

Resettlement Planning Document

Resettlement Plan
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Viet Nam: Comprehensive Socioeconomic Urban Development Project in Viet Tri, Hung Yen and Dong Dang

Sub-Component VT3: Thuy Van Industrial Zone Road (Additional Section), Viet Tri City

Prepared by Phu Tho Provincial People's Committee

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CURRENCY EQUIVALENTS

Currency unit: Vietnam Dong (VND) and US dollar (\$)
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ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	Affected Household
AP	-	Affected Person
CARB	-	Compensation, Assistance and Resettlement Committee
CPC	-	Commune Peoples, Committee
DDR	-	Due diligence review
DOLISA	-	Department of Labor, War Invalids & Social Affairs
DCARB	-	City Compensation, Assistance, Resettlement Committee
DMS	-	Detailed Measurement Survey
DOF	-	Department of Finance
DONRE	-	Department of Natural Resources and Environment
DPC	-	City Peoples, Committee
DPI	-	Department of Planning and Investment
EA	-	Executing Agency
FS	-	Feasibility Study
FDG	=	Focus Group Discussion
GOV	-	Government of Vietnam
GRM	=	Grievance Redress and Resolution Mechanism
HH	-	Household
IMO	-	Independent Monitoring Organization
IOL	-	Inventory of Loss
IRP	-	Income Restoration Program
LURC	-	Land Use Rights Certificate
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
MARD	-	Ministry of Agriculture and Rural Development
NTP	-	Notice to Proceed
PCARB	-	Provincial Compensation, Assistance and Resettlement Committee
PIB	-	Project Information Booklet
PPC	-	Provincial People Committee
PMU	-	Provincial Project Management Unit
RCS	-	Replacement Cost Study
RF	-	Resettlement Framework
RP	-	Resettlement Plan
SES	-	Socioeconomic Survey
VND	-	Vietnamese dong
VWU	-	Viet Nam Women's Union

GLOSSARY

Affected person (AP)/Affected household (AH)	<ul style="list-style-type: none"> - Means any person, household, firm or private institution who, on account of changes resulting from the Project, or any of its phases or subprojects, 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. <p>In the case of affected household, it 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.</p>
Detailed Measurement Survey (DMS)	<ul style="list-style-type: none"> - With the aid of the approved detailed engineering design, this activity involves the finalization 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	<ul style="list-style-type: none"> - Means payment in cash or in kind to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-off date	<ul style="list-style-type: none"> - Date prior to which the occupation or use of the Project area makes a person, household or entity eligible to receive compensation and assistance under the Project. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that: (i) they have been inadvertently missed out during the census and the detailed measurement survey (DMS); or (ii) they have lawfully acquired the affected assets following completion of the census and the DMS. For this project, 1st November 2011 is considered as the cut-off date.
Ethnic minority	<ul style="list-style-type: none"> - People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society.
Compensation measures	<ul style="list-style-type: none"> - 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.
Host community	<ul style="list-style-type: none"> - Means the community already in residence at a proposed resettlement or relocation site.
Income restoration	<ul style="list-style-type: none"> - This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration program	<ul style="list-style-type: none"> - A program designed with various activities that aim to support affected persons to recover their income/livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socioeconomic survey and consultations.
Inventory of Loss (IOL)	<ul style="list-style-type: none"> - 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	- The amount needed to replace an affected asset and net of 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 households	- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, and/or (ii) have to relocate.
Stakeholders	- Individuals, groups, or institutions that have an interest or stake in the outcome of a project. The term also applies to those potentially affected by a project. Stakeholders include land users, country, regional and local governments, implementing agencies, project executing agencies, groups contracted to conduct project activities at various stages of the project, and other groups in the civil society which may have an interest in the project.
Vulnerable groups	- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the state poverty line, (iv) children and the elderly who are landless and with no other means of support.

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EXECUTIVE SUMMARY

A. Scope of the updated Resettlement Plan

1. This updated Resettlement Plan serves for the additional section of 590m of Thuy Van road (VT3) in Viet Tri city under the Comprehensive Socioeconomic Urban Development Project in Viet Tri - Hung Yen - Dong Dang. The uRP is based on the uRP for Thuy Van Industrial Zone Road (VT3) approved by ADB in February 2014, results of DMS, public consultation and replacement cost survey. Scope of the updated Resettlement Plan includes: (i) the project description and the detailed measurement surveys (DMS), (ii) the legal policies and laws, (iii) the compensation entitlements and benefits, (iv) the grievance redress mechanism, and (v) the income rehabilitation measures as well as the monitoring and evaluation mechanism. The updated Resettlement Plan will be disseminated to affected people through consultation meetings and will be posted on the ADB website.

B. Scope of the component impacts

2. The detailed measurement survey conducted by the Compensation, Assistance and Resettlement Committee (CARB) of Viet Tri city shows that 54 households with 297 persons will be affected by the the Additional Component of 590m of Thuy Van road (linking HW 32C to the Red River dike), of which no HH is severely affected by losing 10% or more of productive land and no households have to relocate. Total land area to be acquired is about 8,950.8m², which is entirely agricultural land. All affected households are Kinh people.

C. Socioeconomic Profile of the Project Area

3. The socio-economic survey was conducted in 05/2016 for 54 project affected households in Thuy Van commune. The per capita income in Thuy Van Commune is estimated 21 million VND/person/year (equivalent to 1.75 million VND/person/month). The main source of income comes from agriculture. The agriculture makes large in the total income. The rate of poor households in Thuy Van commune is 2.1%.

D. Consultation and Information Disclosure

4. During the preparation of the updated Resettlement Plan, the community consultation meetings and focus group discussions were held with representatives of communes, village chiefs and affected households. Total 62 people, both men and women joined in the meetings. In the meetings, the City's Compensation and Resettlement Committee announced (i) results of the detailed measurement surveys, (ii) the draft of the Compensation Plan, and (iii) the revised Compensation Plan after the design adjustments. The participants were consulted and gave their opinions. The minutes of the meeting are included in the updated Resettlement Plan. The updated RP will be uploaded on ADB website and project website.

E. Grievance Redress

5. A well-defined grievance redress mechanism (GRM) is established to address AHs' grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. The grievance redress mechanism is based on a three stage process at various levels of local government, which follows the government's Laws on grievances and complaints. The GRM was disclosed to APs during public meetings and consultations.

F. Legal Framework

6. The legal and policy framework for compensation, resettlement and rehabilitation under the Project is defined by the relevant laws and regulations of the Government of Viet Nam and the ADB

Safeguards Policy Statement (2009). In case of discrepancies between the Borrower's laws, regulations and procedures, and ADB's policies and requirements on Involuntary Resettlement will prevail.

G. Entitlements

7. The project entitlements adopted are based on ADB SPS (2009), Government laws, Phu Tho Provincial People's Committee Decisions on land acquisition, resettlement and assistance. The entitlements in the uRP maintain the standards set forth in the resettlement plan updated in 2/2014. It should be noted that the entitlements in this updated RP may be enhanced, as necessary, following the conduct of DMS and consultations with AHs to ensure that losses are restored and peoples' livelihoods are stabilized or improved. The cut-off date for eligible entitlements of APs is 01/03/2016.

I. Income Restoration and Rehabilitation

8. AHs will be provided cash assistance for livelihood stabilization as per Government laws and regulations, in addition to compensation for land and non-land assets.

J. Resettlement Budget and Financing Plan

The required budget to implement the updated RP is estimated at VND 2,267,000,000 billion – equivalent to approximately US\$ 103,045,00. It covers compensation costs for land and assets, allowances and income restoration measures/programs, administration costs, internal and external monitoring, and contingency. The cost of consultation and grievances redress will be covered from administration charges. The resettlement budget is funded by project province through counterpart funds.

K. Institutional Arrangements

9. The Viet Tri city PC and Viet Tri PMU are responsible for implementation of the updated RP. A resettlement unit was established in the Viet Tri PMU to coordinate the resettlement activities with the city's Compensation and Resettlement Committee. Viet Tri PMU will designate a resettlement staff member and extend current contract of the external monitoring consultant to conduct independent monitoring on implementation of the updated RP for the additional section in compliance with ADB policies on Involuntary Resettlement.

L. Implementation Schedule

10. This Additional component will be implemented in six months. The resettlement part is expected to be completed in Q3/2016.

M. Monitoring and Reporting

11. The PMU will be responsible for internal monitoring on resettlement implementation and engage an external Monitoring Consultant (Individual) to conduct independent monitoring and evaluation of (i) achievement of resettlement objectives; (ii) changes in living standards and livelihoods; (iii) restoration of the economic and social base of APs; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures as required. The PMU will submit quarterly internal monitoring reports and semi-annual external monitoring reports to ADB for review and upload on ADB website.

I. INTRODUCTION

A. Project Background

1. The Comprehensive Socioeconomic Urban Development Project in Dong Dang - Viet Tri - Hung Yen (referred as to the Project) was approved by the Asian Development Bank (ADB) on March 9, 2012, funding \$115.33 million. The Project is targeted to (i) contribute to the transformation of Viet Tri and Hung Yen into the sustainable and competitive cities, strengthening the provincial capital role of the two cities, serving the economic - social development in the provinces, (ii) strengthen the role of Viet Tri, Hung Yen and Dong Dang, becoming the main development hubs in the NSEC: Viet Tri plays as a transit hub, Hung Yen plays as a tourism destination, and Dong Dang plays as a commercial hub, (iii) improve the current border gate of Huu Nghi (close to Dong Dang) to promote trade with China.

2. In Viet Tri city, there are 2 invested components: (i) Viet Tri Urban Road Component: this component will build the western part of the ring road from the Lo river dike to the Red river dike, accounting 1/3 of the total length of the ring road. The new road will improve the connectivity to Noi Bai - Lao Cai Expressway, Thuy Van Industrial Zone, and the city center; as well as reduce the traffic density in the central areas. This component includes: (a) VT1 - Phu Dong road, 4.1 km long, connecting the city center with Noi Bai - Lao Cai Expressway, (b) VT2 - Truong Chinh road, the northwest part of the ring road (4.4 km long including Truong Chinh road from Lo river dike to Thuy Van Industrial Zone, intersecting Phu Dong road), (c) VT3 - Thuy Van road, the southwest section of the ring road (6.5 km long from Thuy Van Industrial Zone to the Red River dike), (ii) Component 2: Viet Tri Solid Waste Management. This component will provide equipment and vehicles that collect and transport waste.

3. Thuy Van Road has been implementing since 2013, however, one section of the road was pended due to lack of fund. Balance of saving from bidding shows that the saving amount is enough to construct the remaining section of 590m to connect Thuy Van road to the red river dyke. This additional section requires land acquisition, so resettlement plan for Thuy Van road needs to be updated to ensure all entitlements of AHs will be delivered to them according to the uRP.

4. In the framework of this updated resettlement plan, it only mentions the land acquisition impact for the Additional Component of 590m of Thuy Van road (Linking HW32C to the Red river dike). This updated RP resolves all impacts of land acquisition and resettlement of the component in compliance with all laws and regulations of Vietnam and the ADB SPS 2009. The updated RP is based on the DMS results, consultations, and replacement cost survey conducted in 5/2016.

B. Objectives of the updated Resettlement Plan

5. This updated RP aims to ensure that APs in the additional section will be compensated at replacement cost and are assisted in restoring or improving their living conditions and livelihood. Compensation and various forms of assistance will be provided and income restoration programs, as needed, will be put in place prior to the displacement of AHs from their houses, land, and other assets, in a way that will ensure that their standard of living is at least restored to its pre-project levels, and that vulnerable groups are assisted to help improve their socio-economic status. APs will be involved in a meaningful consultation and participation in the process of project implementation.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Methodology

6. DMS and socio-economic survey was conducted to verify and update the scope of impact of the Additional Component of 590m of Thuy Van road (Linking HW32C to the Red river dike). The DMS process aims at tallying the number of people affected by the project and determining the

impact on land and property on land to make the final funding for the land acquisition and resettlement for the project.

7. Several methods were used to obtain the DMS. The basis of the DMS methodology was to overlay the project design drawings over local cadastral maps followed by visual surveys and measurement of the affected areas.

8. The DMS in Thuy Van commune ended in 03/2016, subsequently, the internal checking as legal verification, compensation planning ended in 05/2016. On this basis, the City's Compensation, Assistance and Resettlement Committee posted and announced the compensation plan to the affected households to consult their opinions to complete the compensation plan.

9. Information gathered through the DMS and SES were encoded, entered into electronic storage and analyzed using social statistical software from which a data base on the DMS was produced.

C. Summary of land acquisition and resettlement impacts

10. **Affected households:** the Project will affect 54 households with the total of household 297 inhabitants, of which no households are severely affected due to loss of more than 10% of productive land and no households have to relocate. All affected households lose agricultural land (paddy land), trees and crops.

11. **Affected land:** The road construction will affect 8,950.8m² of agricultural land owned by 54 households and individuals. There is no temporary land acquisition. The land fund is not available in the project communes, so "land for land" compensation is not applied in this component. Result of consultation with APs shows that they prefer to receive cash compensation. The details are presented in Table 1.

Table 1. Summary of land acquisition

Ownership	Permanent acquisition (m ²)			Temporarily acquisition (m ²)			Total
	Residential land	Agri. Land (rice paddy)	Other land	Residential land	Agri. Land (rice paddy)	Other land	
Private land	0	8950,8	0	0	0	0	8950,8
Public land	0	0	0	0	0	0	0

Source: the PMU provides in 05/2016

12. **Loss of trees and crops:** The total annual area of crops is 8,950.8 m² which is mostly rice.

D. Impacts on Residential Land and Houses

13. According to DMS, there are no households affected residential land and house.

E. Impacts on Businesses

14. There is 01 household which manage stores in huts to sell goods for workers of the industrial park. He built huts and stores on the public land managed by the city and committed to dismantle such huts and stores without compensation when the State requires land for public purpose.

F. Impact on graves

15. There are no tombs affected by the subproject.

16. **The tenure status of affected households:** The provision of certificates of land use right (LURC) has been done for the households affected by the project in the commune. 100% households received LURCs.

III. SOCIO-ECONOMIC INFORMATION ON AFFECTED HOUSEHOLDS

A. The socio-economic information of affected households

17. The socioeconomic information of the affected households was collected by the survey in 05/2016. Total 54 (100%) affected households in Thuy Van commune were interviewed in the survey. The main findings of this survey will be presented below:

Household demographics

18. 54 affected households have total 297 members, including 147 men (49.6%) and 150 female (50.4%) (see Table 2). On average, each household has 5.5 members.

Table 2: Gender of household members in affected households

Location	Affected households	Members of affected households			The average number of household members
		Male	Female	Total	
Thuy Van commune	54	147	150	297	5.5
Total	54	147	150	297	5.5
Percentage (%)		49.6	50.4		

Source: Survey of APs, 05/2016

19. Most household members are 18 to 60 years old (see Table 3). Most people under 18 years old are in school, while 60 year old people still work in farm or look after family. Those who are 18 to 50 years old (155 people) have opportunities to find work in offices and factories. The older to be affected may live on trade or business. Many people over 60 years old are not interested in finding other sources of income. They live on pension or depend on their younger members in the families.

Table 3: The age of the members in the affected households

Location	Age					Total
	Under 18	18 – 30	31 – 50	51 – 60	Over 60	
Thuy Van commune	55	75	80	60	27	297
Total	55	75	80	60	27	297

Source: Survey of APs, 05/2016

Livelihood and income

20. Currently, all interviewed householders have jobs (see Table 4). Most of them (70%) said agriculture is their main occupation, 20% said they earn income from the employment in factories, 10% earns from small business. Most householders (78%) have different jobs. Only 22% is dependent on a single source of income. More than half (54%) of householders said their additional income is from working for factories while the other 14% said their income is from business.

21. All members aged 18-60 years old are either working or going to schools. Most of them are working in offices or companies. Women work in garment factories while men work in the construction industry. Only a small percentage said agriculture (15%) is the main source of income. The remaining (30%) members do seasonal work or going to school. The majority (76%) has multiple sources of income and the majority (64%) are seasonal works. A small part works part-time in factories or in agriculture sector.

Table 4: The main occupation of householders and members in affected households

	Members in affected households	Main occupation					Secondary occupation					Total
		Agriculture	Trading	Factory workers	Other	No	Agriculture	Trading	Hired labour	Other	No	
Thuy Van commune	Householders (n = 54)	37	11	6				26	22	6		54
	Members aged 18-60 (n=215)	32	44	139	0		32	150	43		0	215

Source: Survey of APs, 05/2016

22. Although many householders said agriculture is their main source of income, but it accounts for only 20% of total income. The income from working for sewing workshops or small factories occupies nearly 39-58% of their total income. Small businesses accounts for 17-22%. Income from other sources accounts for 4-17% of their total income. Among the household members who are employed, income from working for small factories makes about 38-40%. Income from other sources accounts for about 18-20% of their total income (see Table 5).

Table 5: The structure of income of householders and members from the income sources

Location	Household members	Income from other sources (%)				
		Agriculture	Trade	Employment	Other	Total
Thuy Van commune	Householders (n = 54)	20.4	17.3	58.1	4.2	100
	Members aged 18-60 (n=215)	20.0	8.7	39.6	31.7	100

Source: Survey of APs, 05/2016

23. According to Decision No.09/2011/QĐ-TTg, the poverty line for the rural area is less than 400.000 VND/person/month (or from less than 06 million VND/person/year). A near-poverty line in rural areas will have average income from 401.000 VND to 550.000 VND/person/month. According to this standard, among 54 surveyed households, there are no poor households. The remaining affected households are not classified as poor or near poor. Table 6 presents the annual income of the affected households.

Table 6: The annual income of the affected households

Location	Million/year						Affected households
	Less than 9 mil.	10-12 mil.	13-19 mil.	20-29 mil.	30-49 mil.	50 mil.	
Thuy Van commune	0	0	9	32	13	0	54
Total	0	0	9	32	13	0	54

Source: Survey of APs, 05/2016

The ownership status for production land plots

24. The survey results that on average each affected household has 3.4 production land plots, some are in different locations. Currently, the project is near industrial parks and factories, so less people do farming but switching to working for the local industrial parks. The provision of certificates of land use right (LURC) has been done for the affected households.

Education

25. In general, the high education of household members makes a large percentage. Those who completed secondary school occupy 47.7% and higher levels are 38%. In general, women have less educational opportunities than men.

B. Impact Assessment on gender

26. **Positive impacts on gender:** subcomponent implementation will have positive impacts on the people in the project area in general and on women in particular. These effects are:

- (i) Creating new opportunities for economics services;
- (ii) Creation of jobs to increase income for women, especially poor women during the time of project construction;
- (iii) Providing opportunities to improve the status of women and enhance their participation in community activities through gender action plan;
- (iv) Contribution to poverty alleviation in the project communes.

27. **Negative impacts on gender:** Beside of the positive impacts, the project also impact negatively on women in particular and people in general in the area. The negative effect is the land acquisition that will affect the lives of families. However, the mitigation measures will be conducted through the compensation and livelihood restoration programs. In addition, during construction, environmental pollution caused by dust, construction waste, noise may occur. These effects can be significantly reduced by asking the construction contractor to implement the proposed mitigation measures.

28. **Gender action plan:** from the above analysis of gender, a gender action plan is needed to facilitate maximum participation of women in the construction phase of the project, providing new opportunities for women to increase income, but not increase the burden on their lives, and contribute to increase the role and woman status in the project area. The objectives of this plan are:

- (i) The local contractor will prioritize mobilization of female workers/labors doing works relating to the project;
- (ii) For a similar type of work, women workers/labors must be paid as male labourers;
- (iii) The safety conditions must be the same for both men and women;
- (iv) The local contractor will not use child labor;
- (v) Encourage the use of local labor and avoid building work camps;
- (vi) The woman group and the Woman Union will be consulted in the design of the Subcomponent;
- (vii) Training on gender mainstreaming for the implement agencies at the national, provincial, and local agencies (i.e. PMU, CPCs, and other stakeholders);
- (viii) Training and capacity building for women to participate in community decision making and project in a most meaningful way (i.e. training on participation and negotiation skills, marketing skill, and training on math and literacy);
- (ix) Ensure participation of women in the project training stage;
- (x) The extension services targeted at women are designed and delivered to women;
- (xi) The campaign to raise awareness of HIV/AIDS will be given before the start of civil works;
- (xii) PMU and CPCs are responsible for monitoring and reporting of performance indicators of gender action plan, including the participation of women, the target jobs and training, and campaigns to prevent the HIV;
- (xiii) At least one woman will be representative in each commune supervisory board (accounting for about 1/3 of its members).

Table 7: Gender action plan

Project outputs	Activities and Indicators	Responsibilities	Time
Output 1: Construction of road	<ul style="list-style-type: none"> Contractors will prioritize the use of local unskilled labor (through subcontracting); the labor force will prioritize local unskilled women labors; Male and female unskilled workers will receive equal pay for equal work; Contractors will not employ child labor on civil works contracts; Persons interested will write their names at village level; commune authorities and village chiefs will provide names to the contractors; priority will be given to members of the poorest households 	<ul style="list-style-type: none"> PMU/TA Consultant will be responsible to ensure this clause is included in the contract; Commune authorities will submit to the contractors the list of interested people; Commune authorities will be responsible for ensuring that targets are Women's Union at commune level will also ensure that women are hired; 	<ul style="list-style-type: none"> During construction
Output 2: Awareness of potential social problems is enhanced among vulnerable persons, especially women	<p><i>HIV/AIDS and Human Trafficking Campaign</i></p> <p><i>Community-Based Risk Mitigation Campaign</i></p> <ul style="list-style-type: none"> The risk mitigation information will be delivered to project-affected communes and villages using a participatory approach with a special focus on the poor, vulnerable households (e.g. households headed by women, and families with disabled and elderly members, and out-of-school youth). Materials will be gender-responsive and culturally- and linguistically-appropriate; Training of facilitators will be conducted by women's unions and representatives of HIV/AIDS centers and communes in each of the two project areas; Campaigns will be conducted at commune & village levels by 2 facilitators per village (village chief & 1 woman member of the WU) Campaigns will be conducted at village level and during market days, through distribution of leaflets, use of loud speakers, and presentation of plays; 	<ul style="list-style-type: none"> WU at the provincial and commune levels will be responsible for the whole campaign organization (training of facilitators, materials development) in collaboration with city and commune health centers. WU at the village level will be responsible for the dissemination of information Commune/city health centers will assist WU at commune level TA Consultant will include international and national gender specialists The gender specialists from the TA Consultants will review the existing materials and, if necessary, supplement the existing materials. 	<ul style="list-style-type: none"> Monthly, before and during construction
	<p>Construction-Setting Risk Mitigation Campaign</p> <ul style="list-style-type: none"> PMU and Contractor will work closely with health services at the district and commune levels to develop awareness, training, prevention, diagnosis and treatment programs for workers. All programs and materials developed will integrate gender issues, including key vulnerabilities and needs of men and women. In particular contractor will: <ul style="list-style-type: none"> Develop awareness programs for the employees and the community including information, education and communication activities that address HIV transmission and promote preventive measures; Provide voluntary counseling and encourage testing for HIV/AIDS to make sure that all employees know their status; Facilitate access to health care and be supportive of people who have disclosed their HIV status; Provide basic medical care and facilities (free condoms) at workers' camps; 	<ul style="list-style-type: none"> Contractors Local health centers Commune authorities Women's union will carry out overall coordination to create greater synergy on HIV focused activities. 	<ul style="list-style-type: none"> During construction
Project Management	<ul style="list-style-type: none"> Gender and development briefing and training will 	<ul style="list-style-type: none"> TA Consultants 	<ul style="list-style-type: none"> During design and initial

Project outputs	Activities and Indicators	Responsibilities	Time
	be provided to PMU staff, local organizations and contractors. – All capacity development activities will include targets for female participation	– PMU	implementation

IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

A. Disclosure of the Updated Resettlement Plan

35. In compliance with the ADB requirements, the social consultants will assist the CARB in organizing the community consultation to publicly disseminate the final URP as approved by the PPC and ADB. The project information booklet shall be made available in the Vietnamese.

36. APs are notified in advance about resettlement activities, including: (i) community meetings about the scope of the subproject, work alignment plan, site clearance plan and construction plan, (ii) detailed measurement and survey results, (iii) lists of eligible APs and their entitlements, (iv) compensation rates and amounts, (v) payment of compensation and other assistance and (vi) other contents such as the complaint mechanism. Notices are posted in the commune PC offices or other easily accessible locations; letters, notices or small brochures are delivered individually to APs; and radio announcements.

37. This URP will be uploaded in the ADB websites in both English and Vietnamese and disclosed to the APs through commune and village meetings. In the table below, the different public consultation meetings pursued and planned and their description and methodology are listed.

Table 8: Public consultation activities

Issue	Target Audience	Means of Communication	Responsible	Timing
Resettlement Issues				
Project design, objectives, policy, implementation arrangements, likely impacts and planned mitigation measures	Communities in the project area	Public consultation meetings	PMU, PSC, local authorities	Project detailed design
Results of land acquisition and resettlement surveys, mitigation options, anticipated schedules	Affected households	Public consultation meetings at convenient locations	PMU, PSC, local authorities	Soon after completion of resettlement surveys (DMS)
Planned resettlement plan mitigation measures, including compensation rates and entitlement matrix	Affected households	Public consultation meetings at convenient locations	Resettlement Committee, PMU, PSC, local authorities	Prior to finalization of updated resettlement plan
Income restoration activities	Affected households	Various-including public meetings, focus group discussions and individual consultations	Resettlement Committee, Women's Union local authorities, PSC, DOLISA, private industries	Periodic as needed to commence after completion of DMS
Disclosure of draft and updated resettlement plan	Affected households Communities in project areas	PIB, translated resettlement plan publically accessible in local People's Committee Office, uploaded on ADB website and/or executing agency website	PMU with support of PSC. Disseminated by local authorities	Upon receipt of concurrence by ADB
Implementation schedule of resettlement plan and civil works	Affected households	Public consultation meetings	Resettlement Committee, PMU, PSC, local authorities	Ongoing prior to implementation and upon significant change in implementation schedule
Disclosure of periodic External Resettlement Monitoring Reports	Displaced people's representatives, local authorities, mass	Public meetings translated report publically accessible in local People's Committee Office,	External Monitor, PMU	Upon completion of periodic monitoring reports

	organizations	uploaded on ADB websites and/or executing agency website.		
Other Social Impact Issues				
Implementation schedule, restricted access, disruptions, hazards, opportunities for project work, road safety, HIV/AIDS and trafficking.	Communities in project areas	Public information meetings, IEC materials, public announcements in local communities	PMU, local authorities, PSC, HAPP/HTPP service provider, works contractor	Ongoing during implementation

B. Public Consultation during the preparation of resettlement plan

38. Public consultations and community participation is encouraged in all the project cycle, including planning, designing, implementing, and monitoring. The objective of the Public Consultation and Participation is to develop and maintain avenues of communication between the Project, stakeholders and APs in order to ensure that their views and concerns are incorporated into project preparation and implementation with the objectives of reducing or offsetting negative impacts and enhancing benefits from the Project. The feedback from consultations is an important component of, and crucial methodology of the planning process, leading to the formulation of mitigation measures and compensation plans for project-affected communities, and for environmental mitigation measures.

39. Disclosure of information and consultations were conducted during preparation and implementation of compensation and resettlement to ensure that AHs and other stakeholders have timely information about land acquisition, compensation and resettlement, as well as opportunities to participate in and express their preferences and concerns regarding the resettlement program. All requirements under the SPS that are well considered in the preparation and implementation of the uRP.

40. The aims of Public Consultation and Participation are to:

- (i) Provide full and impartial information to APs about the Subproject, its activities, and potential impacts that affect them, and to provide an opportunity for their feedback on the Subproject;
- (ii) Explore a range of options for minimizing subproject negative impacts, and for those impacts that cannot be avoided, explore the range of options for, and ensure APs participate in the design of mitigation measures;
- (iii) Gather information about the needs and priorities of APs as well as their feedback on proposed resettlement and compensation policies, options and activities;
- (iv) Provide a mechanism for continued dialogue, raising of concerns and monitoring of implementation;
- (v) Method of consultation and participation has to ensure two-way exchange of information between the community, people and affected groups by a consultation method in accordance with the traditional cultural of the locality, taking into account gender issues, social justice and the principle of equality.

C. Consultation and participation during the URP preparation

41. **Objectives.** The objective of the consultation meeting with the affected commune is to provide information, as much as possible, of the subproject to the APs, discuss and gather their comments on project issues, specifically:

- (i) Project description: location, size and scope of impacts

- (ii) Presentation and discussion with AHs on the project's policies, those eligible for compensation and resettlement assistance.
- (iii) Presentation and discussion with AHs on the project implementation plan;
- (iv) Presentation and discussion with APs on the grievance redress mechanism;
- (v) Presentation and discussion with the APs on issues related to gender, restore income, livelihood and other support policies.

42. **Method.** The method used in the consultation process with APs by the project complies with the two-way exchange of information between the community and advisory groups. It will promote the neutrality to ensure and encourage participation of the APs. There is a mechanism to provide feedback on the people's opinions, perceive all the reasonable ideas, and give reasons to those opinions that are not relevant.

43. A consultation meeting in each commune with participants from AHs, representatives of beneficiaries, PMU, CPC, resettlement specialists, gender specialists, environmental specialist, village leaders, and representatives of farmer associations, women union, fatherland Front association and youth union. Topics discussed were:

- (i) General information and issues on resettlement and environmental impacts as well as mitigation measures
- (ii) Gender and livelihood issues
- (iii) Participation of local authorities (provinces, districts and communes) to explain and understand as well as respond to issues raised by local residents

44. Consultant held consultation meeting with APs in each affected commune by the subcomponent in Viet Tri city, Phu Tho Province, including: Meeting with APs in Thuy Van commune in 15/05/2016.

45. During the RP updating, several rounds of consultations were carried out in the sub-component. During the consultation, AHs actively participated in discussing their development needs and priorities of their locality. The AHs were also asked about the potential impacts of the Project and possible mitigation measures and measures to improve project benefits for them. AHs and local people were made aware of Project implementation and, the Project compensation policy.

46. Details of the consultation meetings and issues are presented in table following:

Table 9: Summary of Consultation Activities During RP Updating

Consultation Activities	Location	Number of Participants	Date of Consultation	Main Issues in Consultation Meetings
Stakeholder meetings	Thuy Van CPC office	6	15/05/2016	- Project impacts
	Viet Tri Compensation, Assistance and Resettlement Committee	2	15/05/2016	- Entitlement policy of APs. - Grievance and redress mechanism. - Compensation policy for each kind of land, structures, architectural facilities, trees and crops.
Consultation Meeting	Thuy Van commune	54	15/05/2016	- Assistance policies.
Total		62		- Implementation plan. - Measures to address issues arising in the project implementation stage.

47. The PMU and Viet Tri city Compensation, Assistance and Resettlement Committee will disclose, in both English and Vietnamese, the updated RP approved by the PPC and ADB in the PMU office, and project commune offices, and submit to ADB for uploading to its website. The PMU will also disseminate to each AH a copy of the brochure. Follow-up consultations will be organized for AHs who need to relocate and those who will participate in the livelihood restoration program. Both internal and external monitors will visit AHs, especially vulnerable HHs to determine if they have concerns or if they are able to cope and restore their living conditions and livelihood.

V. GRIEVANCE REDRESS MECHANISMS

48. Grievances related to any aspect of the Comprehensive socioeconomic urban development project in Viet Tri city will be handled through negotiation aimed at achieving consensus. Complaints will pass through three (3) stages before they could be elevated to a court of law as a last resort. The complainants will be exempted from all administrative and legal fees that might be incurred in the resolution of their grievances and complaints.

49. This Grievance Redress Mechanism is governed by the Laws on Complaints No.02/2011/QH13 and Decree 75/2012/ND-CP, dated 20/11/2012 guiding on implementation of the complaint law.

50. This grievance redress and resolution mechanism has been designed to address displaced households grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. All displaced households have been made fully aware of their rights, and the detailed procedures for filing grievances and an appeal process. The grievance redress mechanism and appeal procedures have also been explained in the PIB that was distributed to all displaced households and fully publicized during RP updating.

51. Displaced households (including either spouse heading an affected household) are entitled to lodge complaints regarding any aspect of the land acquisition and resettlement requirements such as, entitlements, rates and payment and procedures for resettlement and income restoration programs. Displaced households' complaints can be made verbally or in written form. In the case of verbal complaints, the Committee on Grievance will be responsible to make a written record during the first meeting with the displaced households.

52. For the purposes of grievance redress and resolution, the respective PMUs shall also serve as grievance officers. The designated commune officials shall exercise all efforts to settle displaced households' issues at the commune level through appropriate community consultation. All meetings shall be recorded by the resettlement committees and copies shall be provided to displaced households. A copy of the minutes of meetings and actions undertaken shall be provided to PMU and ADB upon request.

53. The Grievance redress mechanism established for the project can be summarized as stages below.

- I. **First Stage, Commune People's Committee:** For first complaint, an aggrieved AH may bring his/her complaint to 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 of the complaint. The CPC will meet personally with the aggrieved AH and will have 10 days following the lodging of the complaint to register it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles. Time limit for handling complaints for the first time not exceeding 30 days from the date of registration; for complicated cases, the time limit may be extended but not more than 45 days from the date of registration. In hinterlands and remote areas with difficult access and transportation, the time limit for appeal is 45 days from the date of acceptance; for complicated cases, the time limit may be extended but not more than 60 days from the date of acceptance (Article 28, Law No.02/2011/QH13 dated on Nov. 11th 2011). During 30 days (or not more than 45 days for hinterlands and remote areas with difficult access and transportation) from the expiration day for settlement of complaint, if first complaint is not resolved, or from the day the complaint receives the decision of first complaint settlement if the complainant does not agree with it, they can complain secondly to the District People's Committee, or can initiate a lawsuit people's court.

- II. **Second Stage, District People's Committee:** Based on Article 63 of Government Decree 84/2007/NĐ-CP, (i) In a period of not more than ninety (90) days from the date that the district People's Committee president making administrative decisions, administrative acts in the land management provisions of Article 162 of Decree No.181/2004/ND-CP, if persons with related interests and obligations disagree with those administrative decisions or administrative acts, they may file a complaint to the District People's Committees, (ii) District People's Committee president shall handle the complaint within the time limit prescribed by the Law on Complaints, (iii) Settlement decisions of the District People's Committee president shall be made public and sent to the complainant and other persons with related interests and obligations, (iv) Within forty-five (45) days from the date of receipt of settlement decisions of the district People's Committee president that the complainant does not agree with the settlement decision, they may initiate a lawsuit people's court or complain to the Provincial People's Committees. The time limit for appeal maybe longer but not more than 60 days from the date of acceptance for complicated case. In remote areas with difficult access, the time limit for appeal not exceeding 60 days from the date of acceptance; for complicated cases, the time limit for appeal may be longer, but not too 70 days from the date of acceptance (Article 37, Grievance Law No.02/2011/QH13 dated on Nov. 11th 2011). and (v) Agency receiving the complaint shall be responsible for recording the entire track of settling complaints.
- III. **Third Stage, Provincial People's Committee:** Article 64 of Government Decree 84/2007/NĐ-CP states that (i) Within thirty (30) days from the date that the Provincial People's Committee President making his administrative decisions, administrative acts in the land management provisions of Article 162 of Decree No.181/2004/ND-CP, if persons with related interests and obligations disagree with the administrative decisions or administrative acts, they may file a complaint to the Provincial- People's Committees, (ii) President of the provincial People's Committee shall resolve the complaint within the time limit prescribed by the Law on Complaints, (iii) Complaint settlement decisions of the provincial-level People's Committee president shall be made public and sent to the complainant and other persons with related interests and obligations, (iv) Within forty-five (45) days from the date of receipt of settlement decisions of the provincial-level People's Committee president that the complainants do not agree with the settlement decision, they may sue in people's Court. The time limit for appeal maybe longer but not more than 60 days from the date of acceptance for complicated case. In remote areas with difficult access, the time limit for appeal not exceeding 60 days from the date of acceptance; for complicated cases, the time limit for appeal may be longer, but not too 70 days from the date of acceptance and (v) Agency receiving the complaint shall be responsible for recording the entire track of settling complaints.
- IV. **Final Stage, the Court of Law Arbitrates:** Within forty-five (45) days from the date of receipt of settlement decisions of the provincial-level People's Committee president that the complainants do not agree with the settlement decision, they may sue in people's Court. (Article 64.3 Decree 84/2007/ND-CP). When the Court has conclusion that land acquisition is contrary to law, it has to be stopped the implementation of the land acquisition decisions; government agencies who issued a decision to withdraw the land have decided to cancel the issued land acquisition decisions and compensate for damage caused by that land acquisition decisions (if any). Within 30 days after the decision of the court, CARB will pay the amount to AHs by the Court. If the Court has conclusion that the land acquisition is lawful, the person who is acquired land must compliance the decision (Article 54.2 Decree No.84/2007/ND-CP).

54. The grievance redress mechanism has been disclosed to affected persons during URP preparation and will be continuously disseminated to APs during URP implementation.

55. Grievance Tracking and Reporting: The GRC maintains a system to register queries, suggestions and grievances of the AHs. All queries, suggestions and grievances and their resolution are recorded and forwarded to the PMU and its functioning monitored monthly. The full cost of GRM establishment and operations is included in the Project cost.

56. The PMU will engage an Independent Monitoring Consultant (IMC) responsible for checking the procedures for, and resolution of, grievances and complaints. The IMC may recommend further measures to be taken to redress unresolved grievances.

57. The PMU and ADB (if any) will provide the necessary training to improve grievance procedures and strategy for the RC staff as and when required. Throughout the grievance redress process, the responsible committee will ensure that the concerned APs are provided with copies of complaints and decisions or resolutions reached.

VI. LEGAL FRAMEWORK

58. The legal and policy framework for addressing the resettlement impacts of the Comprehensive socioeconomic urban development project in Viet Tri - Hung Yen - Dong Dang - Viet Tri city subproject is provided by relevant policies and laws of Viet Nam and the ADB's Safeguard Policy Statement (SPS 2009) on Involuntary Resettlement. In case of discrepancies between the Borrower's laws, regulations, and procedures and ADB's policies and requirements, ADB's policies and requirements will prevail, consistent with Decree No.38/2013/ND-CP, in which article 46 provides that "Compensation, assistance and resettlement for programs and projects shall comply with existing regulations and International treaties on ODA and concessional loans to which the Socialist Republic of Vietnam is a contracting party. In cases where there is discrepancy between provisions of Vietnamese law and international treaties, such international treaties shall take precedence". The following section outlines the relevant policies and laws, and highlights where differences exist, and the policies and principles that applied under this Project.

A. ADB Policy 2009

59. **Involuntary Resettlement.** The main objectives of ADB's Policy on Involuntary Resettlement is to avoid or minimize the impacts on people, HHs, businesses and others affected by the acquisition of land and other assets, including livelihood and income, in the implementation of development project. Where resettlement is not avoidable, the involuntary resettlement must be minimized by exploring project and design alternatives, and enhance or at-least restore the living standards of the APs to at least their pre-Project levels. The SPS 2009 also stresses on a new objective of improving the standards of living of the displaced poor and other vulnerable groups. The policy applies to full or partial, permanent or temporary physical and economic displacement resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Resettlement is considered involuntary when displaced individuals or communities do not have the right to refuse land acquisition that results in displacement.

60. **The ADB SPS (2009) policy principles include the following:**

a. Screen the project early on to identify past, present, and future involuntary resettlement impact and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impact and risks.

b. Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a GRM to receive and facilitate resolution of APs' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impact and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.

c. 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 at replacement value or 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 at full replacement cost for assets that cannot be restored, and (iv) income through benefit sharing schemes, if possible.

d. 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, social and economic integration of resettled persons 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.

e.. Improve the standards of living of the displaced poor and other vulnerable groups, including women, 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.

f. 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 an equal or better income and livelihood status.

g. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.

h. Prepare an RP elaborating displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

i. Disclose a draft RP, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders

j. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project costs and benefits. For a project with significant involuntary resettlement impact, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

k. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

l. Monitor and assess resettlement outcomes, their impact 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.

B. Relevant Vietnamese Legislation.

61. **Compensation, Assistance and Resettlement.** The principal documents include:

The New Land Law was promulgated in 2013 and enacted in July 1st 2014 by the National Assembly of Vietnam and a series of Decrees and Circulars to guide the implementation of the new Land Law on base of the Constitution of the Socialist Republic of Vietnam (2013). The principal legal documents applied for this Updated Resettlement Plan for the Additional works in Phu Tho province also include the followings:

- (i) Constitution of Vietnam 2013;
- (ii) The Land Law 45/2013/QH13 which has been effective since July 1, 2014;
- (iii) Decree No.43/2014/ND-CP dated on May 15, 2014 guiding in detail some articles of Land Law 2013;
- (iv) Decree No.44/2014/ND-CP dated on May 15, 2014 provides on method to determine land price; make adjusted land price brackets, land price board; valueate specific land price and land price consultancy activities;

- (v) Decree No.47/2014/ND-CP dated on May 15, 2014 providing compensation, assistance, resettlement when land is recovered by the State;
- (vi) Decree No.38/2013/ND-CP dated on April 23, 2013, on management and use of official development assistance (ODA) and concessional loans of WB;
- (vii) Circular No.36/2014/TT-BTNMT dated on 30 June 2014, regulating method of valuation of land; construction, land price adjustment; specific land valuation and land valuation advisory;
- (viii) Circular No.37/2014/TT-BTNMT dated on 30 June 2014, regulating compensation, assistance and resettlement when the State acquires land.
- (ix) Decision No.52/2012/QD-TTg, dated on November 16, 2012, on the assistance policies on employment and vocational training to farmers whose agricultural land has been recovered by the State.
- (x) Other laws, decrees and regulations relevant to land management, land acquisition and resettlement include the Construction Law 50/2014/QH13, dated on 18/6/2014, on construction activities, rights and obligations of organization and individual investing in civil works construction and construction activities; Decree 102/2014/ND-CP on sanctioning of administrative violations in the field of land replaced by Decree No.15/2013/ND-CP dated on 06/02/2013 on quality management of constructions; Decree No.38/2013/ND-CP on management and use of official development assistance; Law on Marriage and Family No.52/2014/QH13 of the Government on marriage and family Law implementation, stipulating that all documents registering family assets and land use rights must be in the names of both husband and wife.

62. The policies on land acquisition and resettlement of Phu Tho province:

- (i) Decision No.11/2014/QD-UBND dated 10/09/2014 of Phu Tho province on issuing some specific contents on compensation, support and resettlement and compensation prices of structures, trees when the state acquires land in the province.
- (ii) Decision No.24/2014/QD-UBND dated 29/12/2014 of the People's Committee of Phu Tho province: Regarding the 05-year-land prices (2015-2019) in Phu Tho province.
- (iii) Decision No.12/2015/QD-UBND dated 14/9/2015 of Phu Tho province on amending and supplementing some articles of the regulations issued together with Decision No.11/2014/QD-UBND of the province, regulating some specific contents on compensation, support and resettlement and compensation unit price of structures, trees when the state acquires land in the province.

C. Reconciliation of Government and ADB Policies on Resettlement

63. The Project's resettlement and compensation policy must comply with the requirements of ADB SPS (2009) and Vietnamese laws. Under ADB policy, it is a condition of funding that the ADB's requirements are met in relation to resettlement, compensation and rehabilitation to all AHs as defined in the ADB SPS.

64. Generally, the Decree No.47/2014/ND-CP meets the objectives of ADB's Policy on Involuntary Resettlement, however, some small differences can be found regarding the compensation of APs without legal rights to land (Land Use Rights Certificates – LURC). Preliminary enquiries reveal no illegal land users have been found in the rural areas. The Table below presents the main areas of possible discrepancy.

Table 10. Gaps between Government Policy and ADB Policy

	Land law 2013, Decree 47/2014/ND-CP	Revised ADB Policy (SPS 2009)	Project Policy
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	Land law 2013, Decree 47/2014/ND-CP	Revised ADB Policy (SPS 2009)	Project Policy
Severely APs losing productive land	Decree 47/2014/ND-CP, Article 19, Item 3: APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures.	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 productive assets and/or relocation shall be considered as threshold of severely affected HHs
APs without LURC	Land Law 2013, Article 77, item 2 and Article 92: Persons who has used land before 1 st July 2004 and directly be involved in agriculture production on the acquired land without LURC or illegal will be compensated for the acquired land area but not exceed quota of agricultural land allocation. But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, Clause 1, Article 64 and items b, d, clause 1, Article 65 of the Land Law 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	Those APs without legal title to land will be included in consultations. Ensure that APs without titles to land, or any recognizable 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 recognizable 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 which are occupied before cut-off date and was not violated to the regulations of the land law. They will be entitled to resettlement assistance and other compensation social support to assist them to improve and or at least restore their pre-project living standards and income levels.
Compensation unit price for land	Land Law 2013, Article 114, Clause 3: land prices for compensation calculation are specific land prices.	Compensation at full replacement cost.	Compensation at full replacement cost.
Compensation for house and structures	Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost.	Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value,	Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials

	Land law 2013, Decree 47/2014/ND-CP	Revised ADB Policy (SPS 2009)	Project Policy
	Decree 47, article 9: Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure.	ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.	or depreciation.
Compensation for trees, crops and livestock, annual crops, perennial trees	Land Law 2013, Article 90: compensation equal to the value of the output of their crops which will be calculated based on the highest yield of crops season in 3 recent years multiplying with the average local price at the time of land acquisition. Compensation equal to the existing value of the orchard, calculated at the local price at the time of land acquisition excluding the value of land user right.	Compensation at full replacement cost	Compensation at specific cost that appraised by independent appraiser
Prepare Resettlement Plan	Decree No.47/2014/ND-CP, Article 28: Prepare compensation plan, assistance, resettlement when the State recovers land for the purpose of national defense and security; economic and social development as national interest, public.	Prepare a full resettlement plan or shortened	Prepare a full resettlement plan or shortened
Monitoring	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting. In case of significant or sensitive impacts, an external monitoring organization is required to conduct monitoring on RP implementation.	The IA must undertake internal monitoring according to the critical indicators. An external monitoring organization would be recruited to monitor the compliance with the RP policies by the project implementing agencies.

D. Project Policies

65. The Project will follow the principles of the ADB SPS (2009) and laws of Vietnam's Government:

- (i) Involuntary resettlement and impact on land, structures and other fixed assets will be minimized where possible by exploring all alternative options;
- (ii) Compensation will be based on the principle of replacement cost at the time of compensation;
- (iii) AHs without title or any recognizable legal rights to land are eligible for resettlement assistance and compensation for non-land assets at replacement cost;
- (iv) Meaningful consultation will be carried out with the AHs, indigenous households, affected communities and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of AHs and communities will be taken into account;
- (v) The updated RP will be disclosed to AHs in a form and language(s) understandable to them prior to submission to ADB;
- (vi) Resettlement identification, planning and management will ensure that gender concerns are incorporated;
- (vii) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as indigenous households, households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line;
- (viii) Existing cultural and religious practices will be respected and, to the maximum extent, preserved;
- (ix) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.

E. Principles for Valuation

66. All compensation will be based on the principle of replacement cost. Replacement cost is the amount calculated before displacement which is needed to replace an affected asset without deduction for taxes and/or costs of transaction as follows:

- i. Agricultural land (paddy, aquaculture, garden and forest) shall be based on the productivity of the land considering income earned from the land based on a three- year average, annual revenue, periodic revenue or one-off revenue depending on the type of trees planted, specific costs of improvements and production costs.
- ii. Residential land based on actual current market prices that reflect recent land sales, and in the absence of such recent land sales, based on prices of recent sales in comparable locations with comparable attributes; fees and taxes for LURC.
- iii. Houses and other related structures based on actual current market prices for construction of the new ones with similar technical standards without depreciation or deduction for salvaged building materials.
- iv. Annual crops equivalent to current market value of crops at the time of compensation.

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Types of AHs Eligible for Compensation/Assistance

67. The project involuntary resettlement safeguard requirements apply to three (3) types of AHs or APs; including: (i) persons with formal legal rights (with LURC) to land and/or structures lost entirely or in part; (ii) persons who have no formal rights (without LURC) to land and/or structures lost wholly or in part, but who have claims to such lands that are recognized or recognizable under Government of Viet Nam Law; and (iii) persons who lost the land they occupy in entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land (without LURC).

68. 01/03/2016 is established as the cut-off date, which applies to the Additional Component of 590m of Thuy Van road (linking HW32C to the Red River dike). This date was disseminated

throughout the project area via notice in commune offices and community meetings undertaken by the Viet Tri city Compensation, Assistance and Resettlement Committee. Any person who purchases or occupies land in the demarcated project area after the cut-off date is not eligible for compensation or resettlement assistance. Fixed assets such as structures, fruit trees, and woodlots established after this date will not be compensated.

B. Project Entitlements

69. The Project entitlements developed and presented in the entitlement matrix below correspond to the impact identified during the census and the DMS. Entitlements adopted are based on Government Laws/policies on resettlement, and ADB Safeguard policies. It should be noted that these entitlements may be enhanced, as necessary, following the conduct of DMS and consultation with AHs to ensure that losses are restored, if not compensated at replacement value. The entitlement matrix below is based on that of the originally agreed upon RP of February, 2014 and adjusted to conform to the new Land Law issued by the Government of Vietnam.

70. The entitlements for each type of AHs are based on the types and levels of losses. The entitlements also provide various measures aimed at providing opportunities for AHs to obtain development benefits from the project as well as assisting vulnerable AHs to improve their living standards. The entitlement matrix for the Project is shown in Table 11. Unit rates presented in the updated RP and the entitlement matrix are applicable at the time of updating of the RP, to ensure they are equivalent to replacement cost at the time of compensation.

Table 11: Entitlement Matrix

Type of Loss	Application	Entitled Persons	Compensation Policy	Implementation Issues
1. Agricultural land				
1.a. Agricultural land (temporarily affected)	Loss of land for project use Marginal loss - less than one year)	Affected households whose land is required for the Project	(i) No compensation for land (if the land will be returned after use); (ii) Cash compensation for loss of existing trees and crops at replacement value; (iii) Cash compensation from loss of net income from subsequent crops that cannot be planted during the affected time;	Restore the land to its original attribute before returning the land to AHs. If affected for more than one year, displaced households have an option to (a) allow their land to be used temporarily for another year for the Project and paid compensation for income lost for subsequent crop seasons, or, (b) requesting the Project to be permanently acquired and compensated at replacement value.
1.b. Agricultural land permanently lost	Less than 10% of total land holdings	Users with permanent land use rights (or legalizable)	(i) Cash compensation for the land lost at replacement value; and (ii) Cash compensation for the existing trees and crops at the replacement cost	Compensation to be paid prior to displacement
2. Trees and crops affected		Owner	Cash compensation for loss of existing crops at market prices of trees.	Compensation for trees calculated on the basis of type, age, and productivity of affected trees.
4. Rehabilitation assistance				
	Support training, job change	Households losing agricultural land	Cash assistance equivalent to 2 times of the value of agricultural land for the entire agricultural land to be acquired. The supported area does not exceed the local allocation of agricultural land; (According to Decision	The training courses will be developed based on the requirements of the AP. The participants will be asked to register for training subject and training needs in the time limits and

Type of Loss	Application	Entitled Persons	Compensation Policy	Implementation Issues
			No.11/2014 /QD - UBND dated 10/09/2014 of People's Committee of Phu Tho province on the regulations on compensation, support and resettlement). Support for vocational training, free of charge to household members of the working age, if required.	level of facilities.
	Support for living stabilization (Decision No.11/2014/QD-UBND dated 10/09/2014 of Phu Tho province)	PAPs loss of productive land and other productive assets	Affected people losing productive land, production assets will be eligible to participate in income restoration package.	Each affected person will be supported 1,080,000 VND /person /month x 3 months. There are 54 households with 297 inhabitants in this component.

C. Additional Measures

71. In cases where compensation cannot be delivered/completed due to absence of AHs, inheritance/ownership disputes, lack of documentation, it is required at least 3 representatives including neighboring HHs, representatives from nongovernment organizations (NGO) or community-based organizations (CBOs) and local communal/district authorities to certify that serving as a basis for carrying out DMS, inventory and measurement.

72. An escrow account will be established under the name of the AP where the computed compensation amount will be deposited while the case is being resolved. Clearing of the affected land will be done only after approval from Viet Tri city PC or a competent court.

IX. RESETTLEMENT BUDGET AND FINANCING PLAN

A. Funding Source

73. The funds to be used for land acquisition, compensation for housing, assets and other related costs will be provided from counterpart fund of Phu Tho PPC.

B. Replacement Cost

Process and Survey Methodology

74. Replacement costs are normally determined by the city following the valuation standard methodology prescribed under MOF Circular No.145/2007/TT-BTC of 2007. According to the aware survey of households, the market price, the current price compensation for agricultural land, construction/property and plant/crop is basically equivalent to the market price, which are acceptable to households.

75. During the URP stage, TA consultants conducted investigation of the replacement unit price. The method of in-depth interviews are applied to collect information of land, trees and houses price from HHs living around the affected area. Besides, TA worked with Financial Dept to determine price of land, tree and construction materials; worked with DONRE to determine land price; worked with Construction and Urban Planning Dept to determine the price of construction materials. The RCS shows that land market in the project area has been frozen for last few years. There was not any transaction of land, especially agricultural land during that time.

94. Therefore, agricultural land (paddy, aquaculture, garden and forest) was evaluated based on the productivity of the land considering income earned from the land based on a three- year average, annual revenue, periodic revenue or one-off revenue depending on the type of trees planted, specific costs of improvements and production costs; Residential land based on current market prices that reflect recent land sales or in the absence of such recent land sales, based on prices of recent sales in other locations with comparable attributes; Houses and other fixed structures based on current market prices for construction of the new ones with similar technical standards without depreciation nor deduction for salvaged building materials; Annual crops equivalent to the prevailing market value of crops at the time of compensation; Perennial crops, cash compensation equivalent to their current market value given the type, age and productive value (future production) at the time of compensation; and Timber trees based on the type and breast height at current market prices.

76. Survey results on the replacement cost for agriculture lands show that price of annual crop land in Thuy Van is 41,140 VND/m². The amount of compensation, support (moving, chopping) for annual crops is calculated by the output value of those crops. The value of crop production is calculated based on the average yield of the three previous years and the market price at the time of land acquisition. The price of crops and compensation cost for trees are listed in Table 12, and replacement costs for different structures (concrete canal and road) in Table 13. All these cost items will be used to estimate the cost of compensation and resettlement.

77. According to the survey on household perception of market rates, the current compensation prices for agricultural land, structure/assets and crop/trees are basically equal to market value, which are acceptable to AHs.

Table 12. Compensation prices for crops and trees

No.	Kind of trees	Unit	Replacement Prices	Average yield over three recent consecutive years (quintal/ha)
1	Paddy	10 ³ VND/m ²	41,140	40.00
2	Ground nut	10 ³ VND/kg	27	19.7
3	Other crop	10 ³ VND/m ²	5.0	
4	Fishery	10 ³ VND/m ²	4.9	
5	Banana	10 ³ VND/tree	20	
6	Eucalyptus	10 ³ VND/tree	20	
7	Chinaberry	10 ³ VND/tree	20	
8	Ficusmicrocarpa	10 ³ VND/tree	50	

Table 13. Replacement price for the secondary structures

No.	Work items	
	Kind of works	Compensation price
1	Concrete wall	977000đ/m3)
2	Concrete road	977000đ/m3)

C. Resettlement Budget

78. The resettlement budget is estimated at VND 2,267,000,000 equivalent to approximately US\$103,045. These include costs of compensation, administration, allowances, monitoring and contingency. The cost of consultation and grievance redress mechanism will be covered from administration charges. All compensation costs for land, structures and crops are based on the results of the Replacement Cost Study having conducted since 5/2016. Please see details in Table below.

Table 14: Resettlement Budget Estimate

No.	Component	Unit	Quantity	Unit price (VND)	Amount (VND)
A	Compensation for land				478,706,686
1	Farmland	m ²	8,950.8	41,140	368,235,912
2	Compensation for remaining investment cost on land	m ²	8,950.8	12,342	110,470,774
B	Compensation for trees and crops				44,754,000
1	Crops	m ²	8,950.8	5,000	44,754,000
C	Subtotal 1			C = A+B	523,460,686
D	Support				1,698,751,824
1	Job change	m ²	8,950.8	82,280	736,471,824
2	Living stability (Decision No.11/2014/QĐ-UBND dated 10/09/2014 of Phu Tho province)	people	297	1,080,000/month x 3 months	962,280,000
E	Subtotal 2			E = C + D	2,222,212,510
F	Administrative cost (2%)				44,444,250
G	TOTAL			G = E + F	2,266,656,760

	Round up				2,267,000,000
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X. INSTITUTIONAL ARRANGEMENTS

A. Province Level

79. Phu Tho Provincial People's Committee (PPC) is responsible for resettlement activities within its administrative jurisdiction. The main responsibilities of PPC include:

- i. Approving final URPs;
- ii. Issuing decisions approving land valuations applied for compensation rates, allowances and other supports to APs, especially vulnerable groups, based on principles of URP;
- iii. Approving budget allocation for compensation, support and resettlement;
- iv. Directing and supervising provincial relevant departments to implement effectively the URP.
- v. Directing the relevant agencies to settle APs' complaints, grievances related to compensation, assistance and resettlement according to their law-prescribed competence;
- vi. Directing the relevant agencies to examine and handle the violations in the compensation, assistance and resettlement domain;

B. City Level

80. The City People's Committee (DPC) undertakes comprehensive management on compensation, assistance and resettlement. The City People's Committee (DPC) is responsible to the Provincial People's Committee (PPC) to report on progress, and the result of land acquisition. The CPC's primary task includes:

- (i) Approving the schedule and monitoring the progress of land acquisition and resettlement implementation in compliance with updated URP;
- (ii) Establishing CARB and Resettlement team and directing CARB and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;
- (iii) Approving and taking responsibility before the law on the legal basis, and accuracy of the detailed compensation, assistance and resettlement options in the local area; Approving cost estimates on implementation of compensation, assistance and resettlement work;
- (iv) Taking responsibility for adjusting LURC for AHs and individuals who have land, house partially recovered, in accordance with authorization;
- (v) Directing Commune People's Committees and relevant organizations on various resettlement activities;
- (vi) Reviewing and endorsing the updated RP for approval of the PPC
- (vii) Resolving complaints and grievances of APs

81. Viet Tri Project Management Unit (PMU) is responsible for comprehensive URP implementation and internal monitoring. The main tasks of PMU include:

- ii. Preparing, updating, and supervising URP implementation of project components; Guiding CARB to implement all resettlement activities in compliance with the approved uRP; and resolving any mistakes or shortcomings identified by internal monitoring to ensure that the objectives of the URPs are met; and otherwise, to provide appropriate technical, financial and equipment supports to CARB and Commune-level Inventory Working Groups.
- iii. Conducting, in combination with CARB and CPCs, information campaigns and stakeholder consultation in accordance with established project guidelines;
- iv. Coordinating with other line agencies to ensure delivery of restoration and rehabilitation measures to APs;

- v. Implementing internal resettlement monitoring, establishing and maintaining AP databases for each component in accordance with established project procedures and providing regular reports to ADB.
- vi. Implementing prompt corrective actions in response to internal and external monitoring

C. City Compensation, Assistance and Resettlement Committee (CARD)

82. The composition of the CARD includes CPC vice-chairman (playing role as the head of CARD), the representatives of Department of Natural Resources and Environment, Department of Finance, Department of Agriculture, CPCs chairmen and AHs (including affected women headed HHs), members of City Farmers' Association and Women's Union. The main responsibilities of the CARB are the following:

- (i) Organize, plan and carry out compensation, assistance and resettlement activities;
- (ii) Perform the DMS, consultation and disclosure activities, design and implementation of income restoration program, coordination with various stakeholders;
- (iii) Prepare compensation plan and submit to CPC for approval. Implement compensation, assistance and resettlement alternative; Take responsibility for legal basis applied in compensation, assistance and resettlement policy following approved uRP
- (iv) Assist in the identification and allocation of land for relocated HHs
- (v) Lead and coordinate with the CPC in the timely delivery of compensation payment and other entitlements to AHs; and
- (vi) Assist in the resolution of grievances.

D. Commune/ward Level

83. The CPCs/ward will assist the CARB in their resettlement tasks. Specifically, the CPCs/ward will be responsible for the following:

- (i) In co-operation with city level and local mass organizations to implement the compensation, assistance and resettlement according to approved URP
- (ii) To co-operate with CARB and Working groups to communicate to the people whose land is to be acquired; To notify and publicize policies on compensation, assistance and resettlement which are approved by Viet Tri city PC;
- (iii) Assign Commune officials to assist the CARB in the updating of the RP and implementation of resettlement activities
- (iv) Identify replacement land for AHs
- (v) Sign the Agreement Compensation Forms along with the AHs
- (vi) Assist in the resolution of grievances; and
- (vii) Actively participate in all resettlement activities and concerns

XI. IMPLEMENTATION SCHEDULE

A. Resettlement Activities

(i) Establishment of City Compensation Committees

84. Viet Tri city Compensation, Assistance and Resettlement Committee is established under the Viet Tri City PC, which is responsible for land acquisition for all projects in the Viet Tri city. Members of the Viet Tri city Compensation, Assistance and Resettlement Committee are determined by the Viet Tri PC.

(ii) Information Disclose

85. Disclosure of information and consultations were conducted during preparation and implementation of compensation and resettlement to ensure that AHs and other stakeholders have timely information about land acquisition, compensation and resettlement, as well as opportunities to participate in and express their preferences and concerns regarding the resettlement program.

(iii) Conduct of DMS

86. The updated Census and DMS were undertaken following the final detailed design. The DMS data, together with the results of the replacement cost study as reviewed and approved by Phu Tho PPC, will be the basis for preparation of the Compensation Plan. During the DMS, all AHs are required to submit copies of LURCs or any legal papers to show the RC proof as basis in the preparation of the Compensation Plan. All DMS forms are reviewed and signed by AHs. AHs are informed of their right to note any objections to the DMS assessment on the form.

87. The official list of AHs, their losses, and corresponding payments due are disclosed to APs. The DMS and Compensation Plan will not be signed by AHs until any disagreements are resolved either through direct discussion with relevant agency or following the grievance redress process. During the DMS, data collection will incorporate criteria to identify vulnerable persons beyond those who fall below the official poverty level and identify other vulnerable groups such as female headed HHs (especially those with large number of dependents, low income HHs, affected livelihoods, elderly residing alone, disabled and landless HHs).

(iv) Conduct of Independent Appraisal of Land

88. TA consultant will conduct to determine the current market price of residential land. Results from this survey serve as basis for calculating the compensation and resettlement that is required for submission to Phu Tho PPC for approval.

(v) Preparing a Detailed Plan for Compensation, Assistance and Resettlement

89. Viet Tri City Compensation, Assistance and Resettlement Committee will be responsible for preparing a detailed Compensation Plan for each AH, including all relevant information, including scope of impacts, entitlements, implementation and institutional schedule, payment release, etc.

(vi) Updating Resettlement Plan

90. After preparing the detailed compensation method, PMU will, with support from ADB Social Safeguard Consultant, prepare the updated RP Report on the basis of results of the DMS, replacement cost survey, community consultation and in compliance with ADB SPS 2009. The implementation of the updated RP (i.e., disbursement of payment to AHs, land clearance and relocation of AHs) can only commence once the updated RP has been reviewed and approved by ADB.

(vii) Payment Releasing

91. Payments will be released to AHs under the supervision of representatives from the city/commune authorities and AHs.

(viii) Internal and Independent Monitoring

92. Monitoring should begin as early as possible after the updated RP is approved and continue throughout the construction of the Project.

B. Indicative Implementation Schedule

93. The updated RP is prepared following the detailed project design. All resettlement activities are coordinated with the civil works schedule. Land acquisition and relocation of AHs cannot

commence until the updated RP has been reviewed and approved by ADB. Construction activities in affected sites are not allowed until all resettlement activities have been satisfactorily completed, agreed rehabilitation assistance is in place, and site is free of all encumbrances. It is estimated that the procedures for compensation and relocation of HHs will be completed in the first two years of project implementation as detailed in Table below:

Table 15: Implementation Schedule

Resettlement and land acquisition	Starting date	Ending date	Performers
Prepare the updated resettlement plan			
Work with Viet Tri City Compensation Committee		3/2016	Technical Assistant Consultant
Conduct a census, economic-social survey and replacement cost survey (awareness of households on market prices)		5/2016	Technical Assistant Consultant
Conduct community consultation (via updated RP)	5/2016	5/2016	Technical Assistant Consultant, Ward/commune, the City Compensation Committee, PMU
Conducting DMS by Viet Tri Compensation Committee	5/2016	5/2016	Technical Assistant Consultant, PMU
Consult households on the project impacts, the interests and the final selection, the grievance redress mechanism and the comprehensive census.	5/2016	5/2016	Technical Assistant Consultant, PMU
Prepares updated RP		6/2016	Technical Assistant Consultant
Complete the uRP after consulting with affected households and the results of the census /DMS		6/2016	Technical Assistant Consultant
Submit uRP to ADB for approval		06/2016	PMU
Review and approve the updated RP		06/2016	ADB
Approve the updated RP		6/2016	Viet Tri DPC
Publicize approved uRP to households and upload on ADB website		6/2016	PMU Viet Tri, ADB
Implementation of updated RP			
A. Payment of compensation and livelihood restoration			
Allocate funding from the competent authority		7/2016	Viet Tri Compensation Committee
Disburse compensation money to households		7/2016	Viet Tri Compensation Committee
Grievance redress mechanism		5/2016	Viet Tri Compensation Committee, Viet Tri DPC

B. Relocation and handover			
Hand over site to PMU Viet Tri		7/2016	
C. Monitoring and evaluation			
Submit the internal – quarterly reports	12/2016	12/2016	Technical Assistant Consultant
Submit independent reports	12/2016	12/2016	Independent Consultant

XII. MONITORING AND REPORTING

A. Objectives

The objectives of the monitoring program are to: (i) ensure that the standard of living of AHs are restored or improved; (ii) monitor whether the overall project and resettlement objectives are being met; (iii) assess if rehabilitation measures and compensation are sufficient; (iv) identify problems and risks; and (v) identify measures to mitigate problems.

B. Community Monitoring

94. Community-based monitoring (CBM) is a form of public oversight, ideally driven by local information needs and community values, to increase the accountability and quality of social services or to contribute to the management of ecological resources. Within the CBM framework, members of a community affected by a social program or environmental change generate demands, suggestions, critiques and data that they then feed back to the organization implementing the program or managing the project.

95. People in the subproject area are encouraged to monitor the implementation of the uRP, especially the affected people by comparing what they received with what stated in the uRP.

C. Internal Monitoring

96. Viet Tri PMU, with the assistance from the TA consultant will supervise and manage internal monitoring of resettlement activities and implementation arrangements.

97. The PMU will provide quarterly reports to ADB. The PMU will ensure that the reports of the TA consultant include in their progress reports, the status of the RP implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to AHs.

98. The range of activities and issues that need to be recorded and verified, include: (i) Compensation, allowance payments and delivery of assistance measures; (ii) Reestablishment of AHs' settlements and business enterprises; (iii) Reaction of AHs, in particular, to resettlement and compensation packages; and (iv) Reestablishment of income levels.

(i) Internal Monitoring Indicators

99. The principal indicators for internal monitoring of resettlement activities include the following, conducted by the PMU:

- Timely and complete disbursement of compensation to AHs according to the compensation policy agreed in the RP;
- Timely and complete delivery of relocation, income restoration and rehabilitation allowances and measures to AHs;
- Allocation of replacement land and development of individual and/or group resettlement sites and infrastructure;

- Public information dissemination and consultation procedures;
- Adherence to grievance procedures and identification of outstanding issues that require further attention and resolution.
- Attention given to the priorities of AHs regarding the options offered; and
- Completion of resettlement activities required before the award of civil works contracts.

(ii) Internal Monitoring Data Collection and Report

100. The PMU will establish a database for resettlement monitoring data. It will establish procedures for the collection of data on a monthly basis, and update the database.

101. On a quarterly basis, the PMU will prepare a resettlement monitoring report and submit to the Viet Tri city PC. The PMU will consolidate the internal monitoring report and semi-annual verification external reports and submits these to ADB on a semi-annual basis. The Viet Tri city PC will notify ADB of approval by the Viet Tri city PC of any changes, as required, to the implementation of the RP. The scope of the report will include:

- The number of AHs by category of impact level, city, commune and village, and the status of compensation payments, relocation of AHs and income restoration measures for each category.
- The status of disbursement for resettlement
- The amount of funds allocated and disbursed for a) resettlement program operations and b) compensation, assistance and resettlement activities.
- The activities, levels of participation, outcomes and issues of the Information Dissemination and Consultation Program
- The status and outcomes of complaints and grievances and any outstanding issues requiring further attention by provincial or district authorities, or ADB assistance
- Implementation problems, including delays, lack of personnel or capacity, insufficient funds, etc.; proposed remedial measures; and revised resettlement implementation schedule.

D. External Monitoring Consultant

(i) The objectives, indicators and independent monitoring issues

102. The PMU will employ an external resettlement monitoring consultant (EMC) to conduct quarterly external monitoring of uRP implementation of subprojects. The purpose of the EMC is to assess whether the uRP has been implemented as planned, whether entitlements have been delivered and met the intended objectives and APs are able to restore their living conditions, livelihoods and incomes to pre-subproject levels and, if not, to recommend remedial actions to assist APs.

103. The main objective of external monitoring is to provide an independent periodic review and assessment of (i) achievement of resettlement objectives; (ii) changes in living standards and livelihoods; (iii) restoration and/or improvement of the economic and social base of the affected people; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures.

104. Strategic lessons for future policy formulation and planning will also be drawn from the monitoring and evaluation of resettlement. This is possible through a Post-Resettlement Implementation Evaluation Study that will be carried out 6 months following completion of all resettlement activities.

105. The external monitoring consultant will be mobilized prior to uRP updating activities.

106. Relative to compliance monitoring during resettlement implementation, the main activities of the EM will revolve around the following:

- (i) Review existing baseline data and gather additional socioeconomic information as necessary, on sample affected households;
- (ii) Monitor updating and implementation of the uRP;
- (iii) Identify any discrepancy between policy requirements and actual implementation of resettlement;
- (iv) Monitor the resolution of complaints and grievances of affected households;
- (v) Provide recommendations for improving resettlement updating and implementation;
- (vi) Verify that each AP has received the full payment.

107. Specifically, the EMC will monitor and evaluate the following issues:

- (i) Public consultation and awareness of resettlement policy and entitlements;
- (ii) Coordination of resettlement activities with the construction schedule;
- (iii) Land acquisition and transfer procedures;
- (iv) Level of satisfaction of APs with the provisions and implementation of the uRP;
- (v) Grievance redress mechanism (documentation, process, resolution);
- (vi) Effectiveness, impact and sustainability of entitlements and income restoration programs and the need for further improvement and mitigation measures;
- (vii) Capacity of affected households to restore/re-establish livelihoods and living standards. Special attention will be given to severely affected households and vulnerable households focusing on achieving project objectives of improving socioeconomic status of vulnerable households;
- (viii) Resettlement impacts caused during construction activities;
- (ix) Targets proposed in the gender action plan;
- (x) Participation of APs in uRP updating and implementation.

108. The EMC will supervise and submit finding reports to the PMU every quarter. The PMU will submit external monitoring reports to ADB for review and posting on ADB's website. All outstanding problems of resettlement implementation determined by the external monitoring Consultant have to be resolved timely and satisfactorily by relevant agencies at all level to ensure entitlements of APs.

(ii) External Monitoring Methodologies

109. The monitoring should be conducted based on the participatory approach to mobilize different stakeholders for the monitoring. The following methods are suggested to use for the monitoring:

Document review

110. Document review will help collect data and information related to the project and project area. The review results will be basic for building a set of research tools such as questionnaire, guidelines for focus discussion and in-depth interview, etc. The statistic data will be analysed and restored as a baseline for evaluating objectives of resettlement implementation later.

Questionnaire

111. A typical sample household survey using questionnaires will be conducted with 10 % of marginally affected households and 100% of severely and vulnerably affected households to collect basic information of affected households, including demographic characteristics, education degree, incomes and livelihoods, living conditions, production conditions; identify potential project impacts on households' life and income and livelihoods; assess their demand/need for restoration and approval of their lives.

Focus group discussion and public consultation:

112. Focus group discussion and public consultation will be also conducted to collect information from different stakeholders including representatives of local authorities, mass

organizations, non-affected and affected households, displaced households and other severely affected cases. In-depth interview would be applied for some cases to explore more information.

Observation method

113. Observation method is used to support the above methods. The Consultant will apply observation method at the field to get a socio-economic picture of affected households and their living conditions, etc.

(iii) Database Management and Report

114. The EMC will maintain computerized resettlement databases that will be updated every six months. They will contain files on each AH and will be updated based on information collected in successive rounds of data collection. All monitoring databases will be fully accessible to implementing agencies and the ADB.

(iv) Reporting

115. Every 06 months, the EMC will submit an external monitoring report to the EA. The report should summarize the findings of the EMC, including: (i) progress of RP updating and implementation, including any deviations from the provisions of the uRP; (ii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; (iii) identification of specific issues related to vulnerable AHs, as relevant; and, (iv) a report on progress of the follow-up of issues and problems identified in the previous reports.

116. The monitoring reports will be discussed in a meeting between the EMC and Viet Tri PMU after submission of the reports. Necessary remedial actions will be taken and documented.