

Resettlement Framework

February 2012

VIET NAM: GREATER MEKONG SUBREGION FLOOD AND DROUGHT RISK MANAGEMENT AND MITIGATION PROJECT

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Greater Mekong Subregion Flood and Drought Risk Management and Mitigation Project

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ABBREVIATIONS

ADB	:	Asian Development Bank
AHs	:	Affected Households
CPC	:	Commune People's Committee
CPMU	:	Central Project Management Unit
CPO	:	Central Project Office
DARD	:	Department of Agriculture and Rural Development
DCARB	:	District Compensation and Resettlement Board
DMS	:	Detailed Measurement Survey
DPC	:	District People's Committee
APs	:	Affected Persons
EA	:	Executing Agency
EDPs	:	Economically Displaced Persons
EMA	:	External Monitoring Agency
FDRMMP	:	Flood and Drought Mitigation and Management Project (or the Project)
FGDs	:	Focus Group Discussions
GMS	:	Greater Mekong Sub-region
HHs	:	Household Heads
IA	:	Implementing Agency
IOL	:	Inventory of Losses
LARP	:	Land Acquisition and Resettlement Plan
LMB	:	Lower Mekong River Basin
LURCs	:	Land Use Right Certificates
MARD	:	Ministry of Agriculture and Rural Development
ODA	:	Official Development Assistance
PCARB	:	Provincial Compensation and Resettlement Board
PDPs	:	Physically Displaced Persons
PIB	:	Project Information Booklet
PICs	:	Project Implementation Consultants
PMU	:	Project Management Unit
PPC	:	Provincial People's Committee
PPMS	:	Project Performance Management System
Project	:	Flood and Drought Mitigation and Management Project
RCS	:	Replacement Cost Survey
RETA	:	Regional Technical Assistance
RF	:	Resettlement Framework

SES	:	Socioeconomic Survey
SPS	:	Safeguard Policy Statement
VND	:	Vietnam Dong
VPC	:	Village People's Committee

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 subproject or any of its components.
Detailed Measurement Survey (DMS)	- With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Compensation	- Means payment in cash or in kind to replace losses of lands, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-off date	Means the date of completing DMS for which land and/or assets affected by the Project are measured. The APs will be informed of the cut off date for each subproject component, and any people who settle in the subproject area after the cut off date will not be entitled to compensation and assistance under the subproject.
Entitlements	- Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
Eligibility	- Means any person who has settled in the subproject area before the cut off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation...will be entitled to be compensation and/or assistances.
Income restoration	- This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration program	- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
Inventory of Losses (IOL)	- This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact

location pinpointed, and their replacement costs calculated.

Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.

Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	- This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
Replacement cost	- Means the method of valuing assets at current market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	- This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed. - Involuntary resettlement is the resettlement of APs, due to the affects of the project resulting that it is impossible for APs to be settled at the location before the project. Those involuntary resettlement cases are provided under the current regulations. - Voluntary resettlement is that APs who are affected by the project ; however, it has not reached to be ranked as “involuntary resettlement”, are expected to be resettled. APs under this category are enjoyed rights and responsibilities under the current regulations.
Resettlement Plan (RP)	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Severely affected households	- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject.
Vulnerable groups	- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, and (vi) indigenous people or ethnic minorities.

I. INTRODUCTION

A. Project Description

1. The Project will improve the capacity of GMS countries and communities in the lower Mekong basin (LMB) in Cambodia, Lao PDR, and Viet Nam to prepare for, respond to, and recover from the negative impact of floods and droughts.

2. For Vietnam, the investments proposed comprise of three non-structural sub-project and four structural subprojects to mitigate the adverse impacts of extreme weather events in two provinces (Tien Giang, and Dong Thap) in the Mekong Delta. The proposed structural subprojects are (i) Go Cong water management improvement; and (ii) flood control system for Ba Rai – Phu An area. With Dong Thap, the subprojects to be considered include (i) Upgrading and rehabilitation of four primary canals in Plain of Reeds; and (ii) Bank protection for the Mekong river at Thuong Thoi Tien town (Hong Ngu district). All structural subprojects include provision for strengthening community based disaster risk reduction. Two studies on flood and drought management issues will be supported.

3. The structural interventions by the Project deal with: (i) upgrading and rehabilitating primary canal systems to strengthen flood drainage capacity in flood season and increase water conveyance capacity in dry season to secure a stabilized agricultural production, supporting poverty reduction for the local people; improve waterway transportation, etc. (ii) protecting fruit trees from flood risks; and (iii) protecting people and infrastructure facilities against river bank erosion. Benefits of the structural subprojects protect households, agriculture and infrastructure that includes Summer-Autumn paddy areas and high-value fruit tree zones, facilitating timely seeding in Winter-Spring crop season and meeting requirements for irrigation, drainage and soil improvement, preventing bank erosion, and improving the ecological environment of the area. The main outputs of the project intervention will be: (i) regional coordination for management of climate extremes strengthened; (ii) flood and drought risk management infrastructure upgraded; (iii) capacity for community based flood and drought management developed; and (iv) effective project implementation.

B. Anticipated Involuntary Resettlement

4. It is initially estimated that about 1,066 households will be affected by the four subprojects (around 4,600 people). About 618 households are severely affected who will potentially lose more than 10% of their productive asset. 448 are marginally affected households who potentially will lose less than 10% of their productive asset. The Project is category A for resettlement following ADB SPS. It is confirmed by the provincial governments that there is no ethnic minority people are residing in the project area. The total expected beneficiaries from the Project are 650,000 persons.

C. Objective of Resettlement Framework

5. This Framework, prepared by the MARD, provides the procedures and key involuntary resettlement principles that will govern the DRMMP subproject RP preparation, and implementation based on the provisions of the policy and legal framework of the Government of Vietnam and Asian Development Bank (Requirement no 2 of SPS 2009 and cross-cutting policy themes on social development). The Framework will be translated into Vietnamese and distributed to the central and local agencies, affected households, and other individuals

responsible for subproject preparation and implementation, and also submitted to the ADB or review and posting on the ADB website.

II. LEGAL FOUNDATION AND ENTITLEMENT POLICIES

A. Asian Development Bank Policy

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

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

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

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

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

- (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
 - e. Improve the standards of living of the displaced poor and other vulnerable groups, including women head of households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
 - f. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
 - g. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
 - h. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
 - i. Disclose both the draft and final resettlement plan in a form and language understandable to displaced persons and other stakeholders.
 - j. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
 - k. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
 - l. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.
9. Calculation of full replacement cost will be based on the following elements: (i) fair current market value at the time of compensation; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, depreciation of structures will not be taken into account. It is expected that qualified and experienced experts will undertake the valuation of acquired assets¹.
10. Persons or households without formal legal rights nor recognized or recognizable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

B. Regulations of Vietnam Government on Resettlement

11. The Constitution of the Socialist Republic of Viet Nam (1992) confirms the right of citizens to own and protect the ownership of a house. In addition, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land

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

acquisition, compensation, assistance and resettlement. The principal documents include the Law on Land of 2003, providing Vietnam with a comprehensive land administration law; Decree No. 197/2004/ND-CP, on compensation, assistance, rehabilitation and resettlement in the event of land recovery by the State, as amended by Decree No. 17/2006/NĐ-CP; Decrees No. 188/2004/ND-CP and 123/2007/ND-CP, Decree No. 84/2007/ND-CP specifying the methods for land pricing and land price frameworks in the event of land recovery by the State and Decree No. 69/2009/ND-CP dated 13/8/2009 providing additional guidelines on land use, compensation, assistances and resettlement.

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

13. At the local level, the provinces Dong Thap and Tien Giang issued the provincial decisions, concretizing the Decree 69/2009/ND-CP and other relevant legal documents to planning and implementation of resettlement in the provincial level. The Provincial Decision stipulate that compensation for land shall be by market rate following the provincial regulated price-frame which is issued in every January, and assistances/allowances for relocation, life and production stabilization as well as occupational trainings and changes.

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

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

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

	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
Land Acquisition	“Land acquisition is that the State made administrative decision to acquire the land use right or acquire the land assigned to the organization. Commune, ward, town people’s committees manage under regulations of thi Law”. Article 4. Explanation of terms, clause 5 – the Law on Land: 13/2003/QH11”	Refers to a process whereby an individual, a household, a company or a private organization was forced by a certain agency to alienate all or a portion of land under it ownership, the property rights and ownership of that organization for the public purpose of compensation in exchange for replacement costs.	The Law on Land: 13/2003/QH11

<p>Compensation</p>	<p>Compensation:</p> <p>“Compensation when the land is acquired by the State is that the State returns the value of land use right for the acquired land area to APs. “Article 4, clause 6, the Law on Land No. 13/2003/QH11.</p> <p>Compensation form:</p> <p>“Those who were acquired which land shall be compensated by assigning new land with the same using purposes. Without compensation land, the compensation shall be implemented by the value of land use right at the time of the decision on land acquisition.” Article 42, clause 2, the Law on Land 13/2003/QH11.</p> <p>“Where households, individuals directly produce whose land was acquired without compensation land for the direct production, apart from the compensation in money, the APs also get support from the State to stabilize their life, profession transfer training, new job allocation.” Article 42, clause 4 of the Law on Land.</p> <p>“Where the land users who are compensated by the State for the land acquisition have not implemented their financial obligations on land under the legal regulations, the value of unimplemented financial obligations shall be deducted in the compensated, supported value”. Article 42, clause 5 of the Law on Land.</p>	<p>Compensation:</p> <p>This means the payment in cash or or kind to replace the losses of land, housing, income and other properties caused by the project.</p> <p>Compensation form:</p> <p>All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace losses in the current market price, plus any transaction costs such as administrative costs, taxes, registration fee and certificate of ownership.</p>	<p>Compensation:</p> <p>The Law on Land: 13/2003/QH11</p> <p>Compensation form:</p> <ol style="list-style-type: none"> 1. Those who were acquired which land shall be compensated by assigning new land with the same using purposes. 2. Without compensation land, the compensation shall be in cash, basing on the principle of replacement , which is the method of valuing assets to replace losses in the market price at the time of the decision on land acquisition. <p>Approved by competent authorities, plus any transaction costs such as administrative costs, taxes, registration fee and certificate of ownership. Where the organizations, individuals who are have not implemented their financial obligations on land under the legal regulations, the value of unimplemented financial obligations shall be deducted in the compensated, supported value</p>
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Compensation receiving subjects	Those subjects are compensated: Are the land users, provided in Article 9 – the Law on Land No. 13/2003/QH11, were acquired by the State during the project implementation.	Those subjects are compensated: APs: 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 subproject or any of its components.	Those subjects are compensated: Are all APs recognized by PPCs due to changes from the Project.
Severely impacted APs losing productive land	Decree 69, Art 20, clause 1: “1. Where households, individuals directly produce whose agricultural land was acquired by the State (including gardens, ponds and agricultural land defined in Clause 1, Clause 2 of Article 21 of this Decree) shall be supported by stable life in following provisions: a) Acquired from 30% to 70% of agricultural land in use shall be supported to stabilize life for 6 months if not relocated and for 12 months if relocated; where it is necessary to move to areas with difficult socio - economic conditions or particularly difficult socio - economic conditions, the maximum supporting time is 24	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	Losing 10% or more of the household's assets shall be considered as threshold.

	<p>months;</p> <p>b) Acquired over 70% of agricultural land in use shall be supported to stabilize life for 12 months if not relocated and for 24 months if relocated; where it is necessary to move to areas with difficult socio - economic conditions or particularly difficult socio - economic conditions, the maximum supporting time is 36 months;</p> <p>c) The support level for a person defined in points a and b of this paragraph shall be equivalently equal to 30 kg of rice in 01 month in the average price at the time of local support. "</p>		
APs without LURC	<p>Decree 69: Article 23: Persons whose main income is derived from agricultural production whose land is acquired by the Government and cannot satisfy LURC and compensation conditions stipulated in Article 8 of Decree No. 197/2004/ND-CP and Articles 44, 45 and 46 of Decree No. 84/2007/ND-CP will be referred to the Provincial Peoples' Committee for consideration of the level of assistance to be provided in conformity with the locality's actual conditions(eg: HCMC Decision 35/2010/QĐ-UBND provides compensation for loss of housing, structures, crops and relocation assistance).</p>	<p>Those APs without legal title to land will be included in consultations. Ensure that APs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost.</p> <p>Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.</p>	<p>Project affected people, without legal or recognizable legal claims to land acquired, will be equally entitled to participation in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-project living standards and income levels.</p>
Compensation for lost land	<p>Article 9, Decree 197: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition.</p> <p>Decree 69, Art 11, Art 16, Compensation is land for same-use land or if not available the AP can be compensated in cash based upon the market transfer price of such land at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land use plan approved by the</p>	<p>Land based livelihoods restoration based upon land based strategies where possible , or cash compensation at replacement value provided loss of land does not undermine livelihoods for those with legal rights to land.. Provide adequate and appropriate replacement land. If land not available non-land based options built around opportunities for employment, self-employment should be provided in addition to cash compensation for land and non-land assets lost.</p>	<p>Where appropriate land based compensation is not viable, replacement cost surveys have been carried out and will be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value, to be updated at the time of compensation and combined with other assistance and livelihood restoration measures to ensure full restoration and improvements. Provided ap has legal or recognizable claim</p>

	authorities. If not, compensation only for improvements on that land.		compensation is for full amount of land acquired.
Differences between compensation rates and market rates	Dec 69 Art 14(2): if compensation is through new land or allocation of land at a resettlement area or by housing and the replacement is valued at less than the land acquired, the price difference will be paid in cash. Dec 69 Art 14(2a) If replacement of residential land or the amount compensated to purchase a replacement house is more than the actual replacement cost, the AP still receives the full amount. Dec 69 Art 14(2b) if the compensated amount is less than the replacement residential land and house the AP will pay the difference themselves except for cases covered by Art 19(1) – this will not apply to (poor) APs who will be assisted by the State. If the AP does not receive land or house at the resettlement site the AP will receive the cash difference.	Provide physically and economically APs with needed assistance including i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of APs economically and socially into host communities, ii) transitional support and development assistance such as land development, credit facilities, training or employment opportunities, and, iii) civil infrastructure as required.	.Physically displaced (relocated) APs are to receive relocation assistance, secured tenure to relocated land, with comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.
Compensation for structures	Dec 69 Art 24 – Compensation for House, Structures on Acquired Land. Clause (1) – Compensation for APs residential structures based on value of newly constructed house/structure equal to technical standard issued by MoC and based on house area and unit prices issued by PPC. Clause(2) other structures compensation equal to: a) total present value using unit costs for newly constructed house/structure using MoC technical standards and depreciated to present value of acquired house/structure. Maximum value cannot exceed 100% of new value of acquired house/structure	Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.	Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments
Compensation for registered businesses	Articles 26, Decree 197: Only registered businesses are eligible for assistance. Decree 69 Art20(2) if business must be suspended AP is compensated with max 30% of after tax income in one year, averaged over last 3 years as certified by Tax Dept.	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.

Compensation for non-registered businesses	Decree 69 only recognizes formal registered businesses as entitled to compensation for lost income based upon Tax Office records	No distinction between registered or non-registered businesses in regards to compensation entitlement for lost income and other assistance.	The PPC must certify that the AP has a business in current operation and approve the level of lost income.
Monitoring	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting	The EA must appoint an independent external monitor and undertake internal monitoring according to the critical indicators.

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

C. Project Principles

17. To address the differences between ADB SPS and relevant Government of Viet Nam regulations as described in the table above, the project principles on resettlement policy presented as follows:

- a. Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options.
- b. Compensation and assistance will be based on the principle of replacement cost at the time of implementation.
- c. Severely impacted household is considered when they are Losing 10% or more of the household's assets shall be considered as threshold.
- d. Displaced persons without title or any recognizable legal rights to land are eligible for compensation for non-land assets at replacement cost.
- e. Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to displaced persons.
- f. Meaningful consultation will be carried out with the displaced persons and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the APs and communities will be taken into account.
- g. The RP will be disclosed to APs in a form and language(s) understandable to them prior to submission to ADB.
- h. Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- j. Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- i. Existing cultural and religious practices will be respected and preserve, to the maximum extent practical.
- k. Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- l. Resettlement transition stage should be minimized. Restoration measures will be provided to displaced persons before the expected starting date of construction in the specific location.
- m. Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the provinces.
- n. Reporting and independent monitoring should be defined clearly as part of the management system of resettlement. Independent assessment of the duration and results of the land recovery should be carried out.
- o. The CPMU will not issue notice of possession to contractors until the CPMU are officially confirmed in writing that (i) payment has been fully disbursed to the displaced persons

and rehabilitation measures are in place (ii) already-compensated, assisted displaced persons have cleared the area in a timely manner; and (iii) the area is free from any encumbrances.

- p. Cut off date is the date of completing DMS for which land and/or assets affected by the Project are measured.

III. ELIGIBILITY AND ENTITLEMENTS

A. Eligibility

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

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

B. Entitlements and Income Restoration

20. Households or individuals with sufficient basis for compensation will be compensated for land and structure losses equivalent to 100% of the price of such assets. Those without sufficient legal rights are also assisted as described in the entitlement matrix in Table 2.

21. The unit rates for allowances indicated in the entitlement matrix can be adjusted during RP updating to reflect actual rates at the time of implementation. However, the adjusted amounts and unit rates cannot be lower than the provisions in the entitlement matrix (Table 2).

22. In connection with the overall objective of the RP to assist APs to enhance or at least maintain their livelihood and living conditions in real terms prior to pre-project levels, an income restoration program (IRP) will be prepared during the RP preparation. The IRP will be prepared with the detailed budget and time-frame for implementation based on the needs assessment of affected households and affected communities and may include agricultural extension trainings, access to credit, provision of seeds, and non-agriculture activities. The IRP, as an important part of RP shall be discussed with local authorities and relevant agencies to ensure that, by implementing the IRP, the affected households' livelihoods shall be restored.

Table 2: Entitlement Matrix

Type of Impact/Loss	Eligibility/ application	Entitlement policy	Implementation Issues
LOSS OF AGRICULTURAL LAND	Land Users with (i) LURC or (ii) in the process of acquiring LURC or (iii) are eligible to obtain LURC according to the regulations of Government of Viet Nam.	a. Cash compensation, and assistance based on the market price. They will be exempted from paying transaction costs (such as administration cost, certification cost, and taxes). b. Cash assistance for job creation equivalent to 1.5 to 5 times of the compensation price of agricultural land. c. Bonus Allowance if land is handed over in a timely manner	Residential land in the residential area compensation for the affected agricultural land can be accepted if (i) the remaining land of the household is economically viable; and (ii) affected households request/agree for the option
	APs who do not have sufficient basis for compensation for loss of land. (No LURC or cannot become legalizable or on public land).	Will not be compensated for land but will be assisted for loss of crops and trees following the price-frame issued by the PPC	
	Agricultural lands that are rented between households or individuals:	APs who have LURC or in the process of acquiring LURC or who are eligible to obtain LURC will receive cash compensation and assistance for affected agricultural land based on current market price under normal conditions. They will be exempted from paying transaction costs (such as administration cost, certification cost, and taxes) provided that they have fulfilled all financial obligations as regulated by the Laws. Cash compensation and assistance to the renter who owns the affected crops and trees following the price-frame issued by the PPC	
LOSS OF RESIDENTIAL LAND 2a) Fully affected	Users of land with (i) LURC or (ii) in the process of acquiring LURC or (iii) are eligible to obtain LURC:	a. A plot of land, with the same area, in the resettlement site shall be provided with land title) Or b. APs will be compensated, assisted equivalent to the current market price of the land. They will be exempted from paying transaction costs (such as administration cost, certification cost, and taxes). c. Bonus Allowance if land is handed over in a timely manner	In the project communes, resettlement sites are residential areas with full infrastructures constructed. Proposed relocation households are willing to move in as their relatives are living in that residential area. A replacement cost survey will be carried out when updating the RPs to define the compensation unit rates

Type of Impact/Loss	Eligibility/ application	Entitlement policy	Implementation Issues
	APs that do not have sufficient basis for compensation for loss of land. (No LURC or cannot become legalizable):	If the land-user is not eligible for compensation and has no other place to stay will be eligible to be allocated a plot of land in the resettlement area as the same for the titled land users.	
Partially affected		Cash compensation and assistance for lost area at market prices	A replacement cost survey will be carried out when updating the RPs to define the compensation unit rates
LOSS OF COMMERCIAL LAND – NON AGRICULTURE	Owners of land with (i) LURC or (ii) in the process of acquiring LURC or (iii) are eligible to obtain LURC according to the regulations of Government of Viet Nam.	If the loss of commercial land is originally allocated for residential purpose, cash compensation and assistance based on the market price of residential land. They will be exempted from paying transaction costs (such as administration cost, certification cost, and taxes) Bonus Allowance if land is handed over in a timely manner	A replacement cost survey will be carried out when updating the RPs
IMPACT ON STRUCTURES	Houses and structures owned by households and individuals on land where they hold dossiers/Land Use Rights Certificates	Will be compensated with an amount equal to 100% of the value of the structure in conformity with the unit prices of a newly built house or structure. Depreciation or value of salvageable materials will not be deducted from the compensation amount.	A replacement cost survey, covering the costs of construction materials and labor, will be carried out when updating the RPs to identify the compensation unit rates for affected structures
IMPACT ON BASIC HOUSING/ BUILDING FACILITIES	All APs of the facilities	Compensation for cost of installation and connection fees. If lessees of structure installed the facilities, payment will go to the lessees.	(Water supply connection, cable, telephone, power..)
LOSS OF CROPS	Owners regardless of tenure status	Annual crops and aquaculture products are compensated and assisted based on compensation prices at the time of compensation.	A market survey shall be carried out when updating the RPs
LOSS OF TREES AND FARM PRODUCE	Landowners/renters of land who plant the affected tree	Owners/growers of perennial crops, trees and farm produce will be compensated and assisted based on compensation prices at the time of compensation.	A market survey shall be carried out when updating the RPs
IMPACTS ON GRAVES	Households who have graves affected	All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family as prescribed in PPC's regulation.	For ownerless affected graves, compensation will be given to Commune PC to relocate them to new site Graves to be exhumed and relocated in culturally sensitive and appropriate ways.
IMPACTS ON INCOME AND BUSINESS	<ul style="list-style-type: none"> Individuals/ households who are with business license or valid business 	Cash assistance during transition period. The amount of assistance will follow the provisions in the Provincial Decisions on Resettlement.	

Type of Impact/Loss	Eligibility/ application	Entitlement policy	Implementation Issues
	<p>registration and fulfill their taxation duties and had to discontinue their business because of relocating to new place</p> <ul style="list-style-type: none"> • Individuals/households who are without business license or valid business registration but fulfilled their taxation duties and had to discontinue their business because of relocating to new place 	<p>Cash assistance during transition period. The amount of assistance will be by 80% of this for the business registration.</p>	
IMPACT ON PUBLIC FACILITIES	<p>Owners of the affected assets</p>	<p>Cash compensation at newly construction by state's standards for the owners or managers/users</p>	<p>(Electric poles, telecom, irrigation system, ward/village structures, pagoda, etc.)</p>
IMPACTS ON AFFECTED VULNERABLE GROUPS	<p>Households headed by women, social policy households (poor families), households headed by elderly and disabled</p>	<p>Rice subsidy will be provided for the vulnerable households who have land acquired. The amount of assistance will be from 3 months to 24 month following the provision in the Provincial Decisions on Resettlement of the Province</p>	

Type of Impact/Loss	Eligibility/ application	Entitlement policy	Implementation Issues
IMPACT DURING TRANSITION STAGE	All relocating households	<p>Displacement support/ transportation allowance. Households that are partially or totally affected on residential land and remaining land is sufficient for rebuilding the house, will also be provided with rental allowance. The actual amount will be in conformity with the provisions in the Provincial Decisions on Resettlement and date of hand-over:</p> <p>(i) 6 months rental allowance for those whose structures have to be completely dismantled; and (ii) 3 months rental allowance for those whose structures will only involve partial dismantling)</p> <p>Transport allowances will follow the provisions of the PPCs</p> <p>Additional Displacement Assurances Households which satisfy all conditions for compensation and relocation but opted for self-relocation, will be entitled to additional displacement support. The amount will follow the provisions in the Provincial Decisions for Resettlement</p> <p>Bonus for timely handover of land. Households who hand-over their affected properties on time (partially or totally affected land) will be provided with bonus allowance. The actual amount will be in conformity with the Provincial Decisions for Resettlement</p>	The resettlement sites are all close to the affected area and with completed infrastructures.
	Households who directly produce agriculture products	<p>Assistance for income restoration: Losing 10 – 30%</p> <ul style="list-style-type: none"> Life stabilization assistance of 30 kg of rice/person for all household members for 6 months (9 months if locating, 12 months if the household is vulnerable and locating household) Occupational changes for the household equivalent to 1.5 – 5 times the value of recovered agricultural land. One household member of labor age will be entitled to vocational training for free of payment The households are entitled to income restoration program that will be prepared by consultations with the household during the RP updating. <p>(b) Losing 31 – 70%</p> <ul style="list-style-type: none"> Life stabilization assistance of 30 kg of rice/person 	

Type of Impact/Loss	Eligibility/ application	Entitlement policy	Implementation Issues
		<p>for all household members for 9 months (12 months if locating, 16 months if the household is vulnerable and locating household)</p> <ul style="list-style-type: none"> • Occupational changes for the household equivalent to 1.5 – 5 times the value of recovered agricultural land. • Two household member of labor age will be entitled to vocational training for free of payment • The households are entitled to income restoration program that will be prepared by consultations with the household during the RP updating. <p>(c) Losing more 70%</p> <ul style="list-style-type: none"> • Life stabilization assistance of 30 kg of rice/person for all household members for 12 months (16 months if locating, 24 months if the household is vulnerable and locating household) • Occupational changes for the household equivalent to 1.5 – 5 times the value of recovered agricultural land. • All household member of labor age will be entitled to vocational training for free of payment • The household is entitled to income restoration program that will be prepared by consultations with the household during the RP updating. 	
TEMPORARY IMPACTS DURING CONSTRUCTION	APs affected by temporary land acquisition/impacts	For land, structures, crops and trees acquired for temporary use by the Project, compensation will be the same as indicated in the applicable section of the entitlement matrix. The PPC will determine the compensation rate for temporary use of land. Contracts will be required to reinstate land to original condition and use within 3 months of completion of works.	
LOSS OF LIVELIHOOD	Households losing livelihood/income	In connection with the overall objective of the RP to assist APs to enhance or at least maintain their livelihood and living conditions in real terms prior to pre-project levels, an income restoration program (IRP) will be prepared during the RP updating by consultations with APs. The IRP may include agricultural extension trainings, access credit, provision of seeds, non-agricultural activity creation, etc.	

IV. IMPLEMENTATION ISSUES

A. Information Disclosure, Consultation and Participation

23. Information disclosure is an ongoing process beginning early in the project cycle and continuing throughout project preparation and implementation. The process must provide timely information to communities in order that they may meaningfully contribute to project design, decisions and also mitigation / actions. Provision of timely and accurate information will avoid misinformation and inaccurate rumors from circulating in communities. During consultations particular attention is given to vulnerable subgroups in the community to ensure their understanding and collective input. In accordance with both ADB and Government of Viet Nam policy (contained in Decree 69 Articles 29, 30 and 31 and 2) the PPC and DPC must ensure that public notice is given and disseminate details of the approved draft resettlement plan, or framework. This draft will also be disclosed on the ADB website. Following the census of affected persons the final resettlement plan, as endorsed by the Government of Viet Nam and ADB, is further disseminated to the affected communities and posted on the ADB website. Any updates or revisions to the final resettlement plan must be disseminated again to affected communities and reposted on the ADB website.

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

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

B. Preparation and submission of Subproject Resettlement Plans

26. The RPs for subproject will be prepared by the PPMU to submit to the CPMU to reviews before sumitting to the MARD and ADB for review and approval. The outline of a RP is attached in the Annex 1. All RP shall follow the provisions and procedures specified in the Resettlement Framework.

27. The following general steps will be followed in the formulation of each RP:

Step 1: In further refining of the subproject physical design, consult with potential APs and engineers to avoid resettlement effects as much as possible by adjusting the alignment of irrigation canals to keep the impact minimum, choosing alignments that avoid or minimize severance of plots and farms, applying the infrastructure that does not require land acquisition, identifying optimal locations for bridges and crossings to mitigate severance, and so forth.

Step 2: Carry out a census and socio-economic survey of all the potential APs as part of the social assessment. This should include the socioeconomic data of the APs and the detailed measurement survey that inventories each household's losses. The socio-economic survey will be carried out by the PPMU and will be conducted on a participatory basis with all members of each household. The census survey establishes the cut-off date for the eligibility of entitlement. It will be carried out with the attendance of relevant local authorities. The following data is suggested to be collected:

Data about APs:

- Total number of APs
- Demographic, education, income, and occupational profiles
- Inventory of all property and assets affected
- Socioeconomic production systems and use of natural resources
- Inventory of common property resources if any
- Economic activities of all affected people, including vulnerable groups
- Social networks and social organization
- Cultural systems and sites

Data on land and the area:

- Map of the area and villages affected by land acquisition
- Total land area acquired for the Project
- Land type and land use
- Ownership, tenure, and land use patterns
- Land acquisition procedures and compensation
- Existing civic facilities and infrastructures
- Cultural systems and sites

Step 3: In parallel to AP census survey, continue consultation with APs to identify their preferences and special needs that the RP needs to address. In addition, information on market prices for land, crops, and other assets need to be collected from respective provincial, district, and commune authorities and the local market, so that the cost estimates for the RP can be done.

Step 4: Prepare the RP in the format that is attached in the Appendix 1. The Entitlement Matrix in this Framework will be used for each subproject and applied to the inventory of losses obtained from the DMS, specifying the number of APs, the size of land affected,

the number of other assets affected, lost, and the compensation amount for each category of loss.

Step 5: Present the draft RP to the CPMU and ADB, and following approval, disseminate the RP at public meetings for the subproject as well as post on the ADB website. Any comments made during the meeting need to be minuted as per Decree 69/2009, and where appropriate, incorporated into the finalized RP.

28. The RP must be updated following the completion of the detailed designs and completion of the DMS. This will provide up to date and accurate figure regarding the scope of impact, identification of APs and severity of impact, as well as an updated compensation calculation. The RP should be reviewed to update any changes in market prices for replacement values and would need to be reviewed again at the time compensation is due for payment. If rates and prices are found to be out of date, revised updated costs based on the latest market rate must be used. Also in the RP updating process, the IRP will be prepared. Affected people must be consulted before finalization of the updated RP. The RPs and the updated RPs will be sent to ADB for approval and uploaded to ADB's website.

C. Gender Considerations

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

V. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

A. Institutional Arrangements

30. MARD, as the EA, through its CPO will be responsible for management of all resettlement issues. The Central Project Office (CPO) that is mandated for the overall management and supervision of projects funded by Official Development Assistance (ODA). For the management of a particular project, the CPO creates the CPMU within its organization that is supported by full-time qualified and experienced social safeguard specialist to manage the resettlement related issues. The CPMU will be responsible for the hiring of Project Implementation Consultants (PICs) which includes a social safeguard consultant who provides guidance to the PPMUs to prepare and updated the RPs as well as implementation of resettlement.

31. The PPMUs will be extension offices of the CPMU in provinces hosting the subprojects. Each will be responsible for preparing and updating of RPs and cooperating with the District Compensation and Resettlement Board (DCARB) to implement of resettlement.

32. **Provincial People's Committee.** The main responsibilities of the PPC in each province include: (i) establishment and mobilization of Provincial Compensation and Resettlement Board (PCARB) (ii) organization and mobilization of all organizations and individuals concerning compensation, support and resettlement policies and ground clearance according to the land recovery decisions of competent State bodies; (iii) updating the unit costs to reflect the replacement cost of project-affected private and public assets; (iv) planning resettlement arrangements, job change training plans according to their assigned competence; (v) authorizing the DPC to approve compensation assistance support to APs; (vi) providing guidance to concerned agencies on the neutral settlement of citizens' complaints, and announcements related to compensation, support and resettlement; (vii) authorizing the DPC to apply coercion to cases of deliberately failing to abide by the State's land recovery decisions; and (viii) responsible for the resettlement budget.

33. **District People's Committee.** The DPC will be responsible for the following: (i) extension of support for updating and preparation as well as implementation of the RPs; (ii) review and submit all RPs to PPC as endorsed by DCARB; (iii) review the accuracy of and validate the cost estimates for compensation and assistance; (vi) acquisition of Land Use Rights Certificates (LURCs) for households and individuals who have lands and/or houses entirely-recovered; (vii) adjustment of LURCs for households and individuals whose lands and houses have been partially affected; (viii) assist in the redress of complaints and grievance from APs; (ix) concurrence with the schedule of RP implementation and monitor the progress thereon; and (x) mobilization of the respective DCARB that will appraise the compensation and assistance to APs; as well as (xi) the provisions of lands to APs.

34. **District Compensation and Resettlement Board.** The responsibilities of the DCARB will be the following: (i) organize and carry out resettlement activities in the district on behalf of the DPC; (ii) assist in the DMS, public consultations and disclosure activities; (iii) review and submit to DPC proposed compensation, assistance and resettlement alternatives; (iv) assist in the identification and allocation of land for the APs; (v) along with the CPC, assist PPMUs in the timely delivery of compensation payment and other entitlements to APs; and (vi) assist in the resolution of complaints and grievances.

35. **Commune People's Committee.** The CPCs will assist the PPMUs and the DCARB in the following tasks: (i) remind the APs about the compensation plan and the process of delivery, income restoration plans, relocation strategies and land clearance requirements based on the approved RPs; (ii) maintain the list of eligible APs that will be provided after the DMS has been conducted; (iii) assign commune officials to extend assistance in the update and/or preparation as well as the implementation of the RPs; (iv) identify replacement lands for the APs; (v) sign the Agreement Compensation Forms along with the APs; and (vi) assist in the resolution of grievances and in other related-resettlement activities and concerns.

B. Implementation

36. The implementation process is as follows:

- a. Establishment of the DCARD. The PPC will establish DCARBs for the subprojects, and entrust tasks to relevant agencies and entities.
- b. Engagement of External Monitoring Agency. CPMU will engage the services of an external monitoring agency to carry out independent monitoring and evaluation of RP

- preparation and implementation activities. Semi-annual progress reports will be submitted by the EMA to CPMU and ADB.
- c. Information campaign before DMS. According to Decree No.181/2004/ND-CP, before land acquisition, within 90 days in case of agricultural land and 180 days in case of non-agricultural land, the DCARB must send written notices to affected land owners in respect of reasons for land acquisition, time and plan of displacement, resettlement options, land clearance and resettlement.
 - Before census and detailed measurement survey, PPMUs in cooperation with local authorities of districts and communes will provide subproject information to residents in the subproject area. Information will be broadcasted via the public address system of the locality in combination with other multi-media such as radios, press, television, brochures or letters delivered to households to be openly posted in public areas.
 - Orientation meetings will be held in the subproject affected commune to notify the affected community about the scope and scale of the project, impacts, policies and rights for all kinds of damages, implementation schedule, responsibilities for organization, and complaint mechanism. Brochures including (images, photos or books) related to subproject implementation will be prepared and delivered to all affected communes in the meetings.
 - d. Conduct of Replacement Cost Survey by a Qualified Agency. A qualified agency will be engaged by CPMU to assist PPCs in determining the current market price under normal condition of land and non-land assets. If there is a significant difference between compensation price and market price as per replacement cost survey carried out by a qualified agency, PPCs will update the compensation unit price according to regulations and implementation guidance of Decree No.197/2004/CP and 17/2006/ND-CP. Annex 2 provides sample of CRC.
 - e. Detailed Measurement Survey. DMS will be undertaken once detailed design is finalized. These surveys will be the basis for the preparation of compensation plan and for preparation of the RP. Sample of DMS is provided in Annex 3.
 - f. Preparation of Compensation Plan. DCARBs are responsible for applying prices and preparing compensation tables for each affected commune. PPMUs and People's Committees of districts will appraise these tables in respect of prices, quantities of affected assets, rights that the displaced persons are entitled to, etc. before notifying each commune for review and comments. All tables of compensation price application must be checked and signed by the displaced persons to prove their consensus. PPMUs and DCARB will submit the proposed unit rates as per result of the replacement cost survey to PPCs for review and approval. The unit rates to be applied will be based on the approved unit rates of PPC.
 - g. Submission of RP and ADB concurrence. CPMU will prepare Updated Resettlement Plan, disclose key information of the Updated RP to the displaced persons and submit the same to ADB for review and concurrence.
 - h. RP Uploading on ADB website. Once the RP is acceptable to ADB, the RP will be uploaded on the ADB website.
 - i. Implementation of RP. Compensation and assistance will be paid directly to the APs under the supervision of representatives of DCARBs, commune authorities and representatives of the displaced persons. Income restoration and relocation plan will be implemented in close consultation with the APs and concerned agencies.
 - j. Land clearance/boundary setting for the Project. After receiving the PPC and DPCs in revoking land and handing over land to the PPMU for implementing the subprojects, PPMUs will cooperate with the provincial Department of Natural Resources, Environment and the specialized cadastral agency having a contract with PPMUs to determine the subproject land clearance red line and setting out boundary

at the field, handing over land to implement resettlement tasks for the displaced persons, in order to clear land for the subproject. Relevant Offices of Natural Resources, Environment of districts and Commune People's Committees of the subproject will assign their staff working as members of DCARD to implement this task.

- k. Monitoring. Internal monitoring and independent monitoring will be implemented from RP preparation to implementation. Grievances received will be addressed through the grievance redress mechanism set up for the project. One post-project assessment survey will be undertaken by the EMA within 6 to 12 months after completion of compensation and resettlement activities

C. Grievance Redress Mechanism

37. In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. The APs are not required to pay any fee during the grievance and complaints at any level of trial and court. Complaints will ideally pass through 3 stages before they could be elevated to a court of law as a last resort. However, APs are entitled to lodge complaints regarding any aspect of the preparation and implementation of the RP without prejudice to their right to file complaints with the court of law at any point in the process. The Executing Agency (EA) will shoulder all administrative and legal fees that might be incurred in the resolution of grievances and complaints.

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

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

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

Final Stage, the Court of Law Arbitrates: If after 15 days following the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PPC, or if

he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication.

38. The above grievance redress mechanism is subproject to be disclosed and discussed with the APs to ensure that the APs understand the process. PPMUs and DCARDs are responsible to follow up the grievance process from the APs.

VI. BUDGET

39. The total resettlement estimated costs for subprojects of three provinces (Tien Giang, and Dong Thap) is about US\$ 5.64 million. The estimated cost will be updated based on the DMS and RCS results following detailed designs. ADB may finance part of resettlement costs if the government wishes. PPCs/PPMUs will use counterpart fund for RP preparation, updating and implementation and ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget in the agreed RP in order to satisfy resettlement requirements and objectives. The updated RP will identify key activities for which funds will be used.

VII. MONITORING AND REPORTING

A. Internal Monitoring

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

41. One critical indicator, as noted in Assurances to ADB, will be the payment of all compensation, completion of relocation to new sites, and provision of rehabilitation assistance to the DPs before civil works contractors have issued notice to proceed (NTP). The other key indicators are:

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

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

B. External Monitoring

43. The objective of the EMA is to provide an independent and objective evaluation of the Borrowers monitoring information and implantations of resettlement actions. The EMA will undertake periodic reviews and field verifications of the achievement of resettlement objectives, including payment of compensation, relocation of DPs and implementation of livelihood

restoration activities. The EMA will advise the EA/IA and ADB where additional activity is required and /or revision of RP is required.

44. The CPMU will retain the services of an external entity or institute as the qualified experienced external monitoring agency (EMA) to undertake objective monitoring and evaluation of RP implementation of subprojects in three provinces.

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

- Payment of compensation will be as follows: (a) Full payment to be made to all affected persons sufficiently before land acquisition; adequacy of payment to replace affected assets; and (b) Compensation for affected structures should be equivalent to the replacement cost of materials and labor based on standards and special features of construction with no deductions made for depreciation or the value of salvageable materials.
- Coordination of resettlement activities with construction schedule: the completion of land acquisition and resettlement activities for any component should be completed prior to award of the civil works contract for that component.
- Provision of technical assistance for house construction to APs who are rebuilding their structures on their remaining land, or building their own structures in new places as arranged by the project, or on newly assigned plots.
- Provision of income restoration assistance under the income restoration program
- Public consultation and awareness of compensation policy: (a) All APs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) The monitoring team should attend at least one public consultation meeting each month to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) Public awareness of the compensation policy and entitlements will be assessed among all APs; (d) Assessment of awareness of various options available to APs as provided for in the RP.
- Affected persons should be monitored regarding restoration of productive activities.
- The level of satisfaction of APs with various aspects of the RP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.
- Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

46. MO shall submit quarterly reports to the CPMU. One post-project assessment survey will be undertaken by the EMA within 6 to 12 months after completion of compensation and resettlement activities.

Annex 1: Resettlement Plan Outline

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

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

D. Socioeconomic Information and Profile

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

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

E. Information Disclosure, Consultation and Participation

5. This section:
- (i) identifies project stakeholders, especially primary stakeholders;
 - (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
 - (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
 - (iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
 - (v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and

- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

F. Grievance Redress Mechanisms

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

G. Legal Framework

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

H. Entitlements, Assistance and Benefits

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

I. Relocation of Housing and Settlements

9. This section:
- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
 - (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
 - (iii) provides timetables for site preparation and transfer;
 - (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
 - (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
 - (vi) describes plans to provide civic infrastructure; and
 - (vii) explains how integration with host population will be carried out.

J. Income Restoration and Rehabilitation

10. This section:
- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
 - (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include induced benefit sharing, revenues sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
 - (iii) outline measures to provide social safety net through social insurance and/or project special funds;
 - (iv) describes special measures to support vulnerable groups; gender consideration and training program

K. Resettlement Budget and Financing Plan

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

L. Institutional Arrangements

12. This section:
- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
 - (ii) includes institutional capacity building program, including technical assistance, if required;
 - (iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
 - (iv) describes how women's groups will be involved in resettlement planning and management.

M. Implementation Schedule

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

N. Monitoring and Reporting

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

: Estimation of resettlement impacts and resettlement costs

Names of Subproject	Beneficiaries (Persons)	Affected households (HH)		Resettlement Costs \$ '000	Notes
		Significant impacts	Marginal impacts		
Dong Thap Province					
1. Thong Thoi Tien Bank Improvement	50,000	67	1	957.9	Basic Cost (2011) including 10% Contingency
2. Improving of Primary Canal Network in Plain of Reeds	520,000	441	309	2,661.8	
Tien Giang Province					
3. Go Cong Salinity Protection	48,000	47	11	840.9	
4. Bai Rai-Phu An Orchard	32,000	63	127	1,179.5	
				5,640.0	
Total		618	448	5,640.0	115,902.0 Million VND
	650,000	1,066			

Note: Exchange rate as of 28 July, 2011: 1 USD= 20,550 VND
Source: Staff Estimates