

# Resettlement Framework

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## VIE: Development of the Northern Chu and Southern Ma Rivers Irrigation System Project

Prepared by the Ministry of Agriculture and Rural Development (MARD), Socialist Republic of Viet Nam for the Asian Development Bank.

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MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT  
**CENTRAL PROJECT OFFICE**

# **RESETTLEMENT FRAMEWORK**

**Northern Chu and Southern Ma Rivers Irrigation Project**

**Ha Noi, August 2011**

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# ABBREVIATIONS

<b>ADB</b>	Asian Development Bank
<b>AP/AH</b>	Affected Person / Affected Household
<b>CEM</b>	Committee of Ethnic Minorities
<b>CDR</b>	Cua Dat Reservoir
<b>CPC</b>	Commune People's Committee
<b>CPO</b>	Central Project Office
<b>CSB</b>	Community Supervision Board
<b>CWU</b>	Commune Women's Union
<b>DARD</b>	Department of Agriculture and Rural Development
<b>DMS</b>	Detailed Measurement Survey
<b>DoC</b>	Department of Construction
<b>DoF</b>	Department of Finance
<b>DOLISA</b>	Department of Labour, Invalids and Social Assistance
<b>DONRE</b>	Department of Natural Resources and Environment
<b>DPC</b>	District People's Committee
<b>DRCs</b>	District Resettlement Committees
<b>EA</b>	Executing Agency
<b>EMA</b>	External Monitoring Agency
<b>EMDF</b>	Ethnic Minorities Development Framework
<b>EMDP</b>	Ethnic Minorities Development Plan
<b>EMSA</b>	Ethnic Minority Specific Action
<b>GoV</b>	Government of Vietnam
<b>HH</b>	HouseHold
<b>ICMB(3)</b>	Irrigation Construction and Management Board (No. 3)
<b>IMC</b>	Irrigation Management Company
<b>IoL</b>	Inventory of Loss
<b>IPP</b>	Indigenous Peoples Plan
<b>IRP</b>	Income Restoration Programme
<b>LAR</b>	Land Acquisition and Resettlement
<b>LURC</b>	Land Use Rights Certificate
<b>MARD</b>	Ministry of Agriculture and Rural Development
<b>MC</b>	Main Canal
<b>MoC</b>	Ministry of Construction
<b>MoF</b>	Ministry of Finance
<b>MOLISA</b>	Ministry of Labour, Invalids and Social Assistance
<b>MONRE</b>	Ministry of Natural Resources and Environment
<b>NCSMRIP/S</b>	Northern Chu and Southern Ma Rivers Irrigation Project / System
<b>NGO</b>	Non-Governmental Organisation
<b>NMC</b>	North Main Canal
<b>PCEM</b>	Provincial Committee of Ethnic Minorities
<b>PPC</b>	Provincial People's Committee
<b>PPMU</b>	Provincial Project Management Unit
<b>PPTA</b>	Project Preparation Technical Assistance
<b>PRA</b>	Participatory Rural Appraisal
<b>PSRC</b>	Provincial Steering Resettlement Committee
<b>RP-PMU</b>	Resettlement Provincial Project Management Unit
<b>RP</b>	Resettlement Plan
<b>SAH</b>	Seriously Affected Household
<b>SMC</b>	South Main Canal
<b>ToR</b>	Terms of Reference
<b>USD</b>	United Stated Dollars
<b>VND</b>	VietNam Dong
<b>WUA</b>	Water User Association

# GLOSSARY

- Affected person (AP) - Means any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term AP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
- Detailed Measurement Survey (DMS) - With the aid of the approved detailed engineering design, this activity involves the finalisation and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
- Compensation - Means payment in cash or in kind to replace losses of lands, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
- Cut-off date - Means the date of completing DMS for which land and/or assets affected by the Project are measured. The APs will be informed of the cut-off date for each project component, and any people who settle in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
- Entitlements - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
- Eligibility - Means any person who has settled in the project area before the cut-off date that suffers from (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporarily, or (iii) loss of income sources or livelihood, regardless of relocation ... will be entitled to compensation and/or assistance.
- Income restoration - This is the re-establishment of sources of income and livelihood of the affected households.
- Income restoration programme - A programme designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The programme is designed to address the specific needs of the affected

persons based on the socio-economic survey and consultations.

- Inventory of Losses (IOL) - This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.
- Land acquisition - Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
- Rehabilitation - This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
- Relocation - This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
- Replacement cost - Means the method of valuing assets at current market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
- Replacement Cost Study - This refers to the process involved in determining replacement costs of affected assets based on empirical data.
- Resettlement - This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
- Resettlement Plan (RP) - This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
- Severely Affected Household (SAH) - This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the project.
- Vulnerable groups - These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalised by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, and (vi) indigenous people or ethnic minorities.

# 1. Introduction

## 1.1 Description of the Project

1. The Northern Chu and Southern Ma Rivers Irrigation Project (NCSMRIP) is located in Thanh Hoa Province, in North Central Vietnam. The project command area is of about 31,100 ha in the area located west of Thanh Hoa City. It comprises the lowland area to the north of the Chu River and to the south of the Ma River. The proposed Project is the combination of two areas which will be developed in sequential phases:

PHASE 1 - development of about 19,950 ha of existing pumped and new gravity irrigation North of the Chu River, and

PHASE 2 - conversion of about 11,150 ha of pumped irrigation to gravity irrigation within the Ma River irrigation system.

2. The Project will have 57 primary canals, of which 40 canals will be new with a total length of 126.58 km whilst 15 will be upgraded existing canals with a length of 50.28km. There will be some 150 new secondary canals branching from the primary canals with a total length of 139.25km, and 72 new tertiary units with a total length of 44.71km to be designed. The project will construct 7 management houses, also many control, cross drainage structures and bridges crossing the canals. It is expected that the Northern Chu and Southern Ma Rivers Irrigation System Project (NCSMRIP) will provide benefit to the population of 72 communes and some 96,789 Households (2009) in Thanh Hoa province in Vietnam

3. The main system of the proposed project will affect 37 communes in 6 districts of Thanh Hoa province, including Thuong Xuan, Tho Xuan, Cam Thuy, Ngoc Lac, Thieu Hoa, and Yen Dinh districts. These districts are located in mountainous, upland and alluvial floodplain areas of Thanh Hoa province where about 93% of the populations are farmers. The objective of the feasibility study is to examine the suitability of the Project for financing by an ADB loan. The outputs of the surveys/studies will be a final report prepared in accordance with ADB guidelines. The report will form the basis of the Government of Vietnam's application for project approval.

4. The positive impacts of the proposed whole irrigation project are improved access to water supply for irrigation through sustainable and efficient management systems which have already been experimented with in other areas of Viet Nam.

5. Emphasis is on the construction of the canals, which will reduce the cost of irrigation by providing water by gravity over a wider area and replacing the costly existing pumping system. The provision of an efficient water distribution system with a cost effective service giving improved access to water for irrigation is expected to improve the health and living conditions of the residents of the irrigated areas.

## 1.2 Anticipated Involuntary Resettlement

6. Where construction of new canals is proposed (requiring excavated area, area for spoil, temporary land for construction, etc) this has the potential for significant negative impact on affected people through changes in land and resources use, housing, livelihoods and access, while subsequent primary secondary and tertiary canals for water distribution are likely to have less negative impacts. Construction of subsequent canals may also lead to land losses for the local population, and some inhabitants may need to be partially resettled. Overall, it is expected that the negative impact of subsequent canals in rural areas will be limited as many of the existing canals will be upgraded and therefore will not require a large amount of new land acquisition.

7. Items needing permanent land acquisition include:

- (i) Canals and structures on canals: Main Canal (16.510km); Northern main canal (58.499 km - 34.929 km new and 23.571 km upgrading), Southern main canal (43.348 km – 23.542 km new and 19.806 km upgrading); primary canals, secondary canals, tertiary canals and structures on canals.
- (ii) Management houses (7 units)

8. Items needing temporary land acquisition are as follows:

- (i) Construction site;
- (ii) Construction road;
- (iii) Water delivery system;
- (iv) Borrow pits;
- (v) Disposal areas.

9. Whereas designers have taken care to minimise the amount of land required for the Project, construction of these works will inevitably cause certain farmers to lose a proportion of their land to make way for the new canal system. Construction is also likely to cause significant disruption to the existing population as a whole.

10. Summary of resettlement impact as table below:

**Table 1-1 Table Summary of impacts**

No.	Items	Main canal	NCSM-main canal (New construction section)	NCSM-main canal (Upgrading section)	Branch canal for all	TOTAL
1	Total land (m2)	761,100	3,619,246	572,850	1,130,300	6,083,496
	Permanent acquired Land	527,100	1,878,411	60,750	631,500	3,097,761
	Temporary acquired Land	234,000	1,740,835	512,100	498,800	1,740,835
2	Number of house totally affected	76	119			195
3	Average area (m2)/AH	908.23	1,281.60			
4	Number of AH	838	2824	523	1032	5,218
5	Vulnerable AH	398	945			1,343
6	Severe AH	617	2,426			3,043

### **1.3 Objective of Resettlement Framework**

11. This Framework prepared by the MARD provides the procedures and key involuntary resettlement principles that will govern all the work items of Northern Chu and Southern Ma River Irrigation System Project, regardless of the financing sources, and implementation based on the provisions of the policy and legal framework of the Government of Vietnam and Asian Development Bank (Requirement no 2 of SPS 2009 and cross-cutting policy themes on social development). The Framework will be translated into Vietnamese and distributed to the central and local agencies, affected households, and other individuals responsible for project preparation and implementation. It will also be submitted to the ADB for review and posting on the ADB website.

## 2. Legal Foundation and Entitlement Policies

### 2.1 Asian Development Bank Policy

12. The new ADB Safeguard Policy Statement (2009) consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment. The objectives of the IR policy are:

- To avoid involuntary resettlement wherever possible;
- To minimise involuntary resettlement by exploring project and design alternatives;
- To enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and,
- To improve the standards of living of the displaced poor and other vulnerable groups.

13. Involuntary Resettlement covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas – regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary. Moreover, the Policy also applies to associated facilities funded through other sources and involuntary resettlement actions conducted by the borrower/client in anticipation of ADB support.

14. Projects financed by ADB, including associated facilities that are financed by the Government or other sources, are expected to observe the following policy principles:

- i. Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- ii. Carry out meaningful consultations with displaced persons, host communities, and concerned non-government organisations. Inform all displaced persons of their entitlements and resettlement options and ensure their participation in various stages of the project especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population.
- iii. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation, assistance at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- iv. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production

opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.

- v. Improve the standards of living of the displaced poor and other vulnerable groups, including women head of households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- vi. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- vii. Ensure that displaced persons without titles to land or any recognisable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- viii. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- ix. Disclose both the draft and final resettlement plan in a form and language understandable to displaced persons and other stakeholders.
- x. Conceive and execute involuntary resettlement as part of a development project or programme. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- xi. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- xii. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

15. Calculation of full replacement cost will be based on the following elements: (i) fair current market value at the time of compensation; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, depreciation of structures will not be taken into account. It is expected that qualified and experienced experts will undertake the valuation of acquired assets<sup>1</sup>.

16. Persons or households without formal legal rights nor recognised or recognisable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date

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<sup>1</sup> Refer to Appendix 2 (Involuntary Resettlement), Safeguards Policy Statement, June 2009, ADB

## **2.2 Regulations of Vietnam Government on Resettlement**

17. The Constitution of the Socialist Republic of Viet Nam (1992) confirms the right of citizens to own and protect the ownership of a house. In addition, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation, assistance and resettlement. The principal documents include the Law on Land of 2003, providing Vietnam with a comprehensive land administration law; Decree No. 197/2004/ND-CP, on compensation, assistance, rehabilitation and resettlement in the event of land recovery by the State, as amended by Decree No. 17/2006/NĐ-CP; Decrees No. 188/2004/ND-CP and 123/2007/ND-CP, Decree No. 84/2007/ND-CP specifying the methods for land pricing and land price frameworks in the event of land recovery by the State and Decree No. 69/2009/ND-CP dated 13/8/2009 providing additional guidelines on land use, compensation, assistances and resettlement.

18. Laws, decrees and decisions relevant to public disclosure of information include the Law on Land, No. 13/2003/QH11, Article 39, requiring disclosure of information to the displaced persons prior to recovery of agricultural and non-agricultural lands of a minimum of 90 and 180 days minimum respectively. MONRE also issued Circular No. 14/2009/TT-BTNMT on the allocation of new residential land or a resettlement house or monetary compensation for displaced persons that need to relocate and granting authority to People's Committees to determine whether certain structures built after 1 July 2004 violated approved land use.

19. At the local level, the Thanh Hoa province has issued a Provincial Decision, consolidating Decree 69/2009/ND-CP and other legal documents relevant to planning and implementation of resettlement at the provincial level. The Provincial Decision stipulates that compensation for land shall be at the market rate following the provincially regulated price-frame which is issued each January, and provides for assistance/allowances for relocation, livelihood and production stabilisation as well as occupational training and other changes.

20. There is basic congruence between Viet Nam's laws and ADB's Resettlement Policy especially with regard to the entitlement of persons with legal rights/titles. Existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation, assistances for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) Assistance to livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.

21. However, ADB Policy does not consider the absence of legal rights of affected persons on the acquired land as an impediment to receiving compensation for other assets and for rehabilitation assistance. Non-registration of an APs' business also does not bar them from being assisted in restoring their business. Key differences between ADB Resettlement Policy and Viet Nam's resettlement legislation, including measures to address the differences, are outlined in the table below.

**Table 2-1: Discrepancies between Decree 197/ND-CP, Decree 69/ND-CP and ADB SPS**

	<b>197/2004/ND-CP, 69/2009/ND-CP</b>	<b>Revised ADB Policy</b>	<b>Project Policy</b>
<b>Severely impacted APs losing productive land</b>	<b>Decree 69, Art 20:</b> For significantly impacted APs, livelihood restoration measures cut in when AP loses at least 30% of productive agriculture land.	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	Losing 10% or more of the household's assets shall be considered as threshold.
<b>APs without LURC</b>	<b>Decree 69: Article 23:</b> Persons whose main income is derived from agricultural production whose land is acquired by the Government and cannot satisfy LURC and compensation conditions stipulated in Article 8 of Decree No. 197/2004/ND-CP and Articles 44, 45 and 46 of Decree No. 84/2007/ND-CP will be referred to the Provincial Peoples' Committee for consideration of the level of assistance to be provided in conformity with the locality's actual conditions	Those APs without legal title to land will be included in consultations. Ensure that APs without titles to land or any recognisable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	Project affected people, without legal or recognisable legal claims to land acquired, will be equally entitled to participation in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-project living standards and income levels.

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
<b>Compensation for lost land</b>	<p><b>Article 9, Decree 197:</b> The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition.</p> <p><b>Decree 69, Art 11, Art 16,</b> Compensation is land for same-use land or if not available the AP can be compensated in cash based upon the market transfer price of such land at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land use plan approved by the authorities. If not, compensation only for improvements on that land.</p>	<p>Land based livelihoods restoration based upon land based strategies where possible, or cash compensation at replacement value provided loss of land does not undermine livelihoods for those with legal rights to land.. Provide adequate and appropriate replacement land. If land not available non-land based options built around opportunities for employment, self-employment should be provided in addition to cash compensation for land and non-land assets lost.</p>	<p>Where appropriate land-based compensation is not viable 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 and combined with other assistance and livelihood restoration measures to ensure full restoration and improvements. Provided AP has legal or recognisable claim, compensation is for full amount of land acquired.</p>
<b>Differences between compensation rates and market rates</b>	<p><b>Dec 69 Art 14(2):</b> If compensation is through new land or allocation of land at a resettlement area or by housing and the replacement is valued at less than the land acquired, the price difference will be paid in cash. <b>Dec 69 Art 14(2a)</b> If replacement residential land or the amount compensated to purchase a replacement house is more than the actual replacement cost, the AP still receives the full amount. <b>Dec 69 Art 14(2b)</b> if the compensated amount is less than the replacement residential land and house the AP will pay the difference themselves except for cases covered by Art 19(1) – this will not apply to (poor) APs who will be assisted by the State. If the AP does not receive land or house at the resettlement site the AP will receive the cash difference.</p>	<p>Provide physically and economically APs with needed assistance including i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of APs economically and socially into host communities, ii) transitional support and development assistance such as land development, credit facilities, training or employment opportunities, and, iii) civil infrastructure as required.</p>	<p>Physically displaced (relocated) APs are to receive relocation assistance, secured tenure to relocated land, with comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.</p>
<b>Compensation for structures</b>	<p><b>Dec 69 Art 24 – Compensation for House, Structures on Acquired Land.</b></p> <p>Clause (1) – Compensation for APs residential structures based on value of newly constructed</p>	<p>Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest</p>	<p>Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation,</p>

	<b>197/2004/ND-CP, 69/2009/ND-CP</b>	<b>Revised ADB Policy</b>	<b>Project Policy</b>
	house/structure equal to technical standard issued by MoC and based on house area and unit prices issued by PPC. Clause (2) other structures compensation equal to: a) total present value using unit costs for newly constructed house/structure using MoC technical standards and depreciated to present value of acquired house/structure. Maximum value cannot exceed 100% of new value of acquired house/structure	accrued, iv) transitional and restoration costs, v) other applicable payments.	full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments
<b>Compensation for registered businesses</b>	<b>Articles 26, Decree 197:</b> Only registered businesses are eligible for assistance. <b>Decree 69 Art 20(2)</b> if business must be suspended AP is compensated with max 30% of after tax income in one year, averaged over last 3 years as certified by Tax Dept.	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.
<b>Compensation for non-registered businesses</b>	<b>Decree 69</b> only recognises formal registered businesses as entitled to compensation for lost income based upon Tax Office records	No distinction between registered or non-registered businesses in regards to compensation entitlement for lost income and other assistance.	The DPC must certify that the AP has a business in current operation and approve the level of lost income.
<b>Monitoring</b>	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting	The EA must appoint an independent external monitor and undertake internal monitoring according to the critical indicators.

16. It should also be noted that as per Decree No. 197/2004 (i) Article 1, Item 2 states that for projects financed from ODA, if the compensation, assistance and resettlement required by the financiers are different from Decree 197/2004/ND-CP, before signing the international loan agreement, the project owner must report to the Prime Minister for his considerations and decision. Article 32 of this Decree also states that "Apart from the supports prescribed in Articles 27, 28, 29, 30 and 31, basing themselves on the local realities, the provincial-level People's Committee presidents shall decide on other supporting measures to stabilise life and production of persons who have land recovered; special cases shall be submitted to the Prime Minister for decision".

### **2.3 Project principles:**

22. To address the discrepancies between ADB SPS and relevant GOV regulations as described in the table above, the project principles on resettlement policy are as follows:

- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimised where possible by exploring all alternative options.
- (ii) Compensation and assistance will be based on the principle of replacement cost at the time of implementation.
- (iii) Severely affected household (SAH) is considered when they are losing 10% or more of the household's assets shall be considered as threshold.
- (iv) Displaced persons without title or any recognisable legal rights to land are eligible for compensation for non-land assets at replacement cost.
- (v) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to displaced persons.
- (vi) Meaningful consultation will be carried out with the displaced persons and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the APs and communities will be taken into account.
- (vii) The RP will be disclosed to APs in a form and language(s) understandable to them prior to submission to ADB.
- (viii) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- (ix) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- (x) Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- (xi) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- (xii) Resettlement transition stage should be minimised. Restoration measures will be provided to displaced persons before the expected starting date of construction in the specific location.
- (xiii) Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the provinces.

- (xiv) Reporting and independent monitoring should be defined clearly as part of the management system of resettlement. Independent assessment of the duration and results of the land recovery should be carried out.
- (xv) The CPMU will not issue notice of possession to contractors until the CPMU are officially confirmed in writing that (i) payment has been fully disbursed to the displaced persons and rehabilitation measures are in place (ii) already-compensated, assisted displaced persons have cleared the area in a timely manner; and (iii) the area is free from any encumbrances.
- (xvi) Cut-off date is the date of completing DMS for which land and/or assets affected by the Project are inventoried.

## 3. Eligibility and Entitlements

### 3.1 Eligibility

23. Eligibility will be determined with regard to the cut-off date, which is taken to be the date of completing DMS for which land and/or assets affected by the projects are measured. The APs will be informed of the cut-off date for each project component, and any people who settle in the project area after the cut-off date will not be entitled to compensation and/or assistance under the project.

24. In addition, the extent of eligibility for compensation with regard to land is determined by legal rights to the land concerned. There are three types of APs: i) persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially, ii) persons who lost land they occupy in its entirety or partially who do not currently possess a LURC but have a claim that is recognisable under national laws, or, iii) persons who lost land they occupy in its entirety or partially who do not have any recognisable claim to that land. APs included under i) and ii) above shall be compensated for the affected land and assets upon land. APs included under iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they have to relocate.

### 3.2 Entitlements

20. Households or individuals with sufficient basis for compensation will be compensated for land and structure losses equivalent to 100% of the price of such assets. Those without sufficient legal rights are also assisted as described in the entitlement matrix below.

21. The unit rates or amount for allowances indicated in the entitlement matrix can be adjusted during RP updating to reflect actual situation at the time of implementation. However, the adjusted amounts and unit rates cannot be lower than the provisions in the entitlement matrix. Below is the entitlement matrix that should be following when preparing the Resettlement Plan.

**Table 3-1: Entitlement Matrix**

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<b>A. AGRICULTURAL LAND</b>			
<i>A.1: Temporarily Affected Agricultural Land</i>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of use of the land for a period less than 1 year	No compensation for land; however, the Project will: a/ Pay the rent in cash, which will be no less than the net income that would have been derived from the affected property during disruption. , b/ Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land	Project is responsible to restore the borrowed land within 1 month after use of land or negotiates with APs to restore and pay for them.
AND public organisations	Loss of use of land exceeds 1 year.	No compensation for land; however, the Project will: a/ Pay the rent in cash, which will be no less than the net income that would have been derived from the affected property during disruption. , b/ Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land.  Or  AP can ask the Project to acquire permanently that land affected at replacement cost	RP-PMU and EMA are in charge of monitoring on restoration of the affected land.
User with lease or temporary right	Loss of use of the land for a period less than 1 year	No compensation for land; however, the Project will: a/ Pay the rent in cash, which will be no less than the net income that would have been derived from the affected property during disruption. , b/ Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land	Project is responsible to restore the borrowed land within 1 month after use of land or negotiates with APs to restore and pay for them.
	Loss of use of land exceeds 1 year.	No compensation for land if returned to original user;	RP-PMU and External monitoring agency (EMA) is in charge of monitoring

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		<p>however, the Project will:</p> <p>a/ Pay the rent in cash which will be no less than the net income that would have been derived from the affected property during disruption.</p> <p>b/ Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land.</p> <p>Or AP entitled to compensation for the remaining value of the lease contract</p>	<p>on restoration of the affected land</p>
Non-titled user		<p>No compensation for land; however, the Project will pay cash compensation for loss of standing crops and trees at market prices (see D, below).</p>	<p>Compensation will be at least equivalent to income lost as a result of the temporary acquisitions of the land.</p>

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<i>A.2 Permanently affected agricultural land</i>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC AND public organisations	More than 10 percent or more of total productive landholding affected	<p>a/ As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) of same category (or productive capacity); (iii) at a location satisfactory to AP; (iv) with full title in the names of both the household head and his/her spouse; and (v) without charge for taxes, registration and land transfer charges; and</p> <p>b/ Economic rehabilitation package (see G, below);</p> <p>Or, if AP opts, a/ Cash compensation at replacement cost); and, b/ Economic rehabilitation package (see G, below).</p>	<p>If remaining land holding is not economically viable i.e. is too small to be economically cultivated, the Project will acquire the entire land holding and not just the affected portion. The size of the entire holding will be the basis for providing replacement land or cash compensation.</p> <p>DRCs will determine whether the remaining holding can be viable or not and take care of this issue during DMS implementation</p>
	Less than 10 percent of total productive landholding affected; OR No suitable replacement land available	<p>Cash compensation at replacement cost at current market prices for affected portion if remaining holding is viable;</p> <p>OR</p> <p>Cash compensation at replacement cost at current market prices for entire landholding, if remaining holding is not viable.</p>	Implemented by DRCs Decided by DPCs
	Affected landholding located in urban, peri-urban or rural residential area, as per approved land use plan	<p>a/ Cash compensation at replacement cost for affected land; and</p> <p>b/ Additional cash allowance equal to 20 percent of the agricultural land value but the supported area is not exceeding 5 (five) times of the land quota in the locality.</p>	Implemented by DRCs Decided by DPCs

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	Affected land lying intermixed with residential areas but un-certified as residential land; pond and garden land lying the same area containing residential houses along canals and along transportation lines.	a/ Cash compensation at replacement cost for affected land; and b/ Additional cash allowance equal to 40 percent of the agricultural land value but the supported area is not exceeding 5 (five) times of the land quota in the locality.	Implemented by DRCs Decided by DPCs
	Affected landholding is under dispute.	Compensation (for land and all non-land affected assets on the affected land) held in escrow account until land dispute is resolved.	Implemented by DRCs Decided by DPCs
User with lease or temporary rights		Cash compensation equivalent to 30 percent of replacement cost for affected land;  OR, Cash compensation for loss of net income for the remaining leased or assigned period, whichever is higher.	Preceding note on viability of remaining (unaffected) portion of plot also applies  Implemented by DRCs
Non-titled user		a/ No compensation but to be supported for affected land at the same compensation price for the land with lowest position in the land categories of the province, and  b/ Economic rehabilitation package in lieu of compensation (see G, below).	For non-titled APs with no other productive landholdings, local authorities will allocate replacement land with temporary or lease land rights
Eligible organisations		a/ No compensation for affected land but support equivalent with 70% of compensation value of the affected land; and b/ Cash compensation at current market prices for all non-land affected assets on the affected land and allowance for transfer assets, If any.	The compensation amount must be paid to account of affected commune and used for infrastructure improvement of the commune

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<b>B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g., commercial)</b>			
<i>B.1. Temporarily Affected Residential and/or Non-Agricultural Land</i>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Temporary loss of use of land	<p>No compensation for land; however,</p> <p>a/ The Project will pay rent to APs during temporary use; and</p> <p>b/ Compensation for any demolished structures at replacement cost; and</p> <p>c/ Restore land within 1 month after use to its previous or better.</p> <p>And</p> <p>AP can ask the Project to acquire permanently that land affected at replacement cost if Loss of use of land exceeds 1 year</p>	<p>Rent will be determined so as to be not less than the amount of income foregone due to the temporary loss of this land</p> <p>RP-PMU and EMA are in charge of monitoring contractors on restoration of the affected land.</p>

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
User with lease or temporary right	Temporary loss of use of land	<p>No compensation for land; however,</p> <p>a/ The Project will pay rent to APs during the temporary use or compensation for the remaining value of the contract; and  b/ Compensation for any demolished structures at replacement cost; and  c/ Restore land within 1 month after use of land to its previous or better quality.</p> <p>OR, if AP opts:  a/ Compensation for any demolished structures at replacement cost; and  b/ Compensation for the remaining value of the contract.  c/ Restore land within 1 month after use of land to its previous or better quality.</p> <p>And</p> <p>AP can ask the Project to acquire permanently that land affected at replacement cost if Loss of use of land exceeds 1 year</p>	<p>Rent will be determined so as to be not less than the amount of income foregone due to the temporary loss of this land</p> <p>RP-PMU and EMA are in charge of monitoring contractors on restoration of the affected land.</p>
<i>B.2. Permanently Affected Residential and/or Non-Agricultural Land</i>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of residential and/or non-agricultural landholding without houses and structures built thereon	<p>As a priority, allocation of replacement land: (i) equal to area of affected land up to a maximum of land quota in province of project; (ii) of same type (e.g., residential, commercial); (iii) at a location satisfactory to AP; (v) with full title in the names of both the household head and his/her spouse; and (vi) without charge for taxes, registration and land transfer charges;</p> <p>OR, if AP opts, Cash compensation at replacement cost for the affected land. The compensated area does not exceed the residential land quota in the locality;</p>	<p>a/ The DPC will determine availability of replacement land  b/ Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved.</p>

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	Affected landholding exceeds area of land quota.	<p>a/ Cash compensation for the area greater than land quota at replacement cost based on current market prices for agricultural land plus an allowance equal to 40% of the affected residential land value; and</p> <p>b/ Cash compensation at replacement cost for non-land affected asset (see C below).</p>	
	Loss of residential land/or non-agricultural landholding with houses and structures built thereon.	<p>AP will be entitled to one of the following options:</p> <p>(i) Stay and rebuild their houses/structures on the remaining land if viable, and cash compensation at replacement cost for the affected land area and the affected house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (see G); OR</p> <p>(ii) Relocation in resettlement site with cash compensation at replacement cost for the affected house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (See G). If amount of compensation is lower than value of a standard plot or apartment in resettlement site, the difference payment is not required; OR</p> <p>(iii) Self-relocation with cash compensation at replacement cost for affected land and house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (see G); and relocation household is entitled to support by cash for preparation of housing foundation equal to the average investment value in infrastructure of a standard plot in resettlement site.</p>	<p>a/ Infrastructure in relocation site will be constructed by project.</p> <p>The resettlement sites are all close to the affected area and with completed infrastructures.</p> <p>b/ Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved.</p>
User with lease or temporary rights	Loss of residential land/or non-agricultural land	<p>a/ Cash compensation for the remaining value of contract, and</p> <p>b/ Cash compensation at replacement cost for house/structures on affected land, and</p> <p>c/ Package of rehabilitation assistance (see G below).</p>	Local authorities assist AP to find alternative land.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
Non-titled user	Loss of residential land or non-agriculture land	No compensation for affected land; however, a/ Non-titled AP entitled to compensation for affected structures (see C, below), and b/ Package of rehabilitation allowances (see G below)	a/ In case of non-titled AP has no other residential land/or non-agriculture land: Local authorities should consider to allocate replacement residential land or house with full title and plus package of rehabilitation allowances  b/ In case of non--titled AP has no other non-agriculture land: Local authorities should consider to allocate replacement non-agriculture land with temporary of lease land right.
Eligible organisations	Loss of non-agricultural land	a/ No compensation for land if land use fee is unpaid or paid by state funds, otherwise cash compensation for land at replacement cost; and b/ Cash compensation for affected structures and allowance of relocation if any.	Note: Land of organisation <u>not</u> eligible for land compensation may, nonetheless, receive cash compensation at 100 percent replacement cost for any investments on the affected land, if the investments were not made with State funds; and, may request allocation of alternative land to meet their needs

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<b>C. MAIN HOUSES AND/OR SHOPS AND OTHER STRUCTURES OR PROPERTY</b>			
<i>C.1. Main Structures (Houses and/or Shops)</i>			
Owners of houses/ structures	House/Structure partially affected and remaining portion can be used	a/ Cash compensation at replacement cost for materials and labour for affected portion with no deduction for depreciation or salvageable materials; and  b/ Repair allowance (see G, below).	Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for the structures
Owners of house or combined house/shop structures	Structure totally affected OR Structure partially affected and remaining portion no longer viable	a/ Cash compensation at replacement cost for materials and labour for whole affected structure with no deduction for depreciation or salvageable materials; and  b/ Relocation and subsistence allowances (see G, below).	
Owners of shop	Structure totally affected OR Structure partially affected and remaining portion no longer viable	a/ Cash compensation at replacement cost for whole affected structure for materials and labour with no deduction for depreciation or salvageable materials; and  b/ Relocation allowance (see G, below).	
Tenant	Structure partially affected and remaining portion viable	a/ Cash compensation to the structure owner for the whole affected structure at replacement cost with no deduction for depreciation or salvageable materials; and b/ Repair allowance to the structure owner (see G, below). c/ Tenant may remain with owner's agreement.	Notice to tenants by owner at least two (2) months in advance

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	Remaining structure no longer viable, Tenant opts to move OR	a/ Cash compensation to the structure owner for the whole affected structure at replacement cost with no deduction for depreciation or salvageable materials; and b/ Rent allowance equivalent to 6 months' rent or the remaining value of the rental contract (whichever is higher); and, c/ Assistance to find new, affordable rental accommodation; and d/ Relocation allowance (see G, below)	
<i>C.2. Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.</i>			
Owners of structures	Partially or totally affected structures or other property	Cash compensation at full replacement cost for materials and labour and with no deduction for depreciation or salvageable materials; OR  Cash or in-kind assistance to relocate affected structures or property; OR  Cash assistance to repair of property to original or better condition (see G, below).	Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for the structures
	Graves / tombs-yard/cemetery	All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family as prescribed in PPC's regulation.  If the tombs-yard is required, the place and layout of the yard shall be decided by the affected households and the costs for the yard constructions shall be made by the Project.	Compensation to be paid directly to APs.  For ownerless affected graves / tombs, compensation will be given to Commune PC to relocate them to new site. Graves to be exhumed and relocated in culturally sensitive and appropriate ways.  The place and layout of the yard shall be consulted with communities and affected peoples

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<b>D. ANNUAL AND PERENNIAL CROPS, FRUIT AND TIMBER TREES AND TREE/PLANT FENCES</b>			
Owners of crops and/or trees	Loss of annual crops	If standing crops are ripening and cannot be harvested, cash compensation of un-harvested crops at market values based on the average production over past 3 years.	A minimum of 2 months' notice to harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights
	Loss of perennial crops, fruit and timber trees and tree fences	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	Compensation must equal in value to crops that would be harvested had acquisition not occurred.  A market survey shall be carried out when updating the RPs
<b>E. COMMUNITY AND PUBLIC RESOURCES</b>			
Village, Ward, Government Unit	Loss of community infrastructure	Repair or restoration to original or better conditions of affected community infrastructures at no cost to community; OR  Replacement, if necessary, at locations identified in consultation with affected communities and relevant authorities, at no cost to community; OR  Cash compensation at replacement cost based on current market prices for affected community assets.	If income loss is expected (e.g. irrigation, community forest, community grazing land, income from fishpond), the village, commune or district authority 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.
	Public owned utilities	Relocation and/or rehabilitation to original or better conditions of affected public utilities, at no cost to public utility OR  Cash compensation at replacement cost based on current market prices for affected public utilities	Relocation or reconstructions of public facilities will be done with minimal disruption to public service

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<b>F. LOSS OF BUSINESSES AND INCOME SOURCES (NON-LAND BASED)</b>			
<i>F.1. Businesses that relocate and/or rebuild structures</i>			
Households with businesses without tax declarations, e.g., small shops (including un-registered business owners)	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt.	<p>a/ Cash assistance for loss of income based on the minimum wage in the respective province for the period of 3 months; and</p> <p>b/ Cash compensation for affected structures at replacement costs; and</p> <p>c/ Cash assistance for relocation (see G1), if any</p>	Affected businesses will be notified 2 months in advance to relocate and/or rebuild new structures, so as to be able to continue to operate businesses while resettling.
Registered business owners	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt.	<p>a/ Cash assistance for loss of income equal to 30% of taxable revenues of one year. Average annual taxable revenues determined on basis of financial statements for the past 3 years; And</p> <p>b/Cash compensation for affected structures at replacement costs.</p> <p>c/ Cash assistance for relocation (see G1) , if any</p>	
<i>F.2 Employees and Hired Laborers</i>			
Employees and hired laborers	Temporary loss of employment/work while employers re-organize, relocate and/or rebuild.	Cash compensation for lost wages or salary equal to current wages or salary for each day (or month) they cannot work.	
	Permanent loss of employment/work due to land acquisition or relocation of employer.	<p>a/ Cash assistance equal to six months wages or salary <u>or</u> the value of a remaining contract, whichever is higher; and</p> <p>b/ Assistance to secure new employment including relevant skills training expenses if required.</p>	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<b>G. REHABILITATION ASSISTANCE</b>			
<i>G.1. Relocation Allowance</i>			
All APs that relocate	Relocation of household and/or business effects and salvaged and new building materials.	<p>a/ Cash assistance is minimum of VND 3,000,000 for APs that relocate within the same province; OR Cash assistance up to VND 5,000,000 for APs that relocate to another province..</p> <p>b/ Temporary Relocation Assistance for renting temporary resettlement house: The period of assistance and administration of this provision will be as per the Provincial People's Committee regulations</p> <p>NB. Not applicable for AHs rebuilding on same plot.</p>	<p>Eligible APs include owners of residential structures that are totally or partially affected and remaining portion is not viable; non-titled APs allocated alternative residential land or housing; tenants; and, businesses and eligible land use/management organizations that relocate.</p> <p>At the time of compensation, the level of allowance will be re-evaluated to ensure the APs have enough assistance to relocate</p> <p>The resettlement sites are all close to the affected area and with completed infrastructure</p>
<i>G.2. Transition Subsistence Allowance</i>			
Owners of residential structures that must rebuild.	Loss of income during period to rebuild.	<p>Cash assistance is equal to 30 kg of rice per month per household member for 12 months valued at market price; If relocation in hard living condition area, assistance is for 24 months .</p> <p>Assistance is equal to 30 kg of rice per month per household member for 03 months if partial rebuilding only is required.</p>	At time of compensation, allowance will be adjusted for inflation to ensure that APs have sufficient resources to meet basic food and non-food expenditures.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<i>G.3 Repair Allowance</i>			
Owners of partially affected principal structures; AND Owners of other affected structures.	Damage due to dismantling of part of principal structure, or part or all of other structure	Cash assistance based on actual costs to repair the remaining part	
<i>G.4 Infrastructure Development Allowance</i>			
Owners of structures that relocate themselves	Provision of basic infrastructure, e.g., water supply, toilet, access, drainage	Cash assistance equal to the basic cost of investment unit in infrastructure of a standard plot in resettlement site according to Decree 69/2009/ND-CP.	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<i>G.5 Economic Rehabilitation Package</i>			
<p>Severely affected APs, displaced from housing or losing 10 percent or more of their productive, income generating irrespective of tenure status.</p>	<p>Assistance to restore livelihoods and incomes following acquisition of agricultural land or other productive assets</p>	<p>AHs directly cultivate on the affected land to be entitled:</p> <p>(i) Losing from 10 to 30% of agricultural land holding: Cash assistance equal to 30 kg of rice (valued at market price at the time of compensation) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area;</p> <p>(ii) Losing more than 30% to 50% of total agriculture landholding. Cash assistance equal to 30 kg of rice (valued at market price at the time of compensation) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area;</p> <p>(iii) Losing more than 50% of total agriculture landholding Cash assistance equal to 30 kg of rice (valued at market price at the time of compensation) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND</p> <p>(iv) In-kind assistance to be decided in consultation with eligible APs. Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. And</p> <p>(v) Participating in income restoration programme (IRP).</p>	<p>Value of in kind assistance to be determined during RP implementation.</p> <p>Income Restoration Programmes will be designed during project implementation with the assistance of an agency specialized in livelihoods/labor or vocational assistance and with the active involvement of the AHs.</p> <p>IRP shall be prepared during the RP updating following the needs assessment of the APs</p>

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	Change from agricultural to non-agricultural occupations.	Cash assistance equal to 1.5 time of compensation value for affected land area but not exceed 5 (five) times of land quota in locality.  If AP has demand for training, he/she will be entitled to a free training course	Eligibility will be confirmed during DMS.
<i>G.6. Special allowance for social and economically vulnerable households</i>			
Vulnerable APs (the poor, war invalid person, woman headed household, the elderly)	Assistance to the poor and vulnerable households to improve their social and economic conditions.	For the poor households, cash assistance equal to 30 kg of rice (at market price) per each family member per month for  - Relocation poor AHs: entitled to the assistance package in 36 months - Poor and severely AHs (AHs losing more than 10% of total landholdings): entitled to the assistance package in 12 months - Poor AHs: entitled to the assistance package in 6 months..  For other vulnerable AHs, assistance of VND 2,000,000 per household to improve their social and economic conditions	Eligible households are those who are classed as vulnerable under MOLISA definition.
<i>G.7 Bonus to APs that relocate on time</i>			
All APs that relocate		Bonus Allowance if land is handed over in a timely manner.	

## 4. Compensation, Income Restoration and Relocation

### 4.1 Relocation Strategy

53. The District People's Committee/communes in the affected area will be responsible to propose a relocation site for affected households having to move. Households will be consulted on the relocation option. The relocation strategy will:

- (i) Identify land in a setting similar to the land that is recovered.
- (ii) The relocation strategy will ensure that APs are provided with sites that have access to infrastructure and basic services at a level similar to their previous location.
- (iii) If necessary to relocate a number of households, the District will designate a new settlement area. The new settlement area will be provided with infrastructure and basic services. The District will design the site and the costs will be covered by the executing agency.
- (iv) The District will confirm the relocation strategy in writing and it will be described in the RP.

54. Affected households will not be displaced until these households are compensated in full and provided the necessary assistance as per the project entitlements and the income restoration programme in place. Moreover, AHs losing entire houses and who opt to shift to project relocation sites will not be displaced until the relocation site is ready for occupancy.

### 4.2 Income Restoration Strategy

55. In order to assist APs restore livelihoods and income levels, the Project will provide an income restoration programme that is adapted to the needs and situation of the APs as determined in the socio-economic surveys. The APs covered by the income restoration programme are identified in the entitlement matrix.

56. The scope of the entitlements includes an allowance to cover living costs during a period of reduced income while APs restore current livelihood and income-generating activities or make a transition to new income-generating activities. In-kind assistance to strengthen or initiate income-generating activities will also be provided.

57. In-kind assistance to strengthen or initiate income-generating activities will be decided in consultation with local authorities and APs eligible for the income restoration, and will be fully developed in the resettlement plans for each sub-project. Forms of assistance may include, but are not limited to:

- (i) Agricultural extension assistance, to improve the productivity of remaining or newly allocated agricultural land and fishponds.
- (ii) Assistance to restore or replace affected tree plantations, provision of seedlings and technical assistance to help severely affected APs to restore income from cash-crop tree plantations.

- (iii) Support for income-generating activities including appropriate technical support, assistance in vocational planning, small business planning, financial planning and to access and utilise credit, and other measures to promote existing or new income-generating activities.
- (iv) Project-related employment whereby priority will be given to severely affected and vulnerable APs for work on construction.

# 5. Information disclosure, consultation and participation

## 5.1 Information Disclosure, Consultation and Participation

22. Information disclosure is an on-going process beginning early in the project cycle and continuing throughout project preparation and implementation. The process must provide timely information to communities in order that they may meaningfully contribute to project design, decisions and also mitigation. Provision of timely and accurate information will avoid misinformation and inaccurate rumours from circulating in communities. During consultations particular attention is given to vulnerable subgroups in the community to ensure their understanding and collective input. For public information, an information booklet with questions and answer should be used and distributed during consultation to explain the project and the entitlements, see sample PIB (Public/Project Information Booklet) in Appendix 9.3. In accordance with both ADB and GoV policy (contained in Decree 69 Articles 29, 30 and 31 and 2) the PPC and DPC must ensure that public notice is given and disseminate details of the approved draft resettlement plan, or framework, before project Fact Finding by the ADB. This draft will also be disclosed on the ADB website. Following the census of affected persons, the final resettlement plan, as endorsed by the GoV and ADB, is further disseminated to the affected communities and posted on the ADB website. Any updates or revisions to the final resettlement plan must be further disseminated to affected communities and again, posted on the ADB website.

23. The PPMUs, with assistance from relevant provincial and district agencies, will conduct a series of public meetings to provide information regarding project activities and the proposed resettlement and compensation arrangements as specified in the entitlement matrix. These public meetings will be needed to: (i) disseminate information on inventory and pricing results, (ii) inform the APs on amounts of compensation and supports of each affected household, (iii) to listen to their feed back and suggestions, and (iv) for revising or adjusting the inaccurate data, if any. It is important that APs are informed well in advance of the date; time and location of each meeting, and that reminders are also provided. It is essential that these meetings enjoy maximum participation as this will reduce misunderstandings and potential for conflict. For removal or relocation of tombs/graveyards or other religious or cultural significant items, special consultation should take place and a record of consultation should be made available which includes: (i) nature and type of tombs; (ii) how old are the tomb and status of land where the tombs are located; (iii) new location and status of land; (iv) if the tombs are owned by ethnic minorities or not and the implications of impact on the religious and cultural sentiments of the community; (v) agreed ritual process, cost and time of removal of tombs, and other arrangements as deemed necessary.

25. In accordance with Decree 69/ND-CP Article 30(2b) the posting must be recorded in official minutes and confirmed by the CPC, the Commune Fatherland Front and APs. As per Decree 69/ND-CP Article 30 Clause 3(a), following expiration of this period the agency in charge of compensation will summarise all opinions and comments received, including numbers of APs and stakeholders who agree and disagree, with the compensation and land acquisition and assistance offered in the resettlement plan. Interviews with APs will be conducted in order to check the 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. These measures are undertaken to ensure that APs are satisfied with the compensation arrangements and will not object to the disruption and that they will not suffer enduring negative impacts due to the project and be able to fully restore and further improve their livelihoods.

## **5.2 Preparation and Submission of Subproject Resettlement Plans**

25. The RPs for the project will be submitted to the CPMU for review before submitting to MARD and ADB for review and approval. The outline of an RP is attached in the Appendix 9.1. The RP shall follow the provisions and procedures specified in the Resettlement Framework.

26. The RP must be updated following the completion of the detailed designs and conducting of the DMS. This will provide up-to-date and accurate figures regarding the scope of impact, identification of APs and severity of impact, as well as an updated compensation calculation. The RP should be reviewed to update any changes in market prices for replacement values and would need to be reviewed again at the time compensation is due for payment. If rates and prices are found to be out of date, revised updated costs based on the latest market rate must be used. Also in the RP updating process, the IRP (Income Restoration Programme) will be developed. Affected people must be consulted before finalisation of the updated RP. The RPs and the updated RPs will be sent to ADB for approval and uploaded to ADB's website. During the DMS ethnic minority people maybe identified and if their number is significant an Ethnic Minority Development Plan (EMDP) would prepare following the outline provided in Appendix 9.2.

## **5.3 Gender Consideration**

27. Gender and social economic analysis, gender division of labour related to the potentially affected people in the specific project area must be conducted. Based on these analyses, special attention will be given to address women's concerns during the preparation of RP, updating process and implementation. Participation and involvement of the Women's Union at all levels should be encouraged especially for supervision and monitoring of the resettlement process and its implementation, and to help inform communities and women's groups as to project potential impacts. Ensurances should be given that women have full and equitable access to the project's resources and benefits including income restoration programmes and skills training. Adequate resources including a financial and social safeguard specialist must be allocated to support the resettlement process and its implementation. Women must be present during consultations made when conducting the detailed measurement survey and visit to resettlement site. This is to ensure that all information and opinions can be collected and that they include the women's perspectives. Names of both husband and wife must be in the land use rights certificates. Women must be present when compensation payments are made to ensure that any decisions regarding use of compensation monies will be open to decisions made by husband and wife. Sex-disaggregated data must be collected in the socio-economic survey and inventory of loss.

# 6. Institutional Arrangements and Implementation

## 6.1 Institutional Arrangements

28. Implementation of the resettlement plan requires the participation of relevant agencies from the Central to local district, and commune level. The Executing Agency has the overall responsibility for implementation of the RPs. District Resettlement Committees (DRCs) will be established at district level according to Decree 197/2004/NĐ-CP and Decree 69/2009/NĐ-CP.

### 6.1.1 Institutional Features at Central level

29. MARD will delegate responsibility of the Executing Agency to a Central Project Management Unit (CPMU) within MARD's Central Project Office (CPO), which will be led by a Project Director with fully-delegated responsibility for decision making. The CPMU comprises full-time qualified and experienced staff of CPO. Project implementation consultants will assist the CPMU with these tasks.

30. The CPMU will:
- i Provide overall management and coordination of the project;
  - ii Liaise with IAs to carry out all project components;
  - iii Coordinate with ADB in providing resettlement consultant services for the project;
  - iv Support the RP-PMU for updating RPs of the project's components;
  - v Consolidate project progress reports on land acquisition and resettlement submitted by the RP-PMU for relevant ministries and ADB; and
  - vi Recruit and supervise the external independent organisation (or consultants) for external resettlement monitoring.

### 6.1.2 Institutional Features at Provincial Level

31. The Implementing Agency (IA) will be Thanh Hoa Provincial People's Committee (PPC). The PPC will be responsible for issuing all decisions and approvals relating to the implementation of RPs including those relating to its formal adoption, unit compensation costs, notices and approvals for information disclosure, land acquisition and compensation payments, allocations of replacement land (if applicable) and grievance redress. The PPC will also be responsible for establishing the Land Valuation Council and allocation of responsibilities to district-based organisations.

32. Thanh Hoa PPC authorises Thanh Hoa DARD to be the Owner of the land acquisition, resettlement and compensation component in this Project. Within its authorisation, Thanh Hoa DARD established the Resettlement Provincial Project Management Unit (RP-PMU) for Land Acquisition, Resettlement and Compensation of the Project and to undertake the implementation of RPs for the Project.

33. The RP-PMU will oversee all activities of District Resettlement Committees (DRCs) in regard to the implementation of the RP. The RP-PMU will also be responsible for:

- (i) Updating RPs for the project components, including updating numbers of APs, compensation rates (based on an independent assessment of current market values) and budget, submitting this to the PPC for approval and, once approved, making it publicly available in commune offices;
- (ii) Working with relevant agencies at different levels to ensure timely and effective implementation of RPs; this applies particularly to DONRE who will review the overall RPs and recommending PPC approving the land acquisition plans and the unit compensation costs (with assistance from the Land Valuation Council in regard to current market prices, if necessary) and verify compensation plans;
- (iii) Resolving any issues of inter-agency coordination that cannot be resolved by the relevant agencies;
- (iv) Resolving any grievances that have been appealed to the PPC;
- (v) Ensuring the timely release of funds;
- (vi) Preparing and submitting periodic progress reports on implementation of RPs to CPMU.

34. The membership of the RP-PMU will include the Vice-Director of Thanh Hoa DARD who will be the Head of the RP-PMU; Vice-Director of the Provincial Sub-Department of Rural Development will be the Deputy Director of RP-PMU, and other RP-PMU staff.

### **6.1.3 District and Commune Levels**

35. The Peoples' Committees of Thuong Xuan, Ngoc Lac, Tho Xuan, Thieu Hoa, Yen Dinh, Cam Thuy districts have established District Resettlement Committees (DRCs) to implement the RPs. DRCs in combination with RP-PMU, ICMB3, CPCs and under the direction of the RP-PMU, will carry out resettlement activities of the project, in particular:

- (i) The dissemination of the Public Information Brochure and other publicity material; ensuring that APs are aware of the LAR process.
- (ii) Planning and carrying out the DMS and the disbursement of compensation payments.
- (iii) The identification of severely affected and vulnerable APs and the planning and implementation of rehabilitation measures for these APs.
- (iv) Help identify any resettlement sites and new farming land for APs who cannot remain in their present location.
- (v) Assist in the resolution of AP grievances.
- (vi) Facilitate the work of the agency appointed to undertake the external monitoring

## **6.2 Implementation**

36. The implementation process is as follows:

- (i) Establishment of the DRCs. The PPC will establish DRCs for the projects, and entrust tasks to relevant agencies and entities.
- (ii) Land clearance/boundary setting for the Project. After receiving the PPC and DPCs in revoking land and handing over land to the RP-PMU for implementing the projects, RP-PMU will cooperate with the provincial Department of Natural Resources, Environment and the specialised cadastral agency having a contract with RP-PMU to determine the project land clearance red line and setting out boundary at the field, handing over land to implement resettlement tasks for the displaced persons, in order to clear land for the project. Relevant Offices of Natural Resources, Environment of districts and Commune People's Committees of the project will assign their staff working as members of DRCs to implement this task.

- (iii) Engagement of External Monitoring Agency. CPMU will engage the services of an external monitoring agency to carry out independent monitoring and evaluation of RP preparation and implementation activities. Semi-annual progress reports will be submitted by the EMA to CPMU and ADB.
- (iv) Information campaign before DMS. According to Decree No.181/2004/ND-CP, before land acquisition, within 90 days in case of agricultural land and 180 days in case of non-agricultural land, the DRCS must send written notices to affected land owners in respect of reasons for land acquisition, time and plan of displacement, resettlement options, land clearance and resettlement.
- (v) Before census and detailed measurement survey, RP-PMU in cooperation with local authorities of districts and communes will provide project information to residents in the project area. Information will be broadcasted via the public address system of the locality in combination with other multi-media such as radios, press, television, brochures or letters delivered to households to be open posted in public areas.
- (vi) Orientation meetings will be held in the project affected commune to notify the affected community about the scope and scale of the project, impacts, policies and rights for all kinds of damages, implementation schedule, responsibilities for organisation, and complaint mechanism. Brochures including (images, photos or books) related to project implementation will be prepared and delivered to all affected communes in the meetings.
- (vii) Conduct of Replacement Cost Survey by a Qualified Agency. A qualified agency will be engaged by CPMU to assist PPC in determining the current market price under normal condition of land and non-land assets. If there is a significant difference between compensation price and market price as per replacement cost survey carried out by a qualified agency, PPC will update the compensation unit price according to regulations and implementation guidance of Decree No.197/2004/CP and 17/2006/ND-CP.
- (viii) Detailed Measurement Survey. DMS will be undertaken once detailed design is finalised. These surveys will be the basis for the preparation of compensation plan and for preparation of the RPs.
- (ix) Preparation of Compensation Plan. DRCs are responsible for applying prices and preparing compensation tables for each affected commune. RP-PMU and People's Committees of districts will appraise these tables in respect of prices, quantities of affected assets, rights that the displaced persons are entitled to, etc. before notifying each commune for review and comments. All tables of compensation price application must be checked and signed by the displaced persons to prove their consensus. RP-PMU and DRCs will submit the proposed unit rates as per result of the replacement cost survey to PPC for review and approval. The unit rates to be applied will be based on the approved unit rates of PPC.
- (x) Submission of RP and ADB concurrence. RP-PMU will prepare Updated Resettlement Plan, disclose key information of the Updated RP to the displaced persons and submit the same to ADB for review and concurrence.
- (xi) RP Uploading on ADB website. Once the RP is acceptable to ADB, the RP will be uploaded on the ADB website.
- (xii) Implementation of RP. Compensation and assistance will be paid directly to the APs under the supervision of representatives of DCARBs, commune authorities and representatives of the displaced persons. Income restoration and relocation plan will be implemented in close consultation with the APs and concerned agencies.

37. Monitoring. Internal monitoring and independent monitoring will be implemented from RP preparation to implementation. Grievances received will be addressed through the grievance redress mechanism set up for the project. One post-project assessment survey will be

undertaken by the EMA within 6 to 12 months after completion of compensation and resettlement activities

### **6.3 Grievance Redress Mechanism**

38. In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Otherwise, all APs are not ordered to pay any fee during the grievance and complaints at any level of trial and court. Complaints will pass through 4 stages before they could be elevated to a court of law as a last resort. The Executing Agency (EA) will shoulder all administrative and legal fees that might be incurred in the resolution of grievances and complaints.

**First Stage, Commune People's Committee:** An aggrieved affected household may bring his/her complaint before any member of the Commune People's Committee, either through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 15 days following the lodging of the complaint to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

**Second Stage, District People's Committee:** If after 15 days the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the DPC or the DRC. The DPC in turn will have 15 days following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DRC of any determination made. The DRC must ensure this decision is notified to the AP..

**Third Stage, Provincial People's Committee:** If after 15 days the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the PPC. The PPC has 15 days within which to resolve the complaint to the satisfaction of all concerned. The PPC is responsible for documenting and keeping file of all complaints that reaches the same.

**Final Stage, the Court of Law Arbitrates:** If after 15 days following the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication.

39. The above grievance redress mechanism is subject to be disclosed and discussed with the APs to ensure that the APs understand the process. RP-PMU and DRCs are responsible to follow up the grievance process from the APs. A complaint or a case to the Court of Law may be done separately or independently from the Project level Grievance Redress Mechanism filing process.

## 7. Budget and Financing

### 7.1 Budget and Financing

40. Resettlement budget is required for all resettlement activities, including compensation for land acquisition, affected assets, administrative cost, monitoring, income restoration, resettlement site, etc. and included in project cost. Estimated costs will be updated based on the DMS and RCS results following detailed designs. ADB may finance part of resettlement costs if the government wishes. The PPCs, RP-PMU, CPMU and the ADB will review and revise the resettlement plan and budget should unforeseen obligations related to the agreed RF arise during implementation of the project resettlement plan. The updated RP will identify key activities for which funds will be used

### 7.2 Estimated Budget for resettlement

41. Table below presents the estimate cost for resettlement. This cost will be updated after finishing the DMS.

**Table 7-1 Summary of estimate cost for resettlement**

No.	Items	Main canal	NCSM-main canal (New construction section)	NCSM-main canal (Upgrading section)	Branch canal	TOTAL	
I	REPLACEMENT COST	115,105,693,950	288,565,862,775	15,687,225,000	9,232,050,000	428,590,831,725	
II	ASSISTANCE	55,517,700,000	150,179,934,700	4,077,375,000	6,966,750,000	216,741,759,700	
	<b>A= TOTAL DIRECT COST (I+II)</b>	<b>170,623,393,950</b>	<b>438,745,797,475</b>	<b>19,764,600,000</b>	<b>16,198,800,000</b>	<b>645,332,591,425</b>	
	TOTAL A of main canal	166,677,866,950					
III	OTHER COST						
1	Management expenditure (2% of A)	3,333,557,339	8,774,915,950	395,292,000	3,239,760,000	15,743,525,289	
2	Capacity building (0.1% of A)	166,677,867	1,527,285,000	19,764,600	161,988,000	1,875,715,467	
3	Income restoration program	2,668,000,000	9,600,000,000	395,292,000	323,976,000	12,987,268,000	
4	External monitoring	923,321,760	3,111,528,222	576,249,738	1,137,074,053	5,749,275,588	
5	Construction cost for relocation site		4,029,468,768		0		
	<b>B= OTHER COST(1-5)</b>	<b>7,091,556,966</b>	<b>27,043,197,939</b>	<b>1,386,598,338</b>	<b>4,862,798,053</b>	<b>40,384,151,295</b>	
	<b>TOTAL COST C=A+B</b>	<b>173,769,423,916</b>	<b>465,788,995,414</b>	<b>21,151,198,338</b>	<b>21,061,598,053</b>	<b>681,771,215,720</b>	
	Contingencies D =10% of C	17,376,942,392	46,578,899,541	2,115,119,834	2,106,159,805	68,177,121,572	
	<b>GRAND TOTAL RESETTLEMENT COST (C+D) (VND)</b>	<b>191,146,366,307</b>	<b>512,367,894,955</b>	<b>23,266,318,172</b>	<b>23,167,757,858</b>	<b>749,948,337,292</b>	
	1USD-VND=	20,700	9,234,124	24,752,072	1,123,977	1,119,215	36,229,388

## 8. Monitoring and Reporting

### 8.1 Monitoring and Reporting

42. The Project will establish systems for internal and external monitoring and evaluation. The main purpose of the monitoring and evaluation programme is to ensure that resettlement and acquisition of land and properties has been implemented in accordance with the policies and procedures of the RPs. External monitoring and evaluation, in particular, will focus on social impacts on APs and whether or not APs have been able to restore a standard of living equal to, if not better than, that which they had before the project.

43. The objectives of the monitoring and evaluation programme are to (i) ensure that the standard of living of APs is restored or improved; (ii) monitor whether the time lines are being met; (iii) assess if compensation, rehabilitation measures and social development support programmes are sufficient; (iv) identify problems or potential problems; and (v) identify methods of responding immediately to mitigate problems

### 8.2 Internal Monitoring

44. The RP-PMU will conduct the internal monitoring of RP implementation for CPMU to identify as early as possible the activities achieved and the cause(s) of problems encountered so that arrangements in RP implementation can be adjusted. Related information will be collected monthly from the field to assess the progress of RP implementation and will be consolidated every quarter.

45. An initial key indicator will be, as per assurances to the ADB, the payment of compensation, relocation to new sites, and rehabilitation assistance being in place before award of civil contracts and these will be monitored under each of the Civil Contracts. The other main indicators that will be monitored regularly are:

- (i) Payment of compensation to all APs in various categories, according to the compensation policy described in the RP.
- (ii) Delivery of technical assistance, relocation, payment of subsistence and moving allowances.
- (iii) Delivery of income restoration and social support entitlements.
- (iv) Public information dissemination and consultation procedures.
- (v) Adherence to grievance procedures and outstanding issues requiring management's attention.
- (vi) Priority of APs regarding the options offered.
- (vii) Coordination and completion of resettlement activities and award of civil works contract

46. The CPMU will incorporate the status of RP implementation in the overall Project progress report to ADB.

### 8.3 External Monitoring

47. The general objective of the external monitor is to provide an independent verification of the Borrower's monitoring information through the conducting of a 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.

48. The CPMU will retain the services of an external entity or institute as the qualified experienced external monitoring agency (EMA) to undertake objective monitoring and evaluation of RP implementation of projects in Thanh Hoa province. Refer to sample TOR for external monitor in appendix 9.4.

49. The following indicators will be monitored, upon approval of this RP, and evaluated by the EMA:

- 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; and (b) Compensation for affected structures should be equivalent to the replacement cost of materials and labour based on standards and special features of construction with no deductions made for depreciation or the value of salvageable materials.
- 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 technical assistance for house construction to APs 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.
- iv. Provision of income restoration assistance under the income restoration programme
- v. Public consultation and awareness of compensation policy: (a) All APs 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 all APs; (d) Assessment of awareness of various options available to APs as provided for in the RP.
- vi. Affected persons should be monitored regarding restoration of productive activities.
- vii. The level of satisfaction of APs with various aspects of the RP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.
- viii. 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.

50. The EMA shall submit quarterly report in first year and semi-annual reports in the next years to the CPMU. One post-project assessment survey will be undertaken by the EMA within 6 to 12 months after completion of compensation and resettlement activities.

# 9. Appendices

## 9.1 Outline of Resettlement Plan

### A. Executive Summary

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

### B. Project Description

This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimise resettlement. Include a table with quantified data and provide a rationale for the final decision.

### C. Scope of Land Acquisition and Resettlement

This section:

- i. (i) Discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- ii. (ii) Describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- iii. Summarises the key effects in terms of assets acquired and displaced persons; and
- iv. Provides details of any common property resources that will be acquired.

### D. Socioeconomic Information and Profile

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- i. Define, identify, and enumerate the people and communities to be affected;
- ii. Describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- iii. Discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- iv. Identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

### E. Information Disclosure, Consultation, and Participation

This section:

- i. Identifies project stakeholders, especially primary stakeholders;
- ii. Describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- iii. Describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- iv. Summarises the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were

- addressed in the resettlement plan;
- v. Confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
  - vi. Describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

## **F. Grievance Redress Mechanisms**

This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

## **G. Legal Framework**

This section:

- i. Describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed.
- ii. Describes the legal and policy commitments from the executing agency for all types of displaced persons;
- iii. Outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided.
- iv. Describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

## **H. Entitlements, Assistance and Benefits**

This section:

- i. Defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- ii. Specifies all assistance to vulnerable groups, including women, and other special groups; and.
- iii. Outlines opportunities for affected persons to derive appropriate development benefits from the project.

## **I. Relocation of Housing and Settlements**

This section:

- i. Describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- ii. Describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- iii. Provides timetables for site preparation and transfer;

- iv. Describes the legal arrangements to regularise tenure and transfer titles to resettled persons;
- v. Outlines measures to assist displaced persons with their transfer and establishment at new sites;
- vi. Describes plans to provide civic infrastructure; and
- vii. Explains how integration with host populations will be carried out.

#### **J. Income Restoration and Rehabilitation**

This section:

- i. Identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- ii. Describes income restoration programmes, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- iii. Outlines measures to provide social safety net through social insurance and/or project special funds;
- iv. Describes special measures to support vulnerable groups;
- v. Explains gender considerations; and
- vi. Describes training programmes.

#### **K. Resettlement Budget and Financing Plan**

This section:

- i. Provides an itemised budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation.
- ii. Describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items).
- iii. Includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs.
- iv. Includes information about the source of funding for the resettlement plan budget.

#### **L. Institutional Arrangements**

This section:

- i. Describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- ii. Includes institutional capacity building programme, including technical assistance, if required;
- iii. Describes role of NGOs, if involved, and organisations of affected persons in resettlement planning and management; and
- iv. Describes how women's groups will be involved in resettlement planning and management.

#### **M. Implementation Schedule**

This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronised with the project schedule of civil works construction, and provide land acquisition process and timeline.

## **N. Monitoring and Reporting**

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

### **9.2 Outline of Indigenous Peoples Plan/Ethnic Minority Development Plan**

#### **OUTLINE OF AN INDIGENOUS PEOPLES PLAN**

This outline is part of the Safeguard Requirements 3. An Indigenous Peoples plan (IPP) is required for all projects with impacts on Indigenous Peoples. Its level of detail and comprehensiveness is commensurate with the significance of potential impacts on Indigenous Peoples. The substantive aspects of this outline will guide the preparation of IPPs, although not necessarily in the order shown.

#### **A. Executive Summary of the Indigenous Peoples Plan**

This section concisely describes the critical facts, significant findings, and recommended actions.

#### **B. Description of the Project**

This section provides a general description of the project; discusses project components and activities that may bring impacts on Indigenous Peoples; and identify project area.

#### **C. Social Impact Assessment**

This section:

- (i) reviews the legal and institutional framework applicable to Indigenous Peoples in project context.
- (ii) provides baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- (iii) identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with Indigenous Peoples at each stage of project preparation and implementation, taking the review and baseline information into account.
- (iv) assesses, based on meaningful consultation with the affected Indigenous Peoples communities, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
- (v) includes a gender-sensitive assessment of the affected Indigenous Peoples' perceptions about the project and its impact on their social, economic, and cultural status.
- (vi) identifies and recommends, based on meaningful consultation with the affected Indigenous Peoples communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimise, mitigate, and/or compensate for such effects and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

## **D. Information Disclosure, Consultation and Participation**

This section:

- (i) describes the information disclosure, consultation and participation process with the affected Indigenous Peoples communities that was carried out during project preparation;
- (ii) summarises their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;
- (iii) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected Indigenous Peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- (iv) describes consultation and participation mechanisms to be used during implementation to ensure Indigenous Peoples participation during implementation; and
- (v) confirms disclosure of the draft and final IPP to the affected Indigenous Peoples communities.

## **E. Beneficial Measures**

This section specifies the measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, and gender responsive.

## **F. Mitigative Measures**

This section specifies the measures to avoid adverse impacts on Indigenous Peoples; and where the avoidance is impossible, specifies the measures to minimise, mitigate and compensate for identified unavoidable adverse impacts for each affected Indigenous Peoples groups.

## **G. Capacity Building**

This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address Indigenous Peoples issues in the project area; and (b) Indigenous Peoples organisations in the project area to enable them to represent the affected Indigenous Peoples more effectively.

## **H. Grievance Redress Mechanism**

This section describes the procedures to redress grievances by affected Indigenous Peoples communities. It also explains how the procedures are accessible to Indigenous Peoples and culturally appropriate and gender sensitive.

## **I. Monitoring, Reporting and Evaluation**

This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected Indigenous Peoples in the preparation and validation of monitoring, and evaluation reports.

## **J. Institutional Arrangement**

This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP. It also describes the process of including relevant local organisations and NGOs in carrying out the measures of the IPP.

## **K. Budget and Financing**

This section provides an itemised budget for all activities described in the IPP

### 9.3 Project Information Booklet

#### Public Information Brochure (PIB)

Question 1: What are the Canals included in the project?

**Answer:** The construction of Canals will be assisted financially by the Asian Development Bank (ADB) and the Government of Viet Nam to improve irrigation system and water supply in 75 communes of 6 districts of Thanh Hoa province. The overall objectives of the project are to improve the living conditions of the urban population in these provinces and to stimulate economic development. The Ministry of Agriculture and Rural Development (MARD) is the management agency for the different components, with delegated responsibility to the Central Project Office (CPO). ICMB3 under MARD is executing agency for the subproject.

The Northern Chu and Southern Ma Rivers Irrigation Project (NCSMRIP) is located in Thanh Hoa Province, in North Central Vietnam. The project command area is of about 31,100 ha in the area located west of Thanh Hoa City. It comprises the lowland area to the north of the Chu River and to the south of the Ma River. The proposed Project is the combination of two areas:

- The conversion of about 11,800 ha of pumped irrigation to gravity irrigation within the Ma River irrigation system; and
- Development of about 19,300 ha of existing pumped and new gravity irrigation North of the Chu River.

The Project will have 57 primary canals, of which 40 canals will be new with a total length of 126.58 km whilst 15 will be upgraded existing canals with a length of 50.28km. There will be some 150 new secondary canals branching from the primary canals with a total length of 139.25km, and 72 new tertiary units with a total length of 44.71km to be designed. The project will construct 7 management houses, also many control, cross drainage structures and bridges crossing the canals. It is expected that the Northern Chu and Southern Ma Rivers Irrigation System Project (NCSMRIP) will provide benefit to the population of 75 communes and some 96,789 Households (2009) in Thanh Hoa province in Vietnam

Emphasis is on the construction of the canals, which will reduce the cost of irrigation by providing water by gravity over a wider area and replacing the costly existing pumping system. The provision of an efficient water distribution system with a cost effective service giving improved access to water for irrigation is expected to improve the health and living conditions of the residents of the irrigated areas.

Question 2: how will the canals components affect the local population?

**Answer:** The population in the project towns will benefit variously from more extensive access to irrigation system and water supply, reduced risk of crop failure due to lack of water and more active irrigation. The implementation of the subproject will however necessitate the acquisition of some land for the construction of the main canal and other components. Every attempt will be made during the design process to minimise the negative impacts of such acquisition on households and communities.

Where land acquisition is necessary, those affected by acquisition will be properly compensated for their affected land, houses, structures, crops and/or trees. Relocation and income restoration assistance will also be provided to Affected Persons (APs) who will be severely affected by the Project. Details are included in a Resettlement Plan that is available at your commune office.

Question 3: What is the main objective of resettlement plan?

**Answer:** The main objective of the Resettlement Plan is to ensure that all APs will be at least as well-off, if not better-off, than they would have been in the absence of the Project.

Question 4: What if my land is affected by the project?

**Answer:** You will be offered a choice of replacement land of equal area and productive capacity at a location acceptable to you OR cash compensation at replacement value at current market prices.

Question 5: Do we need to have a land title in the order to be compensated?

**Answer:** No, lack of formal legal rights to land does not prevent any APs from receiving compensation, allowances and rehabilitation assistance. Those APs who possess a land use rights certificate (LURC) or any other form of written agreement to utilise the land are entitled to compensation for the lost land as well as assets on the land. Those APs who do not have legal/legalisable or temporary/lease rights for affected land will not be compensated but supported maximum amount equal to compensation value for affected land and still be compensated for the assets on the land, such as any structures, crops and trees at replacement cost.

Question 6: Is The compensation applied for affected houses and structures?

**Answer:** Yes. Compensation will be applied for all affected assets including houses, shops and other structures as well as other fixed assets at replacement value at current market prices (including material and labour) without any deductions for building depreciation or salvageable building materials. This will ensure that the APs are able to reconstruct houses and other structures of better or at least the same quality as before.

Question 7: What about affected crops and trees?

**Answer:** Affected crops, fruit and timber trees and tree fences will be compensated in cash at current market prices. Compensation for un-harvested crops will be based on the average production in the past 3 years multiplied by the market prices (based on a recent survey data) at the time that acquisition takes place. Compensation for trees will be based on the type, age and productivity of trees.

Question 8: How are compensation rates decided?

**Answer:** Compensation rates will be set by the PPC based on the advice from the Land Administration Bureau and an independent assessment of current market prices. You will have the right to appeal if you are not satisfied with the proposed compensation rates (see question 12 below).

Question 9: Besides the compensation, how can the project help?

**Answer:** In addition to compensation for loss of land and other assets, the Project will provide rehabilitation assistance to eligible APs to ensure that their standard of living is maintained or improved after the Project. Eligible APs for rehabilitation assistance include:

- **Severely affected households:**

AHs directly cultivate on the affected land to be entitled:

(i) Losing from 10 to 30% of agricultural land holding:

Cash assistance equal to 30 kg of rice (valued at market price at the time of compensation) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area;

(ii) Losing more than 30% to 50% of total agriculture landholding.

Cash assistance equal to 30 kg of rice (valued at market price at the time of compensation) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area;

(iii) Losing more than 50% of total agriculture landholding

Cash assistance equal to 30 kg of rice (valued at market price at the time of compensation) per

month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND

(iv) In-kind assistance to be decided in consultation with eligible APs. Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. And

(v) Participating in income restoration program (IRP).

Cash assistance equal to 1.5 time of compensation value for affected land area but not exceed 5 (five) times of land quota in locality.

If AP has demand for training, he/she will be entitled to a free training course

- **Households that relocate:** Households that must relocate to new residential land will receive a transition subsistence allowance equivalent to 30kg of rice per person per month for six months for during transition; a transportation allowance of between VND 3,000,000 and 5,000,000 in cash; and, an incentive bonus of VND 5,000,000 if APs demolish their affected houses or structures in a timely manner.
- **Business owners that lose income while they relocate or rebuild their shops/businesses:** Households with small, unregistered businesses will receive cash compensation equal to the provincial minimum wage for six months. Owners of registered businesses will receive cash compensation equal to their monthly after-tax revenues for at least four months.
- **Employees and hired labourers who lose their jobs:** will receive cash compensation for lost salary/wages for each month they cannot work, if the loss is temporary; or, if the loss is permanent, cash compensation equivalent to the provincial minimum wage for six months or cash compensation for remaining contract period whichever is higher.
- **Poor households:** Households eligible under MOLISA definition will receive an allowance equivalent to 30kg of rice per person per month for thirty six months Other vulnerable assistance of VND 200,000 per household.

Question 10: does that mean that anybody in our community can claim for compensation?

**Answer:** No. Entitled APs are those persons or households that will lose land or property based on the detailed measurement survey (DMS) that will be conducted following completion of the final designs for the subproject. Affected communes and local authorities will be informed of the cut-off date (the date of DMS) for the subproject. The DMS inventory the losses for compensation and rehabilitation of all APs who will be affected by the subProject. The DMS will be conducted in the presence of APs, the design engineers, the Land Administration Department and officials from the District and Commune People's Committees.

Question 11: How will APs be consulted and informed?

**Answer:** A consultation and public information program will be organised in your commune to ensure that APs receive complete and timely information about the subProject. APs will be provided information on subproject components, impacts, their rights and entitlements, grievance mechanism, rights of participation and consultation, resettlement activities, responsibilities of institutions and implementation schedule. This program will enable the subproject to design the resettlement and rehabilitation program to meet the needs of APs, and help APs to make informed decisions about compensation and relocation. Consultations with APs and local authorities will reduce the potential for conflicts and minimise the risk of project delays, and maximise the economic and social benefits of the Project.

Question 12: If there are any disagreements or problems about land acquisition, compensation or other general disputes during project implementation, do APs have the right to voice their complaints?

**Answer:** Yes, APs can voice their complaints (in verbal or written form) to responsible local authorities and resettlement committees. Their complaints can be filed first at the ward or

commune level, and can be elevated to the district and provincial level and taken to provincial court if the APs are not satisfied with the decision of lower levels. APs will be exempted from all taxes, administrative and legal fees. All complaints of APs on any aspect of land acquisition, compensation, resettlement and implementation will be addressed in a timely and satisfactory manner.

Question 13: as a resident in the project area, how can I help?

**Answer:** We would like you to participate in all consultation meetings and other subproject related activities in order to ensure that you are fully informed and consulted. Your active participation during the detailed measurement survey (DMS) and implementation will allow us to determine measures to mitigate impacts, to identify problems or potentials problems and to identify ways of responding immediately to solve these problems.

Question 14: How will you know if the objectives of this project are met?

**Answer:** The CPO will ensure internal monitoring all subproject activities. In addition, CPO will engage an independent monitoring agency to conduct external monitoring of resettlement activities during the subproject implementation. Every 6 months, the independent monitoring agency will submit a report to CPO and ADB on resettlement implementation progress. A post-resettlement impact evaluation will assess whether negative impacts have been mitigated adequately and pre-project standards of living of APs have been restored as a result of resettlement and the subproject.

FOR FURTHER INFORMATION AND SUGGESTIONS –

Please contact the PRC, DRCs or CPCs where you live:

1. Provincial Resettlement Committee of Thanh Hoa

Address: No 49, Le Loi Avenue – Thanh Hoa Province

Person in charge: Mr Hanh - Tel: 0904.585.379

2. ICMB 3

Address: No 668, Ba Trieu street - Thanh Hoa Province

Person in charge: Mr Ha - Tel: 0913.351.898

3. Thuong Xuan Resettlement Committee

Address:

Person in charge: Tel:

4. Ngoc Lac Resettlement Committee

Address:

Person in charge: Tel:

## **9.4 Sample Terms of Reference for External Experts**

### **FOR VERIFYING MONITORING INFORMATION OF RESETTLEMENT PLAN IMPLEMENTATION**

#### **A. OBJECTIVES**

1. The objective of this consulting service is to verify the ongoing monitoring information of the implementation of a resettlement plan and advise the [name of the borrower or client] on safeguard compliance issues for [name of the project], which is considered to have significant involuntary resettlement impacts. The project is supported by the Asian Development Bank (ADB) and will [a brief description of the project]. The [name of the borrower/client] is assisted by [name of the implementing Nongovernment organization (NGO)] for implementing the

resettlement plan(s). An experienced external monitoring expert or a qualified NGO will be engaged by [name of the project] to undertake the external monitoring exercise.

#### **B. SCOPE OF WORK—GENERAL**

2. This scope of work will require the expert to undertake the following general tasks, (for example, in a road project), among others:

(i) Review and verify the progress in implementing the resettlement plan through the monitoring information internally generated.

(ii) Monitor the effectiveness and efficiency of the [name of the borrower/client] and the implementing NGO in the resettlement plan implementation.

(iii) Assess whether the involuntary resettlement objectives, particularly the restoration or enhancement of the livelihoods of all displaced persons and the living standards of the displaced poor, have been met.

(iv) Assess significant involuntary resettlement issues and, if required, draw on policy and practices to advise on a corrective action plan.

#### **C. SCOPE OF WORK—SPECIFIC**

3. The expert's work will include several specific tasks:

(i) Visit each canal section when payment of compensation, resettlement, and social programs have been completed and review the results of internal monitoring for the purpose of preparing a monitoring report. Verification will be assessed through random checking of 10% of affected households at field level to assess whether land acquisition and/or resettlement and/or social program objectives have generally been met. The external monitor will involve the affected persons and community groups in assessing the impact of land acquisition for monitoring and assessment purposes through participatory community meetings.

(ii) Identify the strengths and weaknesses of the land acquisition and involuntary resettlement objectives and approaches, as well as of the implementation strategies.

(iii) Review and verify progress in resettlement plan implementation in each component on a sample basis and prepare a semiannual report for the [name of the borrower/client] after the implementation of the plan begins.

(iv) Make two further monitoring visits to each canal section to assess ongoing progress and produce a monitoring report for each assessment in years 2 and 4 following the award of contracts. These visits will coordinate with the internal monitoring activities with the displaced persons and involve special attention to monitoring impacts on the women and other vulnerable groups among the displaced persons.

(v) Assess the effectiveness and results achieved by the livelihood restoration program and the relocation sites.

#### **D. OUTPUTS**

4. The outputs expected will involve the following responsibilities:

(i)

The external expert will visit each canal section as completion of the resettlement plan implementation nears to verify internal reports, check the delivery as per the entitlement matrix of the resettlement plan, and compile a monitoring report and submit [number of] copies to the [name of the borrower/client] after each monitoring visit.

(ii)

The external expert's monitoring report will describe whether the involuntary resettlement program has been successfully implemented in accordance with the resettlement plan.

(iii)

The external expert is required to describe any outstanding actions that are required to bring the resettlement activities in line with the resettlement plan and the Safeguard Requirements 2 of the Safeguard Policy Statement (2009) of ADB and describe further mitigation measures needed to meet the needs of any displaced person or families judged and/or perceiving themselves to be worse off as a result of the project.

(iv)

The expert's monitoring report must also provide a timetable and define budget requirements for any supplementary mitigation measures for the resettlement plan and detail the process of compliance monitoring and the final signing off for these displaced persons. It should also describe any lessons learned that might be useful for future activities.

#### **E. QUALIFICATIONS**

5. The external expert or NGO will have significant experience in monitoring and evaluation. Work experience in and familiarity with all aspects of involuntary resettlement operations would be desirable. Persons with a social science background will be preferred.

6. Interested agencies or consultants should submit proposals for the work with a brief statement of the approach, methodology, and relevant information concerning experience on monitoring and evaluation of resettlement plan implementation. The CV of the expert or the profile of the NGO along with full CV of key personnel proposed to be engaged must be submitted along with the proposal.

#### **F. ESTIMATED PERSON-MONTHS**

7. [Number] [domestic/international] external monitor(s) will be recruited, a total estimated of [number] person-months.

#### **G. BUDGET AND LOGISTICS**

8. The proposal—both technical and financial—should be submitted and the budget should include all cost and any other logistics necessary for the assignment.