

**ASIAN DEVELOPMENT BANK**

**TAR: VIE 34055**

**TECHNICAL ASSISTANCE  
TO THE  
SOCIALIST REPUBLIC OF VIET NAM  
FOR  
ENHANCING THE RESETTLEMENT LEGAL FRAMEWORK  
AND INSTITUTIONAL CAPACITY**

**September 2001**

**CURRENCY EQUIVALENTS**  
(as of 31 August 2001)

Currency Unit	–	Dong (D)
D1.00	=	\$0.00007
\$1.00	=	D14,991

**ABBREVIATIONS**

ADB	-	Asian Development Bank
MOF	-	Ministry of Finance
NRAP	-	National Resettlement Action Plan
TA	-	technical assistance

**NOTES**

- (i) The fiscal year (FY) of the Government ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

## I. INTRODUCTION

1. In February 2000, Viet Nam's Ministry of Finance (MOF) requested Asian Development Bank (ADB) assistance to enhance the resettlement legal framework and build institutional capacity for involuntary resettlement planning and management. The technical assistance (TA) is included in the 2001 country program Viet Nam. Following the TA reconnaissance missions in March and December 2000, MOF confirmed on 2 May 2001 that the TA would focus on the preparation of a new decree for land acquisition, compensation, and resettlement to replace Decree 22/CP of 1998, and associated capacity building. The TA Fact-Finding Mission visited Viet Nam from 17-22 May 2001 and reached an understanding with the Government on the objectives, scope, cost estimates and financing plan, implementation arrangements, and outline terms of reference for consulting services for the TA. The TA framework is included in Appendix 1.<sup>1</sup>

## II. BACKGROUND AND RATIONALE

2. The policy and legal framework for land acquisition in Viet Nam has been evolving rapidly over the past decade. MOF's request to ADB is timed to build on several recent initiatives, and bring them to completion. Since 1992 the Viet Nam Constitution has provided a legal basis for compensation to individuals for loss of certain assets. The Land Law of 1993 institutionalized regulations of land allocation, lease, management, time limits, land acquisition for development purposes, land users' rights, and changes of land value under market mechanisms. The state assigns land to organizations, households, and individuals for stable and permanent use. Under this law, land users utilize and can transfer real property and assets, based on certificates issued by the local government. Users can exchange land, transfer use rights to others, rent land to others, bequeath land, or use it as collateral. Article 27 of the Land Law provides for the state to recover land, including for development purposes, upon payment of compensation.

3. Other relevant documents include the Civil Law of 1995, which became effective on 1 July 1996 and provides resident rights, and protection for asset ownership rights for organizations, households, and individuals. Decree 52/CP on Construction and Investment Management requires preparation of a resettlement plan, where necessary, as an integral part of the feasibility study, and subsequent project implementation.

4. In 1998, the Government approved Decree 22/CP and its complementary Implementation Circular (prepared by MOF), which represents a significant development from the earlier Decree 90/CP of 1994, as it provides consistency in regulation of compensation, and assigns specific responsibilities to local authorities. It gives households with legal or legalizable land use rights compensation for land and properties attached to land. Other households using land but whose land use rights are not legalizable may be assisted.<sup>2</sup> While Decree 22/CP

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<sup>1</sup> The TA first appeared in *ADB Business Opportunities* on 13 June 2001.

<sup>2</sup> Decree 22/CP does not recognize nontitled squatters. Article 7 states "..... persons who illegally occupy land shall not receive compensation...". "Legalizable" is a term that has been used for World Bank projects in Viet Nam and in all resettlement plans in Viet Nam since 1996 when it was agreed that affected persons occupying the right-of-way before it was declared a right-of-way, usually on a temporary or lease arrangement with the local government, would be considered as "legalizable" and entitled to compensation and rehabilitation as persons with full legal land use rights, instead of receiving a lower level of entitlement. They are neither squatters nor encroachers. This also refers to the remaining land that these affected persons are occupying beyond the corridor of impact of the project.

significantly strengthens the basis for compensation and rehabilitation when land is acquired for development purposes, several important gaps remain with ADB's policy on involuntary resettlement.

5. Since early 2000, MOF has undertaken extensive investigative and consultative work together with other interested departments, provinces, and municipalities as a basis, initially, for preparing an amendment to Decree 22/CP. MOF identified several issues requiring resolution, reflecting a need to enhance both the formulation of principles and the application of the principles in practice. Areas for special focus include land compensation, asset valuation and pricing, resettlement procedures, and supervision of implementation. These cover the treatment of land used before issuance of the 1993 Land Law, but now recovered; provisions to compensate and rehabilitate those without legal or legalizable rights<sup>3</sup>; the ambiguity in criteria for land compensation; absence of methods to calculate replacement or market rates for land acquired; absence of specific regulations to achieve livelihood restoration for those affected; less than effective coordination between central and local agencies; inadequate capacity of resettlement staff; absence of regulations on internal monitoring, external supervision, and inspection by MOF; and absence of specific guidance on resettlement plan preparation, appraisal, and approval.

6. In December 2000 the deputy prime minister confirmed the importance of these issues by asking MOF to address them by formulating a new decree to replace Decree 22/CP entirely, rather than through a Decree 22/CP amendment. The new decree is intended to set good national standards for land acquisition and resettlement, while taking account of local conditions specific to Viet Nam. Complementary plans are also required to build capacity to implement the new decree consistently, especially at provincial, district, and commune levels.

7. ADB's lending portfolio for 2001-2002 in Viet Nam includes loans in sectors that may necessitate land acquisition. These include transport, urban development, agriculture, and water resources. Any resulting displacement of people from land, income sources, housing, or other assets requires involuntary resettlement planning and management, supplemented by independent monitoring and evaluation, under ADB's policy on involuntary resettlement. A recent ADB evaluation study<sup>4</sup> found that, in field case study assessment, about one third of those affected by ADB projects did not restore their income following resettlement implementation. Resettlement supervision in Viet Nam in 1998<sup>5</sup> and 2001 found deficiencies in

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If they can be legalized on that remaining land, they can then move back from the corridor of impact onto that land and will be given legal title to that remaining land. Under World Bank- and ADB-assisted projects in Viet Nam, affected persons without title are assisted to restore or improve living standards and income levels with improved housing, a plot of land if they are landless, relocation expenses, etc. No legal provision exists for compensation for land that is occupied without legal title or other permit, but such people can be "assisted" on a humanitarian basis. Article 9, Clause 3 of Decree 22/CP stipulates that for a landless "nonlegal" user of land, "the local administration shall consider and assign him new land if possible." Such persons will also be entitled to special assistance (Article 18, Clause 2). This makes rehabilitation assistance possible to those without title.

<sup>3</sup> ADB's Policy on Involuntary Resettlement states that absence of formal legal title to land is not a bar to compensation. ADB. 1998. The Bank's Policy on Involuntary Resettlement. In *Handbook on Resettlement*, Appendix 1. Manila.

<sup>4</sup> SST:OTH 2000-08: *Special Evaluation Study on the Policy Impact of Involuntary Resettlement*. September 2000.

<sup>5</sup> Special Project Administration Mission for Loan 1259-VIE(SF): Irrigation and Flood Protection Rehabilitation (IFPRP) and Loan 1344-VIE(SF): Red River Delta Water Resources (November-December 1998). The Ministry of Agriculture and Rural Development (MARD) subsequently requested ADB assistance in March 1998, for TA to build capacity for resettlement planning and management for MARD projects, resulting in small-scale TA 3064-VIE: *Strengthening of Resettlement Management Capacity in MARD*, for \$150,000 approved on 4 September 1998.

resettlement planning and implementation, in application of consistent compensation standards at the provincial level, and in livelihood restoration.

8. In view of the need for streamlined procedures for land acquisition and involuntary resettlement in investments, to avoid delays, and to mitigate any risks of displacement-related impoverishment, ADB approved a regional TA to enhance the national macro frameworks for involuntary resettlement. The TA,<sup>6</sup> which was foreshadowed by ADB's involuntary resettlement policy, resulted in the preparation of national resettlement action plans (NRAPs) to enhance the policy, legal, and administrative frameworks in seven key developing member countries, including Viet Nam. The regional TA focal agency for Viet Nam, the Ministry of Planning and Investment, established a regional TA coordinating committee, which included MOF and other key agencies. In May 1999 a national workshop, comprising key departments including MOF and civil society stakeholders, reviewed a draft Viet Nam NRAP, the final version of which was presented at the TA regional workshop held in Manila in August 1999. The NRAP for Viet Nam included a request for ADB TA with the preparation of a new legal instrument on land acquisition and resettlement.

9. Broadly, the Viet Nam NRAP contains recommendations to (i) formulate a new legal instrument on land acquisition and resettlement to address income restoration and rehabilitation of those affected, including households without title and those who are otherwise vulnerable, in full consultation with them; (ii) formulate guidelines for the preparation and management of resettlement plans; (iii) establish review, approval, and financing procedures for resettlement plans under relevant organizations responsible for the management of investment and construction projects; (iv) set up resettlement departments in national organizations and provinces with significant resettlement activity; and (v) build capacity to implement involuntary resettlement plans, including preparation and dissemination of training materials at all levels.

### III. THE TECHNICAL ASSISTANCE

#### A. Objectives

10. The overall objective of the TA is to improve the living standards and reduce poverty risks of displacement among people affected by land acquisition by establishing principles in accordance with good international standards, supported by sound planning and consistent policy implementation. The TA aims to help (i) prepare a new decree on compensation and rehabilitation for use when the state recovers land from its citizens; (ii) formulate complementary implementation guidelines; and, upon approval of the new decree, (iii) build capacity to implement these legal instruments. The decree and guidelines are intended both for internationally and domestically- financed investments, and will reflect ADB's involuntary resettlement policy; lessons learned from past projects; and requirements of the 1995 Civil Law, the 1993 Land Law, and Decree 52/CP. This includes compensation at replacement rates for both titled and nontitled persons.

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<sup>6</sup> TA 5781-REG: *Review of National Resettlement Policies and Experience with Involuntary Resettlement Projects*, for \$831,000, approved 10 March 1998. The seven participating countries were Bangladesh, Peoples' Republic of China, Indonesia, Nepal, Pakistan, Philippines, and Viet Nam.

## B. Scope

11. The major outputs will be a new decree on land acquisition in the public interest, compensation, and rehabilitation, together with complementary implementation guidelines; and related capacity building. The TA will be conducted in three parts. Phase 1 (8 months) covers the preparation of the new decree and implementation guidelines. Phase 2 (4 months) provides for submission of the new decree to the Office of Government, and Government approval. Phase 3 (6 months) comprises the capacity building activities, and is dependent upon approval of the new decree during phase 2.

12. Several documents will be used to prepare the new decree: MOF's draft Decree 22/CP and supporting implementation circular, dated December 2000; MOF's first draft of the new decree dated April 2001; and a model compensation and resettlement decree prepared by the World Bank in 1998.<sup>7</sup> The TA will supplement this material with research on specific topics of concern. MOF staff and TA team members will also be invited to attend the ADB regional seminar on resettlement policy and legal frameworks, planned for late 2001, to exchange ideas on good practice. Once a working draft of the new decree is prepared, MOF will arrange a national resettlement policy workshop early in 2002 to consider the draft, with participants drawn from a range of government and civil society stakeholder groups. Following this, MOF will submit the new decree for approval.

13. Once the decree is approved, phase 3 will conduct a training needs assessment, and develop a dissemination and training program for implementation during the TA and beyond. The program will be considered at a national resettlement policy implementation workshop and related consultations. This workshop provides an important opportunity for disseminating the contents of the new legal instruments. The training program will be initiated under the TA, including trials and tests of new materials and training approaches, especially for line agencies, and provincial, district, and local staff undertaking resettlement planning and implementation. MOF, or a national training institute nominated by MOF, will conduct subsequent training.

14. The new decree will basically conform to good international practice and ADB policy, while recognizing the specific features of Viet Nam's legal, land, and social systems. Issues to be addressed are as follows: the need to (i) specify procedures and requirements for resettlement planning as preconditions for project approval; and for reviewing, approving, implementing, monitoring, and evaluating resettlement plans; (ii) confirm the overarching principle of restoring the incomes and improving the living standards of the people affected; (iii) increase the responsibility of the Compensation and Land Clearance Council to encompass rehabilitation and income restoration, in addition to asset compensation, with special attention to poor and vulnerable groups, and specify the role of the project owners in this council; (iv) develop procedures for relocation site development, including procedures for mobilizing the necessary finances; (v) provide for consultation with people affected and for grievance redress mechanisms; (vi) include procedures to mobilize the necessary budgets; and (vii) resolve several outstanding issues, including compensation for land losses for households and individuals, for legal, legalizable, and nonlegal people affected, at replacement rates; the method for calculating compensation for temporary losses at replacement rates, etc; and the identification of legal status of houses and structures in protected areas.

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<sup>7</sup> The General Department of Land Administration has also recently issued a land valuation training manual.

### **C. Cost Estimates and Financing Plan**

15. The TA is estimated to cost \$387,500 equivalent, of which \$204,000 is the foreign exchange cost and \$183,500 equivalent the local currency cost. ADB will provide \$310,000 to cover all the foreign exchange cost and \$106,000 equivalent of the local currency cost. The TA will be financed by ADB on a grant basis from the ADB-funded TA program. The Government will provide \$77,500 equivalent in the form of counterpart and support staff, office accommodation, and other related services and facilities. The detailed cost estimates and financing plan are presented in Appendix 2.

### **D. Implementation Arrangements**

16. MOF will be the Executing Agency for the TA. MOF will assemble a steering committee composed of other agencies, including Ministry of Planning and Investment, Office of the Government, Ministry of Justice, and General Department of Land Administration. The vice-minister of finance will chair the steering committee, with technical direction from the MOF Department for the Management of Public Assets. MOF will provide office space, support staff, and administrative support for the TA. MOF will assign two technical specialists to work closely with the international and domestic consultants, and arrange the services of a translator/interpreter as required.

17. The TA will finance one international consultant with expertise in resettlement policy development and legal procedures, preferably with Viet Nam country experience. Domestic consultants will also be required. The consultants will, between them, have expertise in resettlement policy and legal frameworks, asset valuation, land management assessments, poverty assessments, applied social research, participative approaches, and gender analysis. Outline terms of reference are presented in Appendix 3. The consultants will be engaged by ADB according to ADB's *Guidelines on the Use of Consultants* and other arrangements satisfactory to ADB for the engagement of domestic consultants on an individual basis. Office equipment will be procured in accordance with ADB's *Guidelines for Procurement*.

18. The TA will commence in October 2001 and finish by April 2003. Within one month of TA commencement, the TA team will prepare an inception report including a work plan and work schedule with specific target dates and outputs. Following this, the TA team will report quarterly on plans for the next quarter, and progress achieved during the previous quarter. The output from phase 1 will be the complete draft of the new decree, together with the implementation guidelines. An English translation is also required. The output of phase 2, which is the responsibility of MOF, is the approved decree and guidelines in Vietnamese and English languages. The outputs from phase 3 are the training needs assessment and training program, together with training materials and evaluation reports from the trial application of the training program. The final TA output will be a revised training program and materials. In addition, the TA team will prepare a workshop report for each of the national workshops.

## **IV. THE PRESIDENT'S DECISION**

19. The President, acting under the authority delegated by the Board, has approved the provision of technical assistance, on a grant basis, to the Government of Viet Nam in an amount not exceeding the equivalent of \$310,000 for the purpose of Enhancing the Resettlement Legal Framework and Institutional Capacity, and hereby reports such action to the Board.

### TECHNICAL ASSISTANCE FRAMEWORK

Design Summary	Targets	Monitoring Mechanisms	Risks and Assumptions
<p><b>1. Goals</b></p> <ul style="list-style-type: none"> <li>• Incomes and living standards restored for people affected by development projects.</li> <li>• Poverty reduced among those affected.</li> <li>• Investment approval and implementation is streamlined.</li> </ul>	<p>After compensation and rehabilitation:</p> <ul style="list-style-type: none"> <li>• Income levels meet or exceed pre-technical assistance (TA) levels</li> <li>• For the poor, incomes exceed pre-TA levels</li> <li>• Access to services meet or exceed pre-TA levels</li> <li>• Access to community networks meet or exceed pre-TA levels</li> <li>• Project approvals and implementation data</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluations of resettlement plans for both domestically and internationally funded projects</li> <li>• TA reviews</li> <li>• Non-governmental organization reports</li>   <li>• TA data</li> <li>• TA quarterly reports on progress</li> </ul>	
<p><b>2. Purpose</b></p> <ul style="list-style-type: none"> <li>• Prepare and approve a decree and its implementation guidelines for land acquisition, compensation, and rehabilitation.</li> <li>• Build capacity for implementation.</li> </ul>	<ul style="list-style-type: none"> <li>• New decree prepared for submission to Prime Ministers Office through the Office of Government</li> <li>• New decree approved</li> <li>• Implementation guidelines prepared and approved</li> <li>• Capacity building plans prepared and delivered</li> </ul>	<ul style="list-style-type: none"> <li>• New approved decree</li> <li>• Approved implementation guidelines</li>   <li>• Training strategy document and reports</li> </ul>	<p>Legal instruments developed meet international standards, are approved, consistently implemented, and fully financed.</p> <p>Momentum continues to ensure streamlined and efficient investment procedures together with safeguards for people affected.</p>
<p><b>3. Outputs</b> <b>Phase 1</b></p> <ul style="list-style-type: none"> <li>• New decree prepared</li> <li>• Implementation guidelines prepared</li> <li>• Workshop conducted</li> <li>• TA team report to the regional workshop on resettlement policy/legal frameworks</li> </ul>	<ul style="list-style-type: none"> <li>• Decree</li> <li>• Implementation guidelines</li> <li>• Positive workshop report and evaluation</li> <li>• Positive regional workshop report and evaluation</li> </ul>	<ul style="list-style-type: none"> <li>• TA quarterly reports/ documents</li> <li>• Positive workshop report and evaluation</li> <li>• Positive regional workshop report and evaluation</li> </ul>	<p>That resources are mobilized to support the TA team for report preparation and for the national workshop.</p>

(Reference in text: page 1, para. 1)

### TECHNICAL ASSISTANCE FRAMEWORK

Design Summary	Targets	Monitoring Mechanism	Risks and Assumptions
<b>Phase 2</b> <ul style="list-style-type: none"> <li>• Approved decree and guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Approval stamps and signatures</li> </ul>	<ul style="list-style-type: none"> <li>• Approved documents</li> </ul>	Political will exists to support the decree.
<b>Phase 3</b> <ul style="list-style-type: none"> <li>• Training needs assessment prepared for sector, province, district, and line agencies</li> <li>• Training materials and strategy prepared</li> <li>• National workshops on new decree and guidelines and related consultations</li> <li>• Training pilot tests implemented, evaluated, and adjusted</li> </ul>	<ul style="list-style-type: none"> <li>• Training needs assessment</li> <li>• Training materials</li> <li>• Training strategy</li> <li>• Positive national workshop reports and evaluation</li> <li>• Training pilot tests program and review</li> </ul>	<ul style="list-style-type: none"> <li>• TA quarterly reports/documents</li> <li>• Training materials/documents</li> <li>• Training strategy</li> <li>• Positive national workshop reports and evaluation</li> <li>• Training pilot test report</li> <li>• Adjusted training strategy and materials</li> </ul>	Consultations can be arranged and conducted effectively at national, provincial, and district levels and with key line agencies.
<b>4. Inputs</b> International and domestic consultants	<ul style="list-style-type: none"> <li>• TA contracts prepared</li> <li>• TA accounts submitted</li> <li>• 5 person-months of international consulting</li> <li>• 10 person-months of domestic consulting</li> </ul>	<ul style="list-style-type: none"> <li>• TA quarterly progress reports and documents</li> </ul>	
Funds	<ul style="list-style-type: none"> <li>• \$387,500 made up of \$310,000 ADB financing and \$77,500 Government financing.</li> </ul>	<ul style="list-style-type: none"> <li>• TA accounts</li> </ul>	

**COST ESTIMATES AND FINANCING PLAN**  
(\$)

Item	Foreign Exchange	Local Currency	Total Cost
<b>A. Asian Development Bank Financing</b>			
1. Consultants			
a. Remuneration and Per Diem			
i. International Consultants	112,000	0	112,000
ii. Domestic Consultants	0	42,000	42,000
b. International and Local Travel	25,000	8,000	33,000
2. National Workshops	0	32,000	32,000
3. Training	30,000	0	30,000
4. Reports and Communications	5,600	7,750	13,350
5. Office Equipment	11,000	0	11,000
6. Miscellaneous Administration Costs	0	5,650	5,650
7. Contingencies	20,400	10,600	31,000
<b>Subtotal (A)</b>	<b>204,000</b>	<b>106,000</b>	<b>310,000</b>
<b>B. Government Financing</b>			
1. Office Accommodation and Transport	0	20,000	20,000
2. Remuneration and Per Diem of Counterpart Staf	0	50,000	50,000
3. Maintenance of Equipment	0	7,500	7,500
<b>Subtotal (B)</b>	<b>0</b>	<b>77,500</b>	<b>77,500</b>
<b>Total</b>	<b>204,000</b>	<b>183,500</b>	<b>387,500</b>

Source: Staff estimates.

## OUTLINE TERMS OF REFERENCE FOR CONSULTANTS

1. The Asian Development Bank (ADB) will recruit consultants on an individual basis to provide 5 person-months of international consulting and a minimum of 10 person-months of domestic consulting.

### A. International Consultant (5 person-months)

2. The international consultant will be designated the team leader and will have substantial experience in formulating compensation and resettlement policies in Asian countries, with Viet Nam experience preferable. The consultant must have a thorough understanding of the resettlement process, ranging from plan preparation to plan implementation, to monitoring and evaluation; be familiar with land and asset valuation methodologies, and other compensation and rehabilitation issues; have institutional analysis skills; and experience in workshop organization. The consultant will report to the head of the Ministry of Finance (MOF) Department for the Management of Public Assets and the technical assistance (TA) steering committee.

3. The responsibilities of the international consultant will include the following:

- (i) Advise on the selection and recruitment of, and direct and supervise, the domestic consultants.
- (ii) Review the Viet Nam National Resettlement Action Plan (NRAP) and other TA 5781-REG reports with special reference to its recommendations to (a) formulate a new legal instrument on land acquisition and resettlement to address income restoration and rehabilitation of those affected, including households without title and those who are otherwise vulnerable, in full consultation with them; (b) formulate guidelines for the preparation and management of resettlement plans; (c) establish review, approval, and financing procedures for resettlement plans under relevant organizations responsible for the management of investment and construction projects; (d) set up resettlement departments in central organizations and provinces with significant resettlement activity; and (e) build capacity to implement involuntary resettlement plans, including preparation and dissemination of training materials at all levels.
- (iii) Review project-based recent resettlement plans of ADB and other development agencies, such as the World Bank, and their implementation, to establish good practice in development of entitlements, establishment of replacement rates for assets, income restoration, planning, consultation, and disclosure arrangements.
- (iv) Review and address relevant issues in related documents including the 1992 Constitution, the 1995 Civil Law, the 1993 Land Law, Decree 52/CP, and the Land Valuation Manual of the General Department of Land Valuation, and other documents as necessary.

(Reference in text: page 5, para 17)

- (v) Help MOF prepare a draft new decree and implementation guidelines for compensation and resettlement in cases where the state recovers land and property from its citizens such that the decree reflects both ADB's policy on involuntary resettlement and lessons learned from past projects; link the implementation guidelines to the Government's project approval cycle.
- (vi) Organize a training needs assessment at national, provincial, district, local and line agencies, as necessary, and prepare a capacity building strategy and detailed training program on the new decree and guidelines, as approved, to be conducted at national, provincial, and district levels, and among line agencies. Support the conduct of a national resettlement policy implementation workshop and related consultations.
- (vii) Review the options for involving a national training institute in the implementation of the capacity building strategy.
- (viii) Liaise, as necessary, with the related national agencies including Ministry of Planning and Investment, Office of the Government, Ministry of Justice, and the General Department of Land Administration, and relevant provincial agencies.
- (ix) Assist MOF in organizing national workshops and consultations, identifying key stakeholders as necessary, from government and civil society, including representatives of people affected.
- (x) Follow the directions of the TA steering committee.
- (xi) Organize the translation of key documents from Vietnamese into English, and vice versa.
- (xii) Prepare an inception report and quarterly reports for ADB.
- (xiii) Manage the preparation of TA outputs.
- (xiv) Manage the TA office.
- (xv) Liaise with ADB on TA progress and implementation.
- (xvi) brief ADB resident mission and headquarters staff on the TA outputs.

**B. Domestic Consultants (10 person-months)**

4. The domestic consultants will be selected on the basis of their experience with land administration and land transfer matters, legal knowledge of compensation issues, including valuation issues and methodologies, social and gender assessments, resettlement experience, knowledge of government organization and finance, including local government, and development and delivery of training programs. At least one of the domestic consultants will have legal expertise and a good knowledge of the related legal framework, including the 1992 Constitution, the 1993 Land Law and the 1995 Civil Law.

5. The responsibilities of the domestic consultants will include the following:
- (i) Carry out research on issues identified by the team leader that are directly relevant to the preparation of the new decree and guidelines.
  - (ii) Assist in reviewing the Viet Nam NRAP and other TA 5781-REG reports with special reference to its recommendations to (i) formulate a new legal instrument on land acquisition and resettlement to address income restoration and rehabilitation of those affected, including households without title and those who are otherwise vulnerable, in full consultation with them; (ii) formulate guidelines for the preparation and management of resettlement plans; (iii) establish review, approval, and financing procedures for resettlement plans under relevant organizations responsible for the management of investment and construction projects; (iv) set up resettlement departments in central level organizations and provinces with significant resettlement activity; and (v) build capacity to implement involuntary resettlement plans, including preparation and dissemination of training materials at all levels.
  - (iii) Review the policy and legal framework in Viet Nam to assess the points of linkage between the new decree and implementation guidelines, and related legal documents, including the 1992 Constitution, the 1993 Land Law, the 1995 Civil Law, and related decrees.
  - (iv) Assist in reviewing project-based recent resettlement plans of ADB and other development agencies, such as the World Bank, and their implementation, to establish good practice in development of entitlements, establishment of replacement rates for assets, income restoration, planning, consultation, and disclosure arrangements.
  - (v) Prepare suggestions for sections of the new decree and guidelines.
  - (vi) Assist MOF in organizing national workshops.
  - (vii) Help the team leader carry out TA-related duties.
  - (viii) Carry out the training needs assessment at national, provincial, district, and local levels, as necessary, and develop training program, strategy, and materials according to the TA-approved methodology for the capacity building strategy.
  - (ix) Assist the team leader in reviewing the options for involving a national training institute on the implementation of the capacity building strategy.
  - (x) Carry out and evaluate the trial training program.
  - (xi) Help prepare TA outputs.
6. The international and domestic consultants will produce the following outputs.

- (i) inception report and quarterly progress reports,
- (ii) complete draft of new decree and implementing guidelines,
- (iii) national workshop reports,
- (iv) training needs assessment report,
- (v) training program report,
- (vi) trial training report, and
- (vii) final capacity building strategy and materials.