities to disseminate and supply completely information for PAPs, including information about project, compensation policy and implementation organization, compensation cost and grievance redress mechanism. The project information and compensation policy will be disseminated by PAPs meeting, mass media system of communes and leaflets.

6.3 Grievance redress mechanism

43. PAPs are informed that any mistake or misunderstanding about any aspects of the project will be heard and supported by DRCs for solution. If PAPs have any complains or questions related to land acquisition, compensation, rehabilitation process, including compensation rates, they all have rights to appeal and their complaints will be solved up. PAPs will be explained about redress procedures.

44. In order to ensure that all questions, complaints of PAPs related to any aspects of land acquisition, resettlement and compensation to be solved on time and satisfactorily, it is necessary to set up an appropriate grievance redress procedures. It is important that PAPs should be aware of such grievance redress procedures. The detailed grievance redress procedures shall be informed to PAPs in the public information dissemination.

45. Grievance Redress Procedure: 4 stages comprise of:

Stage 1: Complaints from PAPs on any aspect of the land acquisition, resettlement and compensation, or losses not previously addressed shall first be lodged verbally or in written form to the Commune People's Committees (CPCs). The complaint can be discussed in an informal meeting with the plaintiff and the chairman of the CPCs. The CPCs will be responsible for resolving the issue within 15 days from the day it is lodged.

Stage 2: If no understanding or amicable solution cannot be reached, or if no response from the CPCs is received by the PAP within 15 days of registering the complaint, he/she can appeal to the DRCs. One DPCs vice chairman will directly hear the case delivered by PAP and the complaining PAP will be invited to compile his/her case. The DRCs will provide a decision within 01 month of the registering of the appeal.

Stage 3: If the PAP is not satisfied with the decision of the DPC or in the absence of any response by the DRCs, the PAP can appeal to the Provincial People’s Committees

(PPCs). The PPCs together with the representative of the PRCs will provide a decision on the appeal within 30 days from the day it is lodged with the PPCs.

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

CHAPTER 7 - IMPLEMENTATION ORGANIZATION

46. The Sub-project only affects crops and trees cultivated on land to be temporarily used during construction. Therefore, RPMU proposes that compensation activities will be implemented by Contractors under strictly monitoring and supervision of RPMU and the local authorities. All compensation activities and policies must be complied with the regulations in the RAP. Because of small compensation amount, it is proposed that the compensation amount should be taken into construction costs of packages and used counterpart fund.

CHAPTER 8 - EXPENDITURE AND BUDGET

8.1 Expenditures

47. Current compensation cost has been established based on the effected area determined in the basic design stage and unit prices of tree and farm products issued by PPCs of Quang Binh and Khanh Hoa in December 2007 to apply for 2008. During implementation of compensation work, compensation price will be updated in accordance with regulations of provinces and replacement cost. Compensation Cost Estimation for subproject as below Tables:

Table 8.1.2a: Cost estimation of compensation for affected crops/trees in Quang Binh

No	Item	Quang Binh province			
		Unit	Quantity	Unit price (VND)	Cost (VND)
I	Compensation for farming product				
I.1	Rice and vegetable	m2	20,767	3,700	76,838,000
I.2	Perennial	tree	5	180,000	900,000
I.3	Banana	tree	9,900	20,000	198,000,000
Total					275,738,000

Table 8.1.2 b: Cost estimation of compensation for affected crops/trees Khánh Hoà

No	Item	Khanh Hoa province			
		Unit	Quantity	Unit price (VND)	Cost (VND)
I	Compensation for farming products				
I.1	Rice and vegetable	m2	545	5,000	2,725,000
I.2	Banana	tree	0		0

CHAPTER 10: MONITORING AND EVALUATION

10.1 Objectives of Monitoring

50. Monitoring is the continuous process of assessment of project implementation, completion, and achievements of project activities and achievements of the project objectives. Monitoring is an action that is carried out in a time in order to verify impacts of interventions and the compliance of the preset objectives.

51. Overall monitoring objectives are to ensure that the compensation and implementation of RAP are proper and on time as indicated in the resettlement plan. The RAP implementation will be monitored internally and independently (external) which aims at providing feedbacks to project management agencies about the implementation status and recognizing on time problems and difficulties as well as achievements as quickest in order to have on time adjustments to the implementation organization. Continuously monitoring RAP implementation will be carried out by the project implementing agencies, World Bank, and external monitoring organization (MO).

10.2 Internal monitoring

52. RPMU will be responsible to implement internal monitoring on resettlement activities. One staff of RPMU will be in charge of updating all information and data on compensation activities and write the monthly and quarterly reports to the PPMU and CPO and WB.

10.3 Independent monitoring

53. CPO will hire an independent monitoring organization (MO) for all project implementation duration. MO must be an organization which specializes in social science and have experiences in monitoring the resettlement implementation. MO will start the work after the updated resettlement action plan is approved.

Objectives

54. Objectives of the external monitoring are to:

- (i) Provide an independent assessment of achievement of resettlement and compensation process. The independent monitoring organization, if necessary, will provide external assistance and technical assistance for the project implementing agencies and RCs;
- (ii) Contribute opinions to solve up pending and potential issues in implementing recommended programs in this RAP;
- (iii) Give an overall assessment on RAP programs with a longer term and wider socioeconomic vision

Monitoring and assessment indicators

55. Due to marginal impact of the subproject, MO should undertake to monitor and assess with the indicators as below:

- (i) Compensation payment: Fully sufficient compensation will be paid to PAHs before land is acquired, and compensation rate should be sufficient to replace affected assets;
- (ii) Compliance between resettlement activities and civil works schedule: All activities related to resettlement and land acquisition of any work items must be completed before signing civil works contract for such work items.
- (iii) Public consultation and awareness improvement about the resettlement and compensation: (a) PAHs should be fully informed and consulted with opinions about activities related to the resettlement, including land acquisition and land lease; (b) public awareness about the compensation and resettlement policy and entitlements will be assessed among PAHs;
- (iv) Satisfaction of PAHs: (a) satisfaction of PAHs to different aspects related to the land acquisition, resettlement and compensation will be monitored and recorded adequately; (b) operation of the grievance redress mechanism, results and efficiency of solutions of grievance redress mechanism will be reviewed.

Appendix 1: Scope of sub-project

TT	Kilometer	Position	Length (m)	Existing situation	Solution
Track works					
1	Km377+700 - Km380+370	Ha Tinh	2670	Average height of embankment: 5.0m, damaged talus due to flood	Construction of the cutoff, stone revetment of negative talus slope
2	Km381+200 - Km381+400	ditto	200	Part cut - part fill formation of which slope is eroded due to rain and flood	Construction of low retaining wall, ditch, the cutoff, stone revetment of unexposed talus part
3	Km426+260 - Km428+500	Quang Binh	2240	Part cut - part fill formation with surface width of $\leq 6m$, topically eroded talus due to floods and storms	Construction of side ditch, stone revetment for exposed talus part, low retaining wall
4	Km478+700 - Km481+500	ditto	2800	Embankment with surface width of 4.4÷6.0m, being submerged in big flood or eroded due to effect of wave	Construction of ballast curb, the cutoff, stone revetment on both sides
5	Km492+490 - Km493+770	ditto	1280	Embankment with height of 1.5÷3.0m on field, topically eroded in rainy seasons	Construction of ballast curb, the cutoff, stone revetment on both sides
6	Km503+775 - Km506+000	ditto	2225	The cut formation with eroded talus due to water from top of the fill which makes the ditch filled	Construction of the cutoff, unexposed talus part, side ditch and talus
7	Km522+200 - Km522+800	ditto	600	Mainly the cutting on which rail top is often submerged in big rain due to fast rising water and slow drainage	Construction of side ditch and stone revetment for exposed talus part
8	Km530+700 - Km531+320	ditto	620	Embankment with average height of 3.0m. In some sections, ballast curb and stone revetment have been built	Construction of ballast curb, the cutoff and stone revetment of unexposed talus part
9	Km543+400 - Km543+700	ditto	300	Embankment with average height of 2.0m with embanking materials are aggregate. Shoulder is often submerged and talus is collapsed in heavy rain	Construction of ballast curb, the cutoff and stone revetment of unexposed talus part
10	Km602+100 - Km603+650	Quang tri	1550	Embankment is mainly constructed with aggregated soil. Talus is often submerged and sliden in heavy rain.	Construction of the cutoff and stone revetment of unexposed talus part
11	Km689+950 - Km690+480	ditto	530	Formation is mainly low embankment with aggregated stone with side ditch in some sections on both sides. Some	Construction of the cutoff and stone revetment of unexposed talus part

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				section is often collapsed and eroded in heavy rain.	
12	Km723+500 - Km724+000	Thua Thien Hue	500	Formation is mainly the cutting. Remaining part is embankment. For the cutting section, sand from the top of exposed talus filled up side ditch. For the filling, talus is collapsed sliding in case of heavy rain.	Construction of the cutoff, side ditch and stone revetment of exposed talus part
13	Km736+440 - Km737+000	ditto	560	Embankment with average height of 2.0m. Materials are aggregated soil with some scoured section after rainy seasons.	Construction of the cut off and stone revetment of unexposed talus part
14	Km842+150 - Km848+000	Quang Nam	5850	Low embankment with average height of 2.5m, height of some bridge approach sections on deep fields is 3.5m which are eroded in heavy rains.	Construction of the cutoff, stone revetment of negative talus slope
15	Km850+550 - Km851+700	ditto	1150	Bazan soil cutting formation is 3m deep; in rainy season, many talus positions are eroded. Height of embankment crossing rice fields is 5m; in rainy season, raising of water level leads to talus damage affecting formation stability.	Construction of side ditch in cutting section.. Construction of the cutoff, stone revetment of negative talus slope
16	Km856+000 - Km856+850	ditto	850	High embankment crossing rice fields is lower than 5.5m, surface formation width 5.0m, some parts are reinforced by blocked stones in order to prevent from ballast drifting.	Construction of the cutoff, stone revetment of negative talus slope
17	Km870+000 - Km871+400	ditto	1400	Formation is mainly embankment; in rainy season, raising of water level causes erosion and affects the formation stability; surface formation width 5.0m.	Construction of side ditch, cutoff, ballast wall, stone revetment of negative talus slope
18	Km1007+150 - Km1010+000	Binh Dinh	2850	High embankment over deep fields, surface width $\leq 5.50m$, formation is relatively stable. In heavy rains and floods, talus of embankment if seriously eroded. Talus slope is some parts is reinforced.	Construction of the cutoff, stone revetment of negative talus slope
19	Km1046+000 -	ditto	2400	High embankment, surface width $\leq 5.20m$, in rainy and	Construction of the cutoff, stone revetment

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	Km1048+400			flood season, raising of water level cause erosion of talus and track shoulder; positions with narrow surface: ballast curb was constructed.	of negative talus slope
20	Km1075+200 - Km1075+850	ditto	650	Formation is cutting formation of 3m depth, surface width 5.20m; in heavy rains, soil and sand fill up side ditch and water is stagnated in ballast formation causing mud spouting.	Construction of retaining wall, side ditch, the cutoff, stone revetment of negative talus slope
21	Km1093+500 - Km1094+500	ditto	1000	Embankment crossing rice fields with surface width of $\leq 5.0m$, existing conditions are fill mixed with sand, erosion of talus in rain and flood; talus slope in some section have been reinforced.	Construction of ballast wall, side ditch, the cutoff, stone revetment of negative talus slope
22	Km1187+850 - Km1188+200	Phu Yen	350	Formation is mainly cutting formation with high talus slope, surface width 4.50m; in rainy season, talus slope is eroded; water is stagnated in formation causing mud spouting and ballast bag.	Construction of retaining wall, side ditch, ballast curb, stone revetment of positive talus slope
23	Km1239+000 - Km1241+950	Khanh Hoa	2950	Formation is mainly high embankment with height of 3.50m, surface width B 5m, some formation positions are eroded.	Construction of retaining wall, side ditch, the cutoff, stone revetment of negative talus slope
24	Km1285+000 - Km1286+900	ditto	1900	Embankment crossing rice fields, width of formation 4.5m÷5.5m, talus slope is eroded in rainy season.	Construction of ballast curb, the cutoff, stone revetment on both sides
25	Km1343+000 - Km1349+000	ditto	6000	Complicated topography; some parts are embankment, some are cutting; some are haft cut-haft fill; formation width 4.5 @ Õn 5.5m.	Construction of retaining wall, side ditch, ballast curb, stone revetment of positive talus slope. Construction of the cutoff, stone revetment of negative talus slope
Total			43.425		
Convert items					
No	Kilometer	Position	Existing situation		Solution
1	Km504+600	ditto	High embankment is often submerged in case of big flood. At present, there is no		Construction of new box culvert

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			culvert for drainage	BxH=250x250cm L=8m
2	Km552+100	Quang Binh	Culvert is under embankment with average height of 2.5m, surface width of 6.5m. The existing culvert is of pipe type $\Phi 0.5m$, unable to meet demand of water drainage, causing flood for residential zone	Construction of 1 new culvert of $\phi 1.5m$ for track, 1 culvert of $\phi 0.75m$ for road
3	Km589+910	Quang tri	Culvert is under high embankment of 1.2m, surface width of 6.5m. Existing one can not meet demand of drainage, causing topical flood	Demolition of existing culvert, making of new box culvert BxH=200x130cm L=7m for drainage
4	Km592+819	ditto	Culvert is under high embankment of 1.2m, surface width of 6.0m, still in good condition but poor drainage function	Demolition of existing culvert and making of new box culvert BxH=200x200cm L=9m for drainage
5	Km595+370	ditto	Culvert is under high embankment of 1.2m, surface width of 6.0m, still in good condition but poor drainage function.	Demolition of existing culvert, making of new box culvert BxH=100x130cm L=6m
6	Km652+250	ditto	Culvert is under high embankment of 1.0m, surface width of 5.5m. The existing one is of $\Phi 0.9m$.	Demolition of existing culvert, making of new box culvert BxH=200x150cm L=9m
7	Km664+150	ditto	Culvert is under high embankment of 2.0m, surface width of 6.50m, still in good condition but poor drainage function in rainy season.	Demolition of existing culvert, making of new box culvert BxH=200x130cm L=6m
8	Km703+945	Thua Thien Hue	Culvert is under high embankment of 1.0m, surface width of 6.0m, still in good condition but poor drainage function in rainy season.	Demolition of existing culvert, making of new box culvert BxH=200x130cm L=12m
9	Km746+333	ditto	Culvert is under high embankment of 5.0m, surface width of 5.0m. Existing culvert $\Phi 0.6m$ is still in good condition but poor drainage function in rainy season.	Demolition of existing culvert, making of new box culvert BxH=200x130cm L=12m
10	Km1240+830	Khanh Hoa	There's no existing culvert. Upstream culvert of Highway 1A runs towards railway track which causes water flood and talus slope erosion.	Box culvert BxH=200x130cm
11	Km1241+390	ditto	There's no existing culvert. Upstream culvert of Highway 1A runs towards railway track which causes water flood and talus slope erosion.	Box culvert BxH=200x130cm

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12	Km1347+520	ditto	There's no existing culvert. Upstream culvert of Highway 1A runs towards railway track which causes water flood and talus slope erosion.	Box culvert BxH=200x130cm
13	Improvement of drainage system of Hue station	Hue city	Damaged culvert and drainage ditch system. Tracks inside station are submerged in case of heavy rain.	Construction of longitudinal ditch, catchments, RC culvert to facilitate water discharging into Phu Cam river