

# Resettlement Planning Document

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Resettlement Framework  
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## Viet Nam: Integrated Rural Development Project in Central Provinces

Prepared by: Ministry of Agriculture and Rural Development (Viet Nam)

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## **CURRENCY EQUIVALENTS**

(as of 31 July 2006)

Currency Unit	–	Dong (VND)
VND 1.0	=	\$0.00006289
\$1.00	=	VND 15,900

## **ABBREVIATIONS**

ADB	=	Asian Development Bank
AP	=	Affected person or persons, household, firm or private institution
CARB	=	Compensation, Assistance and Resettlement Board
CPC	=	Commune People's Committee
CPMU	=	Central Project Management Unit
DARD	=	Department of Agriculture and Rural Development
DMS	=	Detailed Measurement Survey
DOF	=	Department of Finance
DONRE	=	Department of Natural Resources and Environment
DPC	=	District People's Committee
EA	=	Executing Agency
FHH	=	Female-headed household
GOV	=	Government of Viet Nam
HH	=	Household
IMO	=	Independent Monitoring Organization
LURC	=	Land Use Rights Certificate
MARD	=	Ministry of Agriculture and Rural Development
MOLISA	=	Ministry of Labour, Invalids and Social Assistance
NGO	=	Non-government Organization
PPMU	=	Provincial Project Management Unit
PPC	=	Provincial People's Committee
RCS	=	Replacement Cost Study
RPF	=	Resettlement Policy Framework
RP	=	Resettlement Plan
SIR	=	Subproject Investment Report

## GLOSSARY

- Affected person (AP) - means any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term AP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
- Compensation - 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.
- Entitlement - means a range of measures comprising compensation, income restoration support, transfer assistance, income substitution and relocation support which are due to affected people, depending on the nature of their losses, to restore their economic and social base.
- Land acquisition - means 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 equivalent to the replacement costs of affected assets.
- Rehabilitation - means assistance provided to project affected persons due to the loss of 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 - means the physical relocation of an AP from her/his pre-project place of residence.
- Replacement cost - means the method of valuing land, structures and other assets as follows:
- (i) Agricultural land: The replacement cost of agricultural land will be based on a) the pre-project or pre-displacement market value, whichever is higher, of land of equal productive potential or use located in the vicinity of the affected land; plus b) the cost of preparing the land to levels similar to those of the affected land; and, c) the costs of any registration and transfer taxes.
  - (ii) Residential land: The replacement cost equals a) the pre-displacement market prices for land of equal size and use, with similar or improved public infrastructure and services in the vicinity of the

affected land; and b) the costs of any registration and transfer taxes.

(iii) Houses and other structures: The replacement cost equals a) the current market prices for new building materials to build a replacement structure with an area and quality similar to or better than the affected structure, or to repair a partially affected structure; plus b) the costs of transporting building materials to the construction site; c) the costs of any labour or contractors' fees; and, d) the costs of any registration and transfer taxes. In determining the replacement cost of structures, no deductions are to be made for a) depreciation of the asset; b) the value of salvage materials; or, c) the value of benefits to be derived from the Project.

(iv) Annual crops: The replacement cost for annual crops is equivalent to the average production over the last three years multiplied by the current market prices for agricultural products at the time of compensation.

(v) Perennial plants and trees: The replacement cost for perennial plants and trees is equivalent to current market prices given the type, age and productive value of the plants and/or trees, including lost future productivity.

(vi) Other assets (community, cultural, aesthetic): Compensation will be calculated on the basis of the current market prices at time of compensation for repairing and/or replacing assets; or, the costs of mitigation measures. For example, compensation for the relocation of a gravesite will include all expenditures for excavation and construction of a new grave of similar type; exhumation and transport of remains to new grave; and, other reasonable costs.

Resettlement	- means 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)	- is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation. The RP must be prepared and approved prior to loan appraisal for the Project.
Severely affected APs	- means APs that (i) lose 10% or more of their total productive land, assets and/or income sources due to the Project; and/or (ii) relocate due to insufficient remaining residential land to rebuild.
Significant resettlement effects	- occur when 200 or more people experience major resettlement effects, that is, they are physically displaced and/or lose 10% or more of their productive, income-generating assets.
Vulnerable groups	- mean distinct groups of people who might suffer disproportionately or face the risk of being marginalized by the effects of resettlement and specifically include: (i) households headed by women, elderly, or disabled, (ii) households falling under the generally accepted indicator for poverty, (iii) landless households, and (iv) ethnic minorities.

## **NOTES**

- (i) The fiscal year (FY) of the Government of Viet Nam ends on 31 December. FY before a calendar year denotes the year in which the fiscal year ends, e.g., FY2000 ends on 31 December 2000.
- (ii) In this report, "\$" refers to US dollars.

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## I. INTRODUCTION

### A. Project

1. The Integrated Rural Development Project in Central Provinces (IRDPCP) provides funds for small and medium-scale investments in rural and coastal infrastructure subprojects, such as roads, irrigation, water supply and sanitation, and markets, in thirteen provinces in the Central Region. The Executing Agency (EA) for the IRDPCP is the Ministry of Agriculture and Rural Development (MARD), with responsibility delegated to the IRDPCP Central Project Management Unit (CPMU). The Implementing Agencies are the Provincial Project Management Units (PPMUs) established in each of the 13 provinces.

2. The main impacts of the Project will be permanent loss of small areas of land adjacent to the works and minor damage to structures, crops and trees, and temporary loss or disruption of the use of land or other assets caused by construction works and the movement of construction plant and materials to and from work sites. Few if any people will be severely affected by land acquisition. In accordance with ADB's resettlement procedures, the Project is classified Category B. Full resettlement plans (RPs) (as required for category A projects) will not be required because any potential subproject<sup>1</sup> with significant<sup>2</sup> resettlement impacts will not be eligible for funding under the Project. Short RPs will be prepared for any subprojects found to have land acquisition and resettlement impacts up to the limits of Category B. The Project's components and anticipated land acquisition and resettlement impacts are summarized as follows.

**Table 1: Potential for Land Acquisition and Anticipated Resettlement Impacts**

Component	Possible Land Acquisition and Resettlement Impacts
<b>1. Rural and Coastal Infrastructure Development</b>	
<b>Rural and Coastal Infrastructure Components</b>	<b>Involuntary resettlement impacts are not significant.</b>
(i) Upgrading of approximately 55 rural roads (inter commune and inter districts) totaling about 1000 km in length	<ul style="list-style-type: none"> <li>Upgrading of roads would be within the existing ROWs (width 3.5m) or require minor land acquisition (width 6.5m). Trees and crops and structures within existing ROW would require compensation. Loss of income would also require compensation and significant loss of livelihood would require rehabilitation. However, little or no significant impact is expected on any household.</li> <li>Upgrading of existing canals would entail minor loss or loss of use of productive land along existing ROW. There are cases where affected people with title to land have encroached from their legitimate landholding onto land that they do not own. Trees and crops and structures within existing ROW would require compensation. Loss of income would also require compensation and significant loss of</li> </ul>
(ii) Rehabilitation and upgrading of about 20 irrigation and drainage systems.	
(iii) Rehabilitation and upgrading of rural and coastal infrastructure (water supply schemes, rural markets, upgrading of special infrastructure for salt processing, the prevention of salinity intrusion, sand dune stabilization) .	

<sup>1</sup> A subproject may consist of 1 or more components in a specific geographic area. For example, a Resettlement Plan has been prepared for the Rural Infrastructure Development Subproject for Hung Trung – Nghi Kieu, Nghe An Province, which consists of (a) road improvement, (b) construction of new irrigation canals, and (c) construction of 2 new markets.

<sup>2</sup> Per ADB policy, 'significant' resettlement means that 200 or more people (or approximately 40 households based on an average size of household) will experience: being physically displaced, or; losing 10% or more of their productive assets (income-generating). No subproject will be allowed to be cut into slices to avoid 'A' categorization.

	<p>livelihood would require rehabilitation. Construction of drainage (water-pipe is 0.7 - 0.9 m diameter) would cause temporarily land occupation during construction. Little or no significant impact is expected on any household.</p> <ul style="list-style-type: none"> <li>Markets (&lt;3,000m<sup>2</sup>) will be the most likely intervention. Those infrastructures are expected to be constructed in unused public lands. Little or no significant impact is expected on any household.</li> </ul>
<p><b>Design Support Studies and Community Participation</b></p> <p>Social assessment will be conducted and assistance will be given for preparation of subproject resettlement plans.</p>	<p><b>No involuntary resettlement effects are foreseen.</b></p>
<p><b>2. Capacity Building:</b> Resettlement training (, ethnic minority and gender) will be provided to CPMU, PPMU, Commune Members, selected villagers and local consultants and contractors.</p>	<p><b>No involuntary resettlement effects are foreseen.</b></p>
<p><b>3. Project Management:</b> Resettlement Specialists (international 5 person months, national 14 person months) for effective subproject resettlement planning, implementation and monitoring.</p>	<p><b>No involuntary resettlement effects are foreseen.</b></p>
<p><b>Technical Assistance Grant:</b> Policy Compliance and Project Start-up Specialists (international 9 person months, and national 9 person months) will be mobilized. He/she will prepare a Land Acquisition and Resettlement Planning Guideline based on the Resettlement Framework and provide initial training courses to PPMU and Commune Members prior to subproject resettlement planning.</p>	<p><b>No involuntary resettlement effects are foreseen.</b></p>

## B. Scope of this Resettlement Framework

3. This Resettlement Framework (RF) has been prepared to guide in preparation and implementation of RPs for all subprojects. A separate RP has already been prepared for the Rural Infrastructure Development Subproject for Hung Trung – Nghi Kieu, Nghe An Province. Both this RF and that RP constitute the basis for Project appraisal.

## II. LEGAL FRAMEWORK AND ENTITLEMENTS

4. This RF was prepared based on laws, regulations, and policies of the Government of Viet Nam and ADB policies and guidelines. It was endorsed by the Government and guides the preparation of Resettlement Plans (RPs), should any be needed during project implementation. With the promulgation of Decree 197/2004/ND/CP and Decree 17/2006/ND-CP, the Government's policy and legal framework governing resettlement is consistent in most respects with the principles of ADB's policy. The provisions and principles adopted in this framework and subsequent plans will supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Decree 131/2006/ND-CP (November 2006), which regulates the management and use of official development assistance.



## A. Laws Regarding Land Acquisition in Viet Nam

5. There are a number of laws, regulations, and decrees that are relevant to land acquisition and resettlement.

- (i) The Constitution of the Socialist Republic of Viet Nam (April 1992)
- (ii) The Land Law No.13/2003/QH11 (December 2003);
- (iii) Decree No. 197/2004 (December 2004) on compensation, assistance, and resettlement when the State recovers land;
- (iv) Decree No. 188/2004/ND-CP (November 2004) on methods for determining land prices for various types of land;
- (v) Circular No.52/1999/ND-CP (February 1999) on classification of house types;
- (vi) Decree No.64/CP (September 1996) on transferring agricultural land to households for long-term use;
- (vii) Decree No.45/CP (August 1996) on allowing land use rights to those non-eligible under Decree No.60/CP;
- (viii) Decree No.60/CP (July 1994) on property ownership and the right to use urban residential land; and
- (ix) Decree No.181/2004/ND-CP (October 29, 2004) on the implementation of the Land Law.

6. The 2003 Land Law, which was approved in December 2003 and came into effect on 1 July 2004, supersedes the 1998 Land Law. The 2003 Land Law and new Decree 197 went a long way towards closing the gaps that previously existed between Government's standards and the principles of ADB's policy. For example, Decree No.197 has made significant improvements. It provides for wider eligibility for compensation and increased amounts for transition and moving expenses in relocation; it also provides for livelihood stabilization, assistance for displaced people deriving an income from agricultural production who have to change their occupation; and requires the establishment of district level Compensation, Assistance and Resettlement Boards (CARBs).

## B. ADB Policies

7. The aim of the ADB **Policy on Involuntary Resettlement** (ADB, 1995) is to avoid or minimize the impacts on people, households, businesses and others affected by the land acquisition required by a project. Where resettlement is not avoidable, the overall goal of the ADB policy is to compensate and assist affected people *to restore their living standards to levels equal to, if not better than, that which they had before the project.*

8. The main objectives and principles of the ADB Policy on Involuntary Resettlement are as follows:

- (i) Involuntary resettlement should be avoided where feasible.
- (ii) Where population displacement is unavoidable, it should be minimized by exploring all viable project options.
- (iii) People unavoidably displaced should be compensated and assisted, so that their economic and social future would be generally as favorable as it would have been in the absence of the Project.
- (iv) Affected people (APs) should be informed fully and closely consulted in resettlement and compensation options.

- (v) Existing social and cultural institutions of APs who must relocate should be supported and used to the greatest extent possible, and APs should be integrated economically and socially into host communities.
- (vi) Lack of legal rights to the assets lost or adversely affected will not prevent APs from entitlement to compensation and rehabilitation measures. Those without legal title to land occupied or used by them (e.g., non-titled APs) will be entitled to various kinds of resettlement assistance to improve their socioeconomic status.
- (vii) Particular attention must be paid to the needs of the poorest APs and other vulnerable groups that may be at high risk of impoverishment. This may include APs without legal title to land or other assets, households headed by females, the elderly or disabled and other vulnerable groups, particularly ethnic minority peoples. Appropriate assistance must be provided to help them improve their socioeconomic status.
- (viii) All stages of resettlement identification, planning, and management will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights; and to ensure the restoration of their income and living standards.
- (ix) As far as possible, involuntary resettlement should be conceived and executed as part of the project. Involuntary resettlement is to be treated as a development opportunity.
- (x) The full costs of resettlement and compensation should be included in the presentation of project costs and benefits.
- (xi) The costs of resettlement and compensation may be funded by counterpart funds and/or considered for inclusion in the Bank loan for financing of the project.

9. The ADB **Policy on Indigenous Peoples** (ADB, 1998) defines indigenous or ethnic minority peoples as "those with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the processes of development." The Policy recognizes the potential vulnerability of ethnic minorities in the development process; that ethnic minorities must be afforded opportunities to participate in and benefit from development equally with other segments of society; and, have a role and be able to participate in the design of development interventions that affect them. The anticipated impact (positive and negative) and mitigation measures are incorporated in the Project's Ethnic Minority Development Framework. Social analysis of a project or subproject will assess that indigenous or ethnic minority people are likely to be affected by the project or subproject. If a project or subproject is likely to have impacts caused by land acquisition only, specific action for indigenous peoples, specified in the project or subproject RP is required to address the impacts. If ethnic minority population affected by a subproject exceeds 20% of all the affected persons, small-scale livelihood activities, which shall be prepared in consultation with ethnic minority populations, shall be incorporated in subproject RPs as special rehabilitation program.

10. The ADB **Policy on Gender and Development** (ADB, 1998) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. ADB's OM F2/OP requires that the findings of a gender analysis be included in the RP, and at all stages, resettlement identification, planning, and management will ensure that gender concerns are

incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights; and to ensure the restoration of their income and living standards.

11. The ADB **Public Communications Policy** (ADB, 2005) seeks to encourage the participation and understanding of people affected by and other stakeholders to ADB-assisted activities. Information on ADB-funded projects should start early in the preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected people and other stakeholders. The Executing Agency should, as necessary, develop a project communications plan and designate a focal point to maintain contact with affected people. With respect to land acquisition, compensation and resettlement, information should be distributed to affected peoples (APs) and publicly in the following manner: (i) prior to loan appraisal, the draft Resettlement Plan (RP); (ii) following completion of the final RP, the final RP; and, (iii) following any revisions, the revised RP. This information can be in the form of brochures, leaflets or booklets, in the local language(s) as well as English, the working language of the ADB. When APs include non-literate people, other appropriate methods of communications will be used.

### C. Resolving Inconsistencies

12. There are a number of differences between the Government's Laws and Decrees and ADB Policy with regard to resettlement and compensation.

**Table 2: Gaps Between National Laws and ADB Policy**

Decree 197 (December 2004)/Decree 17	ADB Policy
Article 6: If persons who have land recovered by the State meet all conditions prescribed in Article 8 of the Decree, they shall receive compensation; if they fail to meet all conditions for compensation, the Peoples' Committees of the provinces or centrally run cities shall consider providing such support.	APs who are not entitled to compensation for land under domestic law will be assisted to restore their pre-project living standards.
Article 9: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. Decree 17/2006 provides for compensation to be based on market prices. Where there is difference between current use and market values, a Land Valuation Council has to be set up to establish current market values.	Land compensation should be based on replacement cost, which means the method of valuing assets to replace the loss at market value.
Article 18, 19, 20: <ul style="list-style-type: none"> <li>Houses and structures on non-eligible-for-compensation land, which have not violated announced land use plans or the right of way will be assisted at 80% of replacement cost.</li> <li>Houses and structures on non-eligible-for-compensation land, which have violated announced land use plans or the right of way will not be assisted. In special cases, the PPC will consider to assist on case-by-case basis.</li> </ul>	All affected houses and structures, irrespective of land tenure status, need to be compensated at the full replacement cost through cash or replacement assets.
Article 26, 28: Only registered businesses are eligible for assistance.	All affected business are eligible for assistance.
Article 28, 29: APs losing more than 30% of productive land will be entitled to living stabilization and training/job creation assistance. Decree 17/2006 strengthens this provision and provides for the long term assistance to poor households.	Rehabilitation assistance is required for those who lose 10% or more of their productive assets.

13. The provisions and principles adopted in this RF and subsequent RPs will supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as

provided for under Decree 131/2006/ND-CP (November 2006), which regulates the management and use of official development assistance.

#### **D. Project Principles**

14. The basic principles of this project are the following:

- (i) Acquisition of land and other assets and resettlement of people shall be minimized as much as possible by identifying possible alternative project designs and appropriate social, economic, operational, and engineering solutions that have the least impact on populations, particularly on ethnic minorities, in the subproject area.
- (ii) All people affected shall be eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing, and any such factors that may discriminate against achieving the objectives outlined above. The absence of legal title will not bar people affected to compensation and rehabilitation measures. No APs will be displaced from affected land until the village or commune allocates suitable alternative land or compensation is paid sufficient to purchase suitable land within the same or neighboring village.
- (iii) Voluntary contributions of productive land (paddy, forest, fishpond and garden) will not be permitted under the Project. For residential land, the portion that can be voluntarily contributed will not be more than 20% of the total residential land, no houses, structures or fixed assets on affected portion of land to be voluntary contributed, and the remaining land should not be less than 100 sq.m.
- (iv) Where local communities or individuals elect to make voluntary contribution of affected residential land and non-land assets in accordance with traditional practices, this will be acceptable only with the following safeguards in place: (i) full consultation with landowners and any non-titled APs on project entitlements, (ii) ensuring that voluntary contributions do not severely affect APs living standards, and are linked directly to benefits for the APs, (iii) any voluntary contribution will be confirmed through verbal or written record and verified by an independent third party (such as a designated NGO or legal representative of a mass organization), and (iv) having adequate grievance redress mechanisms in place.
- (v) APs will be systematically informed and closely consulted about the Project, the rights and options available to them and proposed mitigation measures. The comments and suggestions of APs and communities will be taken into account.
- (vi) Particular attention will be paid to the needs of the poorest affected people, and vulnerable groups that may be at high risk of impoverishment. This will include those without legal title to land or other assets, households headed by females, the elderly or disabled and other vulnerable groups, particularly ethnic minority populations. Appropriate assistance will be provided to help them improve their socioeconomic status.
- (vii) If the ethnic minority population affected by a subproject exceeds 20% of all the affected persons, small-scale livelihood activities, which shall be prepared in consultation with ethnic minority populations, shall be incorporated in subproject RPs as special rehabilitation program.
- (viii) All compensation payments and relocation activities shall be satisfactorily completed before the award of any contract for civil works for a subproject. Rehabilitation measures as required will be begun prior to the award of contract for civil works although they may continue during and after civil works.
- (ix) MARD, the Executing Agency shall verify that institutional arrangements are in place to ensure effective and timely design, planning, consultation,

implementation and monitoring of the land acquisition, compensation, resettlement and rehabilitation program.

- (x) Resettlement identification, planning and management will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights, and to ensure the restoration of their income and living standards.
- (xi) Existing cultural and religious practices shall be respected and, to the maximum extent practical, preserved.
- (xii) Adequate budgetary support shall be fully committed and made available to cover the costs of land acquisition, resettlement, and rehabilitation within the agreed implementation period.
- (xiii) There shall be effective mechanisms for hearing and resolving grievances during the preparation, updating and implementation of RPs. Grievance Committees will include representatives from APs, especially women and ethnic minorities.
- (xiv) The key information in the RPs, including measurement of losses data, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to APs in an understandable format such, as the full RP or public information booklets (PIBs) in a local language, and in Commune offices.
- (xv) Temporarily affected land and communal infrastructure will be restored to pre-project conditions.
- (xvi) Appropriate reporting, monitoring and evaluation mechanisms shall be identified and set in place as part of the resettlement management system. Monitoring and evaluation of the land acquisition, resettlement and rehabilitation processes and the final outcomes will be conducted by an independent monitor.

## **E. Eligibility and Entitlements**

15. **Affected People.** Per ADB policy, the term “affected people (APs)” includes any person, household, firm or private institution that on account of changes resulting from the Project will have its: (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work, residence or habitat adversely affected, with or without displacement. In the case of a household, the term AP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.

16. There are 4 types of land users in Viet Nam:

- (i) APs with permanent land use rights losing land. They are: (i) legal land users, i.e. those with the land use right certificates (LURC); and (ii) legalizable land users, i.e. those who are waiting for the LURC to be approved by the district authority and who have documents to prove as such. They are entitled to full compensation at replacement cost.
- (ii) APs with temporary/lease land use rights losing land. This category includes those who occupy land temporarily or on a leased-basis allocated to them by the commune with written permission or signed contract. Compensation for this category is stipulated in Decree 197/CP, i.e. provision for 30% of compensation for loss of land in the form of replacement land of equal value or cash.

- (iii) APs encroaching on the legally prohibited area (Non-legal users). This category includes those who encroached on the legal right of way (ROW). Vietnamese laws and regulations do not provide any compensation to this category. There are cases where affected people with title to land have encroached from their legitimate landholding onto land that they do not own. However, the Project will compensate for the loss of crops at market prices and structures at full replacement cost. For vulnerable APs who have no other land, the Project will, ensure that commune leaders allocate land and provide temporary or lease land rights to AP and that they are provided with relocation allowances and rehabilitation assistance, all of which will be included in the resettlement plan. Landless APs will not be displaced until the commune allocates land to them.
- (iv) Commune People's Committee can also be subject to loss of land. If the recovered land belongs to the communal public land fund as stipulated in Article 45, 1993 Land Law or to the communal land yet assigned to anyone, the Project will pay cash compensation to the commune.

17. **Vulnerable Groups:** The RF recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels; and therefore, at greater risk of impoverishment when their land and other assets are affected. The extent of impact on ethnic minority groups and other disadvantaged groups, such as landless, poor, households headed by women, elderly, and disabled, who shall receive special rehabilitation assistance will be determined during preparation of subproject investment reports (SIRs) and RPs. APs who belong to vulnerable groups are eligible for special rehabilitation assistance to help them restore their socioeconomic conditions. In the context of the Project, the principal vulnerable groups are ethnic minority groups as they tend to be located in remote mountainous areas and associated with poverty<sup>3</sup>. Within the project provinces, the proportion of ethnic minority population ranges from less than 1% in Ha Tinh to 54% in Kon Tom. Almost all of Viet Nam's 54 ethnic minority groups are represented in the project area, and provinces with relatively higher proportion of ethnic minority groups are: Than Hoa (16.4%), Nge An (13.3%), Quang Ngai (11.5%), Kon Tom (53.6%) and Ninh Thuan (21.9%). The Project's strategies on vulnerable groups are:

- (i) Surveys of socioeconomic conditions of APs will identify the conditions, needs and preferences of poor households, women who head households (and other female APs) and ethnic minority APs; monitoring of resettlement activities will assess separately the impacts on vulnerable APs.
- (ii) Ensure that the process of land acquisition and resettlement does not disadvantage ethnic minorities, women, households headed by women or elderly or disabled, and poor households, particularly the landless.
- (iii) Separate consultations will be undertaken for different ethnic minority groups to facilitate and encourage their participation. Preparation of information materials will take into consideration, as relevant, the language and literacy skills of participants, as well as other gender and cultural parameters that would affect their participation.
- (iv) The Project will give priority to vulnerable APs for employment for construction, operation and maintenance of physical infrastructure or other Project activities, where appropriate.

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<sup>3</sup> The results from Poverty and Social Assessment (PSA) conducted during Project preparation stage indicate that there is almost no difference between female and male headed household across the project area in terms of poverty level, with female headed households being slightly better off than male headed households.

- (v) If the ethnic minority population affected by a subproject exceeds 20% of all the affected persons, small-scale livelihood activities will be prepared in consultation with ethnic minority affected people as special rehabilitation program.

18. **Eligibility:** All APs who are identified in the project-impacted areas on the cut-off date will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off date will be the final day of the detailed measurement survey (DMS) in each subproject area. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

19. **Entitlements:** The entitlement matrix in Table 3 summarizes the main types of losses and the corresponding nature and scope of entitlements. During preparation of subproject RPs, inventories of losses and socioeconomic surveys will be the basis for determining actual impacts, and replacement cost surveys will be carried out to determine actual replacement costs and rates.

**Table 3: Project Entitlement Matrix**

Type of Impacts	Entitled Persons	Entitlements	Implementation Issues
<b>1.0 AFFECTED LAND (PERMANENT)</b>			
<b>MINOR IMPACT</b>  <b>Agricultural &amp; Forestry Land:</b> if less than 10% of the total productive landholding is affected  <b>Residential and Commercial Land:</b> If there is remaining land sufficient to rebuild structures  <b>Fishpond Land:</b> If the area still meets the expected personal/commercial yield	User with legal or legalizable right and Eligible Land Management Organizations (LMOs)	(i) Cash compensation for acquired land at replacement cost. (ii) Affected assets will be compensated at replacement cost (e.g. houses, structures, crops and trees), see Items 2 to 4.	Replacement cost for land is equivalent to current market value plus transaction costs such as administration, taxes and titling cost; productive value and similar location attributes.
	User with lease or temporary right	(i) Cash assistance for affected land corresponding to 30 per cent of replacement cost of the affected land OR Cash compensation of loss of net income for the remaining leased or assigned period, whichever is higher. (ii) Affected assets will be compensated at replacement cost (e.g. houses, structures, crops and trees), see Items 2 to 4.	
	Non-titled user	(i) No compensation for land but will be allowed to continue to use any remaining land that APs are illegally occupying. (ii) Affected assets will be compensated at replacement cost (e.g. houses, structures, crops and trees), see Items 2 to 4.	Poor, vulnerable APs and landless APs will be allowed to continue to use any remaining land that APs are illegally occupying.
<b>SEVERE or SIGNIFICANT IMPACT</b>  <b>Agricultural &amp; Forestry Land,</b> i.e. 10% or more of the total productive landholding affected <b>Residential and Commercial Land:</b> WITHOUT sufficient remaining land to rebuild upon If the remaining land <b>Fishpond Land</b> , if the remaining area is no longer viable or can no longer meet the expected personal or commercial yield	User with legal or legalizable right	(i) As a priority, allocation of replacement land (a) equal in area to affected land up to a maximum of land quota in province; (b) of same category (or productive capacity); (c) at a location satisfactory to AP; and, (d) with full title. If the household head is married, title will be issued in the names of both husband and wife. APs will not be charged for taxes, registration and land transfer costs; OR (ii) Cash compensation for loss of land at replacement cost. (iii) Affected assets will be compensated at replacement cost (e.g. houses, structures, crops and trees), see Items 2 to 4. (iv) Assistance for livelihood stabilization and livelihood restoration programs (Item 8).	Priority will be given to land-for-land compensation within the same or neighboring commune. Cash in lieu of land will be offered only as a last resort or at the informed request of the AP. PPMU consult with AP who are eligible to rehabilitation for their options and prepare proposal for rehabilitation programs in the period of RP preparation and implementation.
	User with lease or temporary right	(i) As a priority, allocation of replacement land (a) equal in area to affected land up to a maximum of land quota in province of sub-Project; (b) of same category (or productive capacity); (c) at a location satisfactory to AP; and, (d) with lease or temporary rights. If the household head is married, lease rights will be issued in the names of both husband and wife. APs will not be charged for taxes and registration; OR cash assistance for affected	



Type of Impacts	Entitled Persons	Entitlements	Implementation Issues
		land corresponding to 30 per cent of current market value of the affected land; OR Cash compensation for loss of net income for the remaining leased or assigned period, whichever is higher; (ii) Affected assets will be compensated at replacement cost (e.g. houses, structures, crops and trees), see Items 2 to 4. (iii) Assistance for livelihood stabilization and livelihood restoration programs (Item 8).	
	Non-titled user	(i) No compensation for loss of land but will be allowed to continue to use any remaining land that APs are illegally occupying; (ii) Affected assets will be compensated at replacement cost (e.g. houses, structures, crops and trees), see Items 2 to 4. (iii) Assistance for livelihood stabilization and livelihood restoration programs (Item 8).	Poor and vulnerable APs who have no other land will be allocated with replacement land with title or temporary/lease land rights. Landless APs will not be displaced until the commune allocates land within the same or neighboring commune.
	Eligible land management organizations	(i) As a priority, replacement land equal in area to affected land up to a maximum of land quota in province; of same category (or productive capacity), at a location satisfactory to AP OR Cash compensation at replacement cost ; and (ii) Affected assets will be compensated at replacement cost (e.g. houses, structures, crops and trees), see Items 2 to 4.	LMO will not be charged for taxes, registration and land transfer costs;
<b>2.0 LOSS OF HOUSES , STRUCTURES AND OTHER FIXED ASSETS</b>			
Totally affected houses	Owners of houses whether or not land is owned	Compensation at replacement cost (in cash or in kind) equivalent to current market prices of materials and labor, with no deduction for depreciation or salvageable materials.	APs will demolish the impacted areas and reconstruct/or improve their houses themselves. Notice to be given at least THREE months before land clearance.
Partially Affected Houses	Owners of houses whether or not land is owned	Compensation for cost of materials with no deduction for depreciation or salvageable materials and cost of repair	APs will demolish the impacted areas and repair their houses themselves.
	Tenants on Private/Government Housing/Buildings	Has an option to (i) stay with the owner's agreement OR (ii) if AP decides to move out, six months' rent allowance; and assistance in finding new, affordable rental accommodation.	Notice to tenants by the owner has to be given at least THREE months in advance.
Other structures (including secondary structures and industrial structures)	All owners regardless or whether land is owned or not	Compensation at replacement cost (in cash or in kind) equivalent to current market prices of materials and labor, with no deduction for depreciation or salvageable materials.	APs will demolish the impacted areas and reconstruct/or improve the structures themselves.
<b>3.0 AFFECTED COMMUNITY ASSETS, GRAVES, PUBLIC PROPERTIES</b>			

Type of Impacts	Entitled Persons	Entitlements	Implementation Issues
Loss of Graves	Affected family	(i) All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family; (ii) The graves will be relocated in existing municipal cemeteries.	Graves to be exhumed and relocated in culturally sensitive and appropriate ways.
Community Assets, Community resources or public property	Village, ward, government unit	(i) Land replaced in areas identified in consultation with affected communities and relevant organizations; (ii) Restoration of affected community buildings and structures to original or better condition.	If income loss is expected (e.g. irrigation, community forest, income from fishpond the affected village will be entitled to compensation for the total production loss over three years. This compensation will be used collectively for income restoration measures and/or new infrastructure.
4.0 AFFECTED CROPS AND TREES			
Crops and Trees	Owners, regardless of whether or not land is owned	For annual crops, cash compensation at replacement cost is equivalent to the highest production of crop over the last three years multiplied by current market value of crops at the time of compensation; For perennial crops and trees, cash compensation at replacement cost is equivalent to current market value given the type, age and productive value at the time of compensation.	AP has right for using salvageable trees. APs will be given two months notice that the land on which their crops are planted will be recovered and that they must harvest their crops in time.  APs will receive cash compensation at current market cost for any unharvested crops that are near or ready to harvest at the time of land acquisition.
5.0 BUSINESS AND INCOME SOURCES			
Temporary loss of income (i.e. while business is rebuilding)	Non-registered business	Cash compensation for the duration of business/income generation that is disrupted based on the minimum wage per month in the province.	Full compensation for incomes lost to APs at least ONE month before land clearance.
	Registered business	Cash compensation for the duration of business/income generation that is disrupted based on net income (tax receipts).	
Permanent Loss of Business or Income Source Affected (Relocated business)	Non-registered business	Cash compensation based on the minimum wage per month in the respective province for 12 months.	PPMU consult with APs who are eligible for rehabilitation for their options and prepare proposal for rehabilitation programs in the period of RP implementation
	Registered business	Cash compensation based on net income (tax receipts) for 12 months.	
6.0 INCOME OF EMPLOYEES AND HIRED LABOR			
Temporary Loss while business re-organizes within remaining land	All	(i) Cash compensation for lost salary/wages for each month they cannot work; OR (ii) Assistance in securing new employment, including relevant skills training expenses if required.	Businesses will be encouraged to retain existing employees.
Permanent loss in case the business stop its activities	All	(i) Cash compensation for six months salary/wages OR cash compensation for remaining period of contract whichever is	PPMU consult with APs who are eligible for rehabilitation for their options and prepare proposal for rehabilitation

Type of Impacts	Entitled Persons	Entitlements	Implementation Issues
		higher; (ii) Assistance in securing new employment, including relevant skills training expenses (iii) Assistance for livelihood stabilization and livelihood restoration programs (Item 8).	programs in the period of RP implementation Project will encourage business to provide severance pay for employees
<b>7.0 ANY DAMAGES CAUSED BY CONTRACTORS</b>			
Land and Non-Land Assets	All APs affected by damage	Contractor to (i) pay rent for the additional land required for construction working space, (ii) compensate for damages on properties at replacement cost (as indicated in Items 1 to 6) Temporary use of land will be promptly restored or improved in its pre-project condition at no cost to the APs.	For the contractor working space, to the extent possible, only unused land will be used to avoid disruption to HH and business establishments, use of residential land will not require any impacts on houses and structures and will not disrupt access to households;  If use of land is more than one year, AP has the option to sell the land at replacement cost (See Item 1.0 above)
<b>8.0 SEVERELY AFFECTED AND POOR AND VULNERABLE AP HOUSEHOLDS</b>			
<b>8.1 Allowances During Transition</b>			
Materials Transport Allowance	All relocating APs	All APs moving away from their original residence but relocating within the province are entitled to a maximum allowance of 3 million VND/household and all APs relocating beyond the province are entitled to a maximum allowance of 5 million VND/household.	This allowance is for the transportation of their household contents, salvaged materials and any other living facilities.
Life and Production Stabilization Allowance	All relocating APs, APs losing significant impacts on their productive land, Employees losing their job.	Cash allowance equivalent to 30 kg of rice per family member per month for a minimum period six months or longer.	
	APs rebuilding structures on remaining land	Cash allowance equivalent to 30 kg of rice per family member per month for a period of three months.	
Special Cash Assistance For Poor and Vulnerable APs	All Poor and vulnerable APs (marginally and severely affected AP)	Special cash allowance equivalent to 30 kg of rice per family member per month for a period of six months.	This is in addition to the life and production stabilization allowance
<b>8.2 Livelihood Restoration Programs (Specific Program will be determined during subproject resettlement planning. Examples are:)</b>			
Assistance To Attend Vocational Training for Occupational Change	All APs of working age that are engaged in agricultural, fishing, aquaculture or	Trainees will be entitled to a subsistence allowance during the training period, which may last from between three to six months on average; this will be up to a value of US\$100 per trainee. The training will be of a value up	The skills training program will be designed during project implementation, with the assistance of the

Type of Impacts	Entitled Persons	Entitlements	Implementation Issues
	similar production and experience significant impacts on their productive land or losing main source of income, poor and vulnerable affected APs and Cam Hai residents	to a pre-agreed sum of US\$200 per trainee. This sum will be given directly to the training institution involved. The unit costs of the skills training will be US\$300 per trainee.	resettlement specialist consultant.
Project-Related Job Opportunities	Severely Affected APs, poor and vulnerable APs	In each severely affected family, one person of working age will be prioritized in gaining employment during the construction phase	The family members will decide which person will benefit from these measures. PMU will ensure that the EA will hire these persons. PMU will ensure that this is included in the contractors' specifications wherever possible.
Agricultural Extension	Severely Affected APs, poor and vulnerable APs	Assistance to improve productivity on remaining agricultural or forestry land by linking them with pre-existing government-run programs such as agricultural extension. Agricultural assistance will be of a value of US\$110 per severely affected household.	Links will be facilitated by PPMU and the other implementing agencies (RCs at all levels, IMO) with the EA, once a demand assessment had been carried out. The \$110 will be given to the agency providing the extension services.
Affected ethnic minority households	All affected people	Ethnic minority affected people are ensured for equal entitlement to Kinh affected people; AND Ethnic minority affected people have separate opportunities for consultations and meetings.	
	Ethnic population represent 20% of affected people	In-kind economic rehabilitation assistance to strengthen or initiate income-generating activities, to be decided in consultation with eligible people; forms of assistance may include agricultural extension assistance, technical and other assistance to develop new non-farm income-generating activities, project-related employment, and partial or full assistance for provision of tertiary infrastructure.	The detail of economic rehabilitation assistance will be prepared with APs and included in the RP.  These programs will target the needs of both men and women. Careful attention will be given to the special needs of and opportunities for women, young adults, ethnic minority, and other vulnerable APs.

### III. PREPARATION AND IMPLEMENTATION OF RPs

This chapter provides the guidelines for screening and RP preparation and implementation.

#### A. Screening

20. Resettlement screening for subprojects will be part of the individual subproject preparations. Based on information given in subproject identification proposals (SIPs), the CPMU assisted by consultants will determine the requirements for preparation of resettlement plans. The CPMU and PPMUs will use the screening and categorization form in Appendix 1 to determine the nature and significance of resettlement effects.

The screening criteria based on the degree of resettlement impacts are:

- (i) Significant - as a result of the subproject, 200 or more people will experience major impacts, that is, being physically displaced from housing, or losing 10% or more of their productive (income-generating) assets. A full resettlement plan will be required;
- (ii) Not significant - as a result of the subproject, fewer than 200 people will be physically displaced from housing or lose less than 10% of their productive (income-generating) assets. A short resettlement will be required; or
- (iii) No resettlement effect - the subproject does not require temporary or permanent land acquisition, and there are no impacts involving the loss of land, structures, crops and trees, businesses or income. No resettlement plan is required.

#### B. RP Preparation

21. CPMU will screen out the category A subprojects. If resettlement impacts are unavoidable and preparation of a resettlement plan is therefore required, a short RP will then be prepared and attached to each subproject's Subproject Investment Report (SIR). The preparation of a subproject RP will be done by PPMUs assisted by consultants and use the following procedure:

- (i) Undertake a census of all APs.
- (ii) Undertake an inventory and detailed measurement survey (DMS)<sup>4</sup> of all losses of all APs. At the same time, inform potential APs (without discrimination) of the subproject, its likely impacts, and principles and entitlements as per the RF.
- (iii) Undertake a socioeconomic survey (SES)<sup>5</sup> of at least 10% of all APs, 20% of severely affected APs and ethnic minority population.
- (iv) Undertake a replacement cost survey for various types of affected assets as a basis for determining compensation rates at replacement cost. Determine the losses in accordance with the entitlement matrix.<sup>6</sup>
- (v) Provide project and resettlement information to all persons affected in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including relocation sites and economic rehabilitation.

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<sup>4</sup> Data will be gender and ethnic minority disaggregated.

<sup>5</sup> It will include gender analysis and data will be gender and ethnic minority disaggregated.

<sup>6</sup> If there are new categories of APs and/or losses identified during the DMS (other than those described in the entitlement matrix), the entitlements will be derived in accordance with ADB's policy and handbook.

- (vi) Prepare a special rehabilitation program for affected ethnic minority population when their number exceeds 20% of all the affected persons in consultation with those affected.
- (vii) Prepare the draft RPs with time-bound implementation schedule, procedures for grievance mechanism and monitoring and evaluation, and a budget.
- (viii) Finalize the subproject RP in both Vietnamese and English versions. Submit it to CPMU for preliminary review, then CPMU will forward it to ADB for approval.
- (ix) Disclose the draft and final RP in accordance with ADB's policy on public communications<sup>7</sup> to the affected communities and on ADB's website. The draft RP will be disclosed prior to submission to ADB for approval. The final RP will be disclosed after approval.

**Table 4 : Surveys for RP Preparation**

<b>Detailed Measurement Survey (DMS)</b>	<p>The inventory and <b>detailed measurement survey</b> (DMS) of lost assets will collect data on the affected assets from 100% of APs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining AP entitlements and levels of compensation. For each AP, the scope of the data will include:</p> <ul style="list-style-type: none"> <li>• Total and affected areas of land, by type of land assets;</li> <li>• Total and affected areas of structures, by type of structure (main or secondary);</li> <li>• Legal status of affected land and structure assets, and duration of tenure and ownership;</li> <li>• Quantity and types of affected crops and trees;</li> <li>• Quantity of other losses, e.g., business or other income, jobs or other productive assets;</li> <li>• Quantity/area of affected common property, community or public assets, by type;</li> <li>• Summary data on AP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, whether household is headed by women, elderly, disabled, poor or ethnic minority;</li> <li>• Identify whether affected land or source of income is primary source of income; and</li> <li>• AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.</li> </ul>
<b>Socioeconomic Survey</b>	<p>At a minimum, the socioeconomic survey (SES) will collect information from a sample of 10% of affected people and 20% of severely affected and ethnic minority APs, disaggregated by gender and ethnicity. The purpose of the socioeconomic survey is to provide baseline data on APs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> <li>A. Household head: name, sex, age, livelihood or occupation, income, education and ethnicity;</li> <li>B. Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender;</li> <li>C. Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and</li> <li>D. Access to basic services and facilities.</li> </ul>
<b>Replacement Cost Survey</b>	<p>Appraisal will be undertaken to verify whether the rates applied by PPCs do reflect market value at the time when the assets are to be acquired. Decree 197 and 188 and 2003 Land Law require PPCs to update Provincial prices and rates they use for compensation for land and property each January based on unit prices that are close to the actual prices of land use right transfer in the market under normal conditions, and persons from whom land is recovered to be compensated with new land of same purpose or the value of land use right certificate at time of issuance of recovery decision (article 42(2)). The Provincial rates will be adjusted, as necessary, based on the findings of a <b>replacement cost survey</b> to be conducted in parallel with DMS and SES activities. This will be done by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area), and from both those affected and those not affected. Compensation rates will be continuously updated to ensure that APs receive compensation at replacement cost at the time of compensation payment.</p>

<sup>7</sup> ADB, 2005, Public Communications Policy. Manila.

### **C. RP Implementation**

22. Land acquisition, compensation and relocation of APs cannot commence until the RP has been reviewed and approved by ADB. All resettlement activities will be coordinated with the civil works schedule. A civil works contract for a subproject will not be awarded until (i) compensation and relocation of APs have been satisfactorily completed; (ii) agreed rehabilitation assistance is in place; and (iii) the site is free of all encumbrances.

### **D. Ethnic Minority Specific Actions**

23. To ensure that the ethnic minority APs receive full benefit of resettlement activities related to land acquisition and compensation the following specific activities will be integral to the RP.

- (i) In villages with ethnic minorities, one man and one woman representative from each ethnic minority group will be included in each of the resettlement committee (District and Village level).
- (ii) During the final DMS both men and women, and female-headed ethnic minority households will participate in the DMS, and will be accompanied by a DRC or VRC member who will provide translation as needed to ensure APs understand and are in agreement with the DMS results.
- (iii) Compensation will be given to both men and women from ethnic minority households.
- (iv) Where ethnic minority households are required to rebuild or relocate, rehabilitation options and sites will be acceptable to the household and ensure they are able to continue their existing livelihood and lifestyle, and remain within their community (if they so choose).
- (v) Where land is allocated or use rights assigned, registration will be in the name of husband or wife if the affected land was acquired prior to marriage and joint registration in the names of both husband and wife for ethnic minority APs if the land was acquired by both husband and wife.
- (vi) All public information and consultation meetings in ethnic minority villages will include local translation in minority languages so that information and exchange of views is facilitated for all men and women APs. Village meetings will be held to raise AP awareness and understanding of resettlement related issues such as project timing, entitlements, compensation determination and payments, grievance process, support for relocation/ rebuilding etc., and specific women focus groups will also be held to cover the same issues.
- (vii) Rehabilitation measures for businesses will ensure that ethnic minority households and/or female headed households as well as other APs are treated equitably in terms of assistance to find and/or allocation of replacement land, and in the provision of allowances (including business income loss, transition and vulnerable allowances).
- (viii) Where ethnic minority households live within villages of another ethnicity, DRCs will pay special attention to their compensation and transition. External monitoring will also review these cases.
- (ix) Rehabilitation measures for relocating APs will ensure that ethnic minority households receive equitable treatment with regard to: i) assistance to self-relocate (find land, etc.), ii) allocation of housing and/or commercial sites (e.g., in resettlement sites); iii) village support in moving, and contractor support to

- improve lands; and iv) provision of allowances (including business income loss, transition and vulnerability allowances).
- (x) Monitoring of RP updating, consultation and awareness, implementation, and AP rehabilitation and satisfaction will all be undertaken using gender and ethnicity disaggregated data.
- (xi) Internal monitoring will ensure consultation incorporates translation to ethnic minority languages in minority villages and for minorities living in villages of other ethnicity.
- (xii) Both male and female ethnic minority members will be able to participate in the jobs that are created during road upgrading and post-construction in the Project area. In the surveys and stakeholder meetings held, all ethnic minority groups expressed interest in the job opportunities as well as increasing their incomes from agriculture and other activities.

## **E. Gender Strategies**

24. A number of strategies will be adopted to ensure gender-sensitive resettlement and rehabilitation measures and, to engage women actively in the planning and implementation of the resettlement program as well as other programs. The Construction Supervision Consultant, social specialists, and the CPMU/PPMUs will be directly involved in all aspects of the development and implementation of the gender strategy, to ensure that these measures are adequately implemented.

25. The strategies for APs that will relocate from, or rebuild on residential and/or commercial land they occupy in the subproject areas will be made gender-sensitive in the following ways:

- (i) The DRC and VRC will make concerted efforts to consult with female APs (household heads and women in AP households). This will be done through individual and women focus group consultations, and be identified through specific activities in the consultation program. The role of local Viet Nam Women's Union (VWU) representatives will be crucial in facilitating these consultations and ensuring women's specific needs are met.
- (ii) Women will be consulted specifically to establish criteria for replacement land or improvements to existing lands, particularly in relation to the planning of available lands and maintenance of the household utility areas, as well as issues relating to access to community services and facilities such as schools, health facilities and markets, as well as their economic activities.
- (iii) Consultations with APs regarding arrangements for secure tenure will ensure that women including female-headed households (FHH) and other female household members understand clearly what their options and obligations are; and, that the views of women are considered in making decisions.
- (iv) New land registrations will be made in both spouse's names if the land acquired by the Project was acquired by husband and wife during marriage, or in the case of female headed households, in the women's name.
- (v) Compensation payments will be signed off by both spouses, or in the case of female headed households, by the women.
- (vi) The Project construction contracts will include commitments to gender equity including: i) ensuring that no child labor or trafficked labor will be used; ii) no



discrimination against the employment of qualified women; and iii) no differential wages paid to men and women for work of equal value.

- (vii) The VWU in affected villages will monitor vulnerable APs, including female headed households for signs of stress or health impacts due to resettlement activities. If noted these will be reported to the Construction Supervision Consultant social specialists and CPMP/PPMU for assistance.
- (viii) The resettlement information system for the Project will ensure that all databases and monitoring indicators are disaggregated by gender.
- (ix) The Construction Supervision Consultant resettlement specialist will provide training for all resettlement committees to build capacity in resettlement administration and to enhance gender and ethnicity sensitivity in resettlement management.

26. Women who are heads and/or members of AP households as well as other women in the communities in subproject areas will be encouraged and assisted to participate fully in the planning and implementation of the Project resettlement program, by drawing on their knowledge, skills and interests. Actions contained within this RF aim to facilitate this participation including, among others:

- (i) The formation of provincial, district and village Resettlement Committees and the Grievance Re-dress Committee (GRC), as well as other local officials involved in planning and implementation of the resettlement program will include female representatives. This will include representatives from the VWU and both the District and Village Resettlement Committees (DRC and VRC) must include female heads and/or members of AP households.
- (ii) Female members of DRCs and VRCs will be supported in their roles through local exchanges women in VRCs and DRCs from other road projects (most likely in Hongsa) to learn from the experiences in other villages.
- (iii) Female APs (heads and/or members of AP households) will be involved with local officials in the identification, review and selection of replacement land for individual residential and/or commercial land, as well as for a resettlement sites. Women will also be consulted about resettlement site development such as the location of water supply points.
- (iv) Women will be consulted in the plan for relocation or replacement of village affected structures, such as rice mills and water points, particularly as women and children are the main collectors of water.
- (v) Female APs and other women in local communities will be involved in the planning of local resettlement activities through close coordination with the CRC, and will be assisted by them to develop plans for their own households, including, as necessary, coordinating technical, construction and relocation advice and support from the village and the PPMU.
- (vi) Female APs and other women in local communities will be involved in other initiatives to address the social and environmental impacts of the Project.

#### IV. INSTITUTIONAL FRAMEWORK

27. **Ministry of Agriculture and Rural Development:** MARD, through the Central Project Management Unit (CPMU) of its Central Project Office, will assure overall planning including subprojects screening, coordination, and reporting for the Project. The CPMU previously functioned as CPMU for ADB assisted Rural Infrastructure Sector Project (RISP) also currently takes charge of ongoing Calamity Damage Rehabilitation Project. The CPMU has already assigned 2 full time resettlement officers. CPMU will guide, support, endorse and monitor the work of the Provincial Project Management Units (PPMU) in each province for all activities related to planning, implementation and monitoring of land acquisition and resettlement where required. To effectively assist CPMU and guide PPMU, Policy Compliance and Project Start-up Specialists (international 9 person-months, national 9 person-months) will be mobilized under piggy back Advisory Technical Assistance. The Specialists will also assist CPMU to contract study teams to assist PPMU and Resettlement Committee to prepare resettlement plans from the first-fourth year of the Project. The Project will also mobilize Resettlement Specialists (international 5 person months, national 14 person months) for effective supervision of subproject resettlement planning, implementation and monitoring. The tasks of CPMU will include

- (i) Guide, support and oversee the work of PPMU and other stakeholders for all activities related to planning, implementation and monitoring of plans and activities for involuntary land acquisition.
- (ii) Engage Policy Compliance and Project Start-up Specialist to prepare a guideline on Resettlement and Land Acquisition and provide initial training to PPMUs and Commune People's Committee on subproject resettlement planning. Establish monitoring and evaluation indicators as a part of Project's overall performance and benefit monitoring system.
- (iii) Review Subproject Investment Proposal (SIP) and screen out subprojects with significant resettlement impact, assisted by Policy Compliance and Project Start-up Specialists.
- (iv) Engage consultants for conducting the Provincial Social Impact Assessment and subproject resettlement planning including DMS and socioeconomic surveys.
- (v) Appraise and approve subproject's short Resettlement Plans (RPs) for subproject involving involuntary land acquisition, assisted by Resettlement Specialists and submit to ADB for approval.
- (vi) Recruit and oversee the work of an NGO or consultant to act as the independent monitoring organization (IMO).
- (vii) Review and endorse quarterly provincial monitoring reports prepared by PPMU, Include necessary information in the Project's quarterly reports and submit it to ADB. Submit a subproject resettlement completion report to ADB when compensation has been paid and, as required, APs have relocated, and request approval to award related civil works contracts. Review and endorse all external monitoring reports prepared by the IMO.

28. **Provincial Project Management Unit (PPMU):** In each of the 13 project provinces, the DARD through its provincial project management unit (PPMU) will prepare and implement subprojects<sup>8</sup>. In terms of the IAs' capacity, we can reasonably assume that they have capacity

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<sup>8</sup> A two stage process for the identification and preparation of subproject proposals will be adopted. Firstly, subproject proposals will be selected by PPCs from priority investments within Provincial Socio Economic Development Plans, Subprojects chosen should be key strategic and straightforward engineering projects with an

because the majority provinces are covered by the Calamity Damage Rehabilitation and Central Region Water Resource projects and IAs have received training. Only 4 (Quang Nam, Kon Tum, Ninh Thuan and Binh Thuan) out of 13 provinces are not covered under these two projects. Additional training on resettlement framework and implementation procedure will be needed. Each PPMU will assign 1 safeguard officer. The PPMU and its resettlement/social officer will carry out the following roles and responsibilities:

- (i) Conduct field assessments for initial screening of subprojects to determine land acquisition requirements and impact on ethnic minority groups. Verify that SIPs and SIRs are prepared in close consultation with subproject beneficiaries and affected peoples.
- (ii) Supervise consultants mobilized for preparation of RPs for subprojects that involve involuntary resettlement by coordinating closely with CARBs. Confirm that appropriate measures are included as required for subprojects that land acquisition, to address the needs of vulnerable APs.
- (iii) Ensure that all RPs are disclosed to APs. Guide, support and oversee all activities related to consultations with APs and other stakeholders and grievance redress for all subprojects.
- (iv) Provide clearance of acquired land in coordination with schedules for civil works.
- (v) Coordinate with the CARB and oversee the payment of compensation and allowances to APs.
- (vi) Coordinate, guide and support district and Commune Peoples Committee, NGOs, community organizations and other stakeholders to address requirements for relocation of APs and/or income restoration strategies.
- (vii) Review and endorse monitoring reports submitted by CARBs; consolidate and prepare quarterly monitoring reports, and submit to CPMU.
- (viii) Support IMO by ensuring full and timely disclosure of relevant information and coordinating IMO participation in subproject activities.

29. **Compensation, Assistance and Resettlement Board (CARB):** The CPMU and PPMU will liaise with the provincial people's committee (PPC) and the PPC will request the District People's Committee (DPC) in districts where a subproject is located to establish a CARB<sup>9</sup>. The CARB will lead the resettlement process for each subproject, including implementation of the RP and receive, hear, and resolve the complaints and grievances of APs. The Committee for Ethnic Minorities and Mountainous Areas and the Fatherland Front that have mandates for ethnic minority issues and these agencies will be included in the special rehabilitation program for ethnic minority population wherever possible.

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estimated cost in the range of between \$500,000 and \$4 million. These will be consulted with potential affected people, after which a subproject identification proposal (SIP) will be prepared by the PPMU, submitted to the CPMU and , if the proposed investment is over \$2 million submitted to ADB for concurrence. Subprojects with significant impact will be screened out at this stage by CPMU. The second stage involves the preparation of a feasibility study or subproject investment report (SIR). Upon completion of the SIR, first the PPC and then the CPMU will review the studies to ensure that they meet the eligibility criteria for implementation financing. Subproject resettlement plan will be prepared at this stage. Then the PPMUs will be responsible for supervising detailed design and construction of the approved subprojects.

<sup>9</sup> The CARB may also be referred to as the District Resettlement Committee (DRC). The CARB will be chaired by the Vice-Chairman of the DPC; the Vice-Chair will be the Head, District Department of Finance. Other members include: the heads of district DONRE and DARD; Chairmen of affected communes; representatives of PPMU; and, representatives of social organizations and NGOs active in the district.

## **V. CONSULTATION, GRIEVANCE REDRESS, AND DISCLOSURE**

### **A. Consultation**

30. Consultation with the affected people will take place from the SIP preparation stage, and will be completed prior to finalization of detailed designs and RP so that their needs and preferences can be incorporated into the design arrangements where practicable. They will also participate in the various RP processes, including preparation of the inventory of losses, validation of compensation rates and entitlements, hand over of entitlements, monitoring of impacts and benefits, and discussion and settlement of grievances. The scope of information to be provided to APs includes:

- (i) Description of Project and subprojects, and subproject impacts. APs will be invited to participate in field walks to select the alignment of any structures (e.g., flood embankments, canals, drains, sea dikes, roads, bridges) and discuss design options to minimise the impact.
- (ii) AP's rights and entitlements (including explanations of compensation calculations and payments), grievance mechanism and appeal process.
- (iii) Institutional responsibilities, including APs contribution in subproject and resettlement implementation and monitoring.

### **B. Grievance Redress**

31. It is the responsibilities of CARBs to help to resolve confusion, misunderstandings or problems about land acquisition, compensation rates, rehabilitation and relocation. To ensure that all grievances of those affected on any aspect of land acquisition, compensation, relocation, and determination and payment of entitlements are resolved in a timely and satisfactory manner, and that all avenues for airing grievances are available, the PPMU will set up a mechanism to deal with any such grievances during project implementation. Grievance Committees will be established and will include representatives from APs and, especially women and ethnic minorities. The affected individuals will be made fully aware of their rights (both verbally and in writing) during consultations and at each phase of the resettlement process. Detailed procedures for hearing and redressing grievances, including appeal processes, will be made public through an effective public information campaign. Provincial CARBs will record and report on all complaints and their resolution. The APs will also be made aware of ADB's accountability mechanism policy by providing copies of the accountability field guide, which has been translated into Vietnamese. The independent monitoring agency will be responsible for checking the procedures for and resolutions of grievances and complaints.

32. A four-stage procedure for redress of grievances is proposed:

- (i) Stage 1: Complaints from APs on any aspect of compensation, relocation or unaddressed losses are in the first instance lodged verbally or in written form with the Commune's People's Committee (CPC). The complaint will be discussed in an informal meeting with the AP and the CPC. It will be the responsibility of the CPC to resolve the issue within 15 days from the date the complaint is received.
- (ii) Stage 2: If no understanding or amicable solution can be reached or if no response is received from CPC within 15 days of registering the complaint, the AP can appeal to the District People's Committee (DPC) in the presence of the district-level Compensation, Assistance and Resettlement Board (CARB). The AP must lodge the complaint within 30 days of registering the original complaint

and must produce documents that support his/her claim. The DPC will provide a decision within 1 month of receiving the appeal.

- (iii) Stage 3: If the AP is not satisfied with the decision of the DPC or in the absence of any response, the AP can appeal to the Provincial People's Committee (PPC). The PPC together with the Provincial Resettlement Committee (PRC) will provide a decision on the appeal within 30 days from the day it is received by the PPC.
- (iv) Stage 4: If the AP is still not satisfied with the decision of PPC on appeal, or in the absence of any response within the stipulated time, the AP as a last resort may submit his/her case to the District Court.

33. The procedure described in these four steps is consistent with the legal process for resolution of disputes in Viet Nam. However, the system is oriented primarily towards disputes between people, as opposed to between people and government. Therefore, as part of the Project internal monitoring and evaluation, each PPC and the CPMU will keep a written record of all grievances and complaints brought forward by AP, as well as their final resolution. The independent monitoring organization (IMO) contracted for external monitoring and evaluation will be responsible for checking the procedures for and resolutions of grievances and complaints, as described in Section IX. The IMO may recommend further measures to be taken to redress unresolved grievances.

34. In addition to the grievance mechanism described above, APs may also (or permit representatives on their behalf) to raise their concern or complaint with the ADB Southeast Asia Department, Environment and Natural Resources Division, through the ADB Resident Mission office in Hanoi if APs are still not satisfied with the resolutions of the Project level.

35. The CPMU and the PPC will be responsible to ensure that the grievance redress procedures and timeframes are explained clearly to each level of People's Committees.

### **C. Disclosure**

36. The PPMUs, assisted by the CARBs, will disclose (i) draft RPs prior to submission for review and approval by ADB; (ii) final RPs approved by MARD (CPMU) and ADB, and (iii) any revisions to the RPs as a result of changes in scope or design layout. Key information in the RPs to be disclosed to APs, will include (i) compensation, relocation and rehabilitation options, (ii) DMS results, (iii) detailed asset valuations, (iv) entitlements and special provisions, (v) grievance procedures, (vi) timing of payments, and (vii) displacement schedule. The information will be made publicly available in Project and commune offices and provided to APs in the form of an information leaflet or brochure, or RP - all in a form and language that can be readily understood by those affected. All relevant project information, including final RPs or specific actions prepared under the Project will be made freely available to all those affected and other interested parties, in both English and Vietnamese, and will be posted on ADB's website following ADB and MARD approval of the related subproject detailed design.

## **VI. MONITORING AND EVALUATION**

37. Monitoring and evaluation of the RP implementation allows project owners to ensure smooth progress of the RP activities, which are on the critical path for civil works, by providing for a review of information on the progress of implementation of RP activities. Importantly, monitoring must also address the degree to which the resettlement activities have achieved their desired outcomes, particularly where this involves the rehabilitation of AP's housing, livelihoods and lifestyles.

38. These two monitoring objectives will be addressed through two mechanisms: (a) internal monitoring by the PPMU and CARBs and (b) external monitoring and evaluation - by an independent monitor.

### **A. Internal Monitoring**

39. The role of internal monitoring and evaluation is to assess (i) compliance with the agreed RF and subproject RP; (ii) the availability of resources and efficient, effective use of these resources to implement land acquisition and resettlement activities; (iii) that resettlement institutions are well-functioning during the course of project implementation; (iv) that resettlement activities are undertaken in accordance with the implementation schedule described in the RP; and (v) to identify problems, if any, and remedial actions.

40. Primary responsibility for internal monitoring lies with the CPMU as the project implementing agency. The CPMU will be responsible for overseeing the formation, function, and activities of each of the PPMUs, and through quarterly monitoring reports, summarize this progress. The CPMU will ensure that information on resettlement progress flows from CARBs and PPMUs. The CARB will submit monthly progress reports to the PPMU that will review and forward them to the CPMU. The CPMU will consolidate all provincial reports into the project performance monitoring system, which will be used to prepare regular progress reports for submission to ADB. All data will be gender and ethnicity disaggregated.

41. The PPMU will supervise the preparation and implementation of the subproject RP and will monitor and report on all resettlement activities including special rehabilitation measures for ethnic minority groups.

42. The CPMU will develop internal monitoring indicators, procedures and reporting requirements for all subprojects. Internal monitoring indicators will include: (i) payment of compensation to APs in accordance with the agreed RF and RP; (ii) coordination and completion of land acquisition, compensation and, as required, resettlement activities and commencement of civil works; (iii) adherence to public information dissemination and consultation procedures, and report on activities; and, (iv) adherence to grievance redress procedures, and report of activities. Sample indicators to be monitored regularly include:

**Table 5: Monitoring and Evaluation Indicators**

Type	Indicator	Examples of Variables
<b>INPUTS INDICATORS</b>	Staffing and Equipment	<ul style="list-style-type: none"> <li>• Number of d project dedicated PPMU staff</li> <li>• Formation of each PRC, DRC and VRC</li> <li>• Number of PRC and DRC members and job function</li> <li>• Adequate equipment for performing functions (including grievance recording)</li> <li>• Training undertaken for all implementing agencies</li> <li>• External monitor contracted and mobilized</li> <li>• Construction Contractor meeting local employment targets for unskilled labor</li> </ul>
	Finance	<ul style="list-style-type: none"> <li>• Resettlement budgets disbursed to PRC and APs in timely manner</li> </ul>
<b>PROCESS INDICATORS</b>	Consultation, Participation , and Grievance Resolution	<ul style="list-style-type: none"> <li>• Distribution of PIB to all APs</li> <li>• Summary RP available in all districts</li> <li>• Translation at ethnic minority villages and for individual minority APs in villages of other ethnicity</li> <li>• Consultations and participation undertaken as scheduled in the RP</li> <li>• Grievances by type and resolution</li> <li>• Number of local-based organizations participating in project</li> </ul>
<b>OUTPUT INDICATORS</b>	Acquisition of Land	<ul style="list-style-type: none"> <li>• Area of cultivation land acquired</li> <li>• Area of residential land acquired</li> <li>• Fishponds acquired</li> </ul>
	Buildings	<ul style="list-style-type: none"> <li>• Number, type and size of private houses/structures acquired</li> <li>• Number, type and size of community buildings acquired</li> <li>• Number, type and size of government assets affected</li> </ul>
	Trees and Crops	<ul style="list-style-type: none"> <li>• Number and type of private trees acquired</li> <li>• Number and type of government/community trees acquired</li> <li>• Number and type of crops acquired</li> <li>• Crops destroyed by area, type and number of owners</li> </ul>
	Compensation and Rehabilitation	<ul style="list-style-type: none"> <li>• Number of households affected (land, buildings, trees, crops)</li> <li>• Number of owners compensated by type of loss</li> <li>• Amount compensated by type and owner</li> <li>• Number and amount of payment paid</li> <li>• Compensation payments made on time</li> <li>• Compensation payments according to agreed rates</li> <li>• Number of houses demolished</li> <li>• Number of porches/kitchens dismantled</li> <li>• Number of replacement houses built by APs on the same plot</li> <li>• Number of replacement houses built by APs on other plots they own</li> <li>• Number of replacement houses built by APs on allocated plots</li> <li>• Number of replacement businesses constructed by APs</li> <li>• Number of owners requesting assistance for additional replacement land</li> <li>• Number of replacement land purchases effected</li> <li>• Number of land titles issued</li> <li>• Number of vulnerable groups provided additional assistance</li> </ul>
	Reestablishment of Community Resources	<ul style="list-style-type: none"> <li>• Number of community buildings repaired or replaced</li> <li>• Number of seedlings supplied by type</li> </ul>

## **B. External Monitoring**

43. While internal monitoring focuses on the implementation of scheduled tasks, external monitoring provides an independent avenue to verify these results, and also to take a more qualitative assessment of the success of these measures to meet their intended objectives. As such, the external monitor is required to ascertain whether APs have been able to restore their living standards and their livelihoods, and have not become worse off due to the project. All monitoring data will be collected so as to allow disaggregation by gender and ethnicity.

44. In this Project, restoration of livelihoods is not expected to be a significant variable. The external monitoring will be expected to verify this through monitoring of any businesses which may be identified as severely affected (expected to relocate to new locations, or close due to the Project) during the final DMS.

45. Therefore, in addition to reviewing and verifying the content of the internal monitoring reports, the external monitor is also required to monitor various indicators of project success. These indicators and the mechanisms used to measure them are detailed in Table 6 below. Importantly, the external monitor will be required to review plans for and implementation of the Contractors involvement in providing civil works support for replacement land improvement.

46. The external monitor will come from an independent organization, such as an academic or research institute or consultancy in Laos, with experience in resettlement monitoring and social assessment. They will be contracted by the CPMU and commence in advance of resettlement implementation, so as to assess the process of the DMS and RP preparation and develop the formats for their annual monitoring missions. In the first year, the external monitor will report quarterly, and then semi-annually for a further year, the final report being a post-evaluation report. These reports will be provided to the CPMU and to the ADB for uploading on ADB's resettlement website.

47. Most importantly, the external monitor's reports will include any identified issues and recommendations for rectifying outstanding matters. The monitor will also highlight any significant successes and commendable approaches or methods used in the project which may provide a learning opportunity to the CPMU and other resettlement projects.



**Table 6: External Monitoring Indicators, Methods and Schedule**

<b>Indicators</b>	<b>Variables</b>	<b>Mechanism for Assessment</b>	<b>Timing of Assessment</b>
<b>RP Implementation</b>	<ul style="list-style-type: none"> <li>Resettlement staffing</li> <li>Compensation Disbursements</li> <li>Land and assets acquired</li> <li>Preparation of replacement land</li> <li>Funds disbursement</li> <li>Public information and consultation</li> <li>AP asset replacement</li> </ul>	<ul style="list-style-type: none"> <li>Review of internal monitoring reports</li> <li>Review Contractor plans and actions</li> <li>Interviews with and observation of implementing agencies at each level</li> <li>Random sample of interviews with APs</li> </ul>	<ul style="list-style-type: none"> <li>Every annual monitoring mission</li> </ul>
<b>Restoration of Living Standards and Livelihoods</b>	<ul style="list-style-type: none"> <li>Compensation at replacement cost</li> <li>Compensation with no depreciation or fees/taxes</li> <li>Adequacy and suitability of replacement land</li> <li>Adequacy of moving costs</li> <li>Adequate timing for asset acquisition/replacement</li> <li>Tenure security of APs</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with APs – stratified sample for those relocating, and those being allocated land, ethnic minorities and women</li> <li>Review of internal monitoring reports</li> <li>Review of revised compensation costs and materials costs</li> <li>Interviews with Provincial Lands Departments for land records</li> </ul>	<ul style="list-style-type: none"> <li>Every annual monitoring mission</li> </ul>
	<ul style="list-style-type: none"> <li>Changes in AP income levels, and sources of income</li> <li>Changes in AP access to services and utilities</li> <li>AP participation in community organizations</li> <li>AP participation in associated social action programs related to the project</li> <li>Vulnerable groups rehabilitation</li> </ul>	<ul style="list-style-type: none"> <li>Replicate socioeconomic survey of a sample of APs (with some revisions for new social programs)</li> <li>Comparison with original socioeconomic survey and with later results</li> <li>Village level focus group discussions, including women and ethnic minorities</li> <li>Interviews with vulnerable APs</li> </ul>	<ul style="list-style-type: none"> <li>At the commencement of resettlement implementation (Year1), and project completion (Year 2)</li> </ul>
<b>AP Satisfaction</b>	<ul style="list-style-type: none"> <li>AP awareness of resettlement procedures and entitlements</li> <li>AP awareness and use of grievance system</li> <li>AP satisfaction with the resettlement process</li> <li>AP assessment of</li> </ul>	<ul style="list-style-type: none"> <li>Review records of grievance lodgment and redress</li> <li>Random sample of interviews with APs</li> <li>Community meetings</li> <li>Focus Groups discussions with various categories of APs</li> </ul>	<ul style="list-style-type: none"> <li>Every annual monitoring mission</li> </ul>
<b>Effectiveness of Resettlement Planning</b>	<ul style="list-style-type: none"> <li>Accuracy of DMS for AP and asset loss recoding and planning</li> <li>Adequacy of budget for implementation</li> <li>Adequacy of implementation schedule to undertake required tasks</li> <li>Occurrence of unforeseen problems</li> </ul>	<ul style="list-style-type: none"> <li>Review records of grievance lodgment and redress</li> <li>Random sample of interviews with APs</li> <li>Interviews with implementing agencies at each level</li> </ul>	<ul style="list-style-type: none"> <li>Every annual monitoring mission</li> </ul>
<b>Resettlement Impacts</b>	<ul style="list-style-type: none"> <li>Re-occupation of cleared land</li> <li>Migration to the project area</li> </ul>	<ul style="list-style-type: none"> <li>Village chief meetings</li> <li>Random AP interviews</li> <li>Observation</li> </ul>	<ul style="list-style-type: none"> <li>Every annual monitoring mission</li> </ul>

## **VII. BUDGET**

48. All compensation for land and other affected assets will be paid at replacement cost based on current market prices. Compensation rates will be established for each IRDPCP province, at replacement cost based on market prices during the replacement cost survey. All costs for subproject resettlement programs under IRDPCP including land acquisition, compensation and allowances, operation and administration costs, surveys, monitoring and reporting will be financed from loan funds. The commune resettlement committees will be responsible for payment of compensation directly to those affected. If ADB loan funds are utilized, the RPs will identify key activities for which funds will be used, any disbursement milestones, and auditing requirements that will facilitate appropriate and timely delivery.

## INVOLUNTARY RESETTLEMENT CATEGORIZATION

### A. Introduction

1. Subprojects are assigned an involuntary resettlement category depending on the **significance** of the probable involuntary resettlement impacts. "Significant" means 200 or more people will experience major impacts. Major impacts are (i) being physically displaced from housing, or (ii) losing 10% or more of productive assets or both.

2. Initial screening for involuntary resettlement is to be conducted as early as possible in the project cycle.

### B. Instructions

(i) The checklist and categorization form is to be completed by the PPMU with the assistance of Resettlement Specialists and attached to SIR for the approval of CPMU.

(ii) The involuntary resettlement categorization of a subproject is a continuing process. If there is a change in a subproject that may result in category change, the CPMU/PPMU should resubmit a categorization form for endorsement by Project Manager and approval by ADB Project Officer and Resettlement Specialist. The previous checklist should be attached to the revised checklist for reference.

### C. Screening Questions for Resettlement Categorization

Probable Involuntary Resettlement Effects*	Yes	No	Not Known	Possible	Remarks
Will the subproject include any physical construction work?					
Does the subproject include upgrading or rehabilitation of existing physical facilities?					
Are any subproject effects likely lead to loss of housing, other assets, resource use or incomes/livelihoods?					
Is land acquisition likely to be necessary?					
Is the site for land acquisition known?					
Is the ownership status and current usage of the land known?					
Will easements be utilized within an existing Right of Way?					
Are there any non-titled people who live or earn their livelihood at the site or within the Right of Way?					

Will there be loss of housing?					
Will there be loss of agricultural plots?					
Will there be losses of crops, trees, and fixed assets?					
Will there be loss of businesses or enterprises?					
Will there be loss of incomes and livelihoods?					
Will people lose access to facilities, services, or natural resources?					
Will any social or economic activities be affected by land use-related changes?					
If involuntary resettlement impacts are expected:					
• Are local laws and regulations compatible with ADB's Involuntary Resettlement policy?					
• Will coordination between government agencies be required to deal with land acquisition?					
• Are there sufficient skilled staff in the Executing Agency for resettlement planning and implementation?					
• Are training and capacity-building interventions required prior to resettlement planning and implementation?					
<b>Information on Affected Persons:</b>  Any estimate of the likely number of households that will be affected by the Project?  [ ] No [ ] Yes If yes, approximately how many? _____  Are any of them poor, female-heads of households, or vulnerable to poverty risks?  [ ] No [ ] Yes If yes, please briefly describe their situation  Are any APs from ethnic minority groups? If yes, please explain? _____					

**D. Involuntary Resettlement Category** ☐ New ☐ Recategorization

3. After reviewing the answers above, the Project Team Leader and Social Development/Resettlement Specialist agree subject to confirmation, that the project:

**1. Project Categorization and Resettlement Planning Requirements**

- ☐ Category A, Significant IR impact, a full Resettlement Plan is required.
- ☐ Category B, Nonsignificant IR impact, a short Resettlement Plan is required.
- ☐ Category C, No IR impact, no resettlement report is required.
- ☐ Additional information is needed for categorization and is to be gathered by the Project Team Leader. In the interim, the project is classified as:
  - ☐ Category A/B
  - ☐ Category B/C