

Resettlement and Ethnic Minority Planning Framework

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TABLE OF CONTENTS

I. INTRODUCTION	7
1. Description of the Project	7
2. Core sub-projects, beneficiary and impacts of involuntary resettlement and ethnic minorities.....	7
3. Anticipated involuntary resettlement and ethnic minorities of further sub-projects	9
II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS.....	10
1. Objective of Resettlement and Ethnic Minority Development Framework	10
2. Criteria and principles for screening and selecting the sub-projects	10
3. Asian Development Bank Safeguard Policy	11
4. Legal frameworks of Government of Vietnam.....	15
5. Project principles	20
III. ELIGIBILITY AND ENTITLEMENTS	21
1. Eligibility	21
2. Entitlements	21
IV. SOCIO-ECONOMIC INFORMATION	31
1. Screening and Categorization of Impacts on DP/APs	31
2. Methodology for Socio-economic survey (SES), and DMS	31
3. Valuation and Replacement cost of Assets	32
4. Resettlement Plan/ Resettlement Ethnic Minority Development Plan Preparation	32
V. CONSULTATION, PARTICIPATION, AND DISCLOSURE	34
1. Information Disclosure, Consultation and Participation	34
2. Ethnic minority strategies	35
3. Gender and Ethnic Minorities Consideration	36
4. Compensation, Income Restoration and Relocation	36
VI. GRIEVANCE REDRESS MECHANISM	36
VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION	38
1. Institutional Arrangements.....	38
2. Implementation.....	40
VIII. BUDGET AND FINANCING	41
IX. MONITORING AND REPORTING.....	41
1. Monitoring and Reporting	41
2. Internal Monitoring	42
APPENDICES	44

Appendix 1: Outline of Resettlement Plan and EMDP	44
Appendix 2: Agreement in case of land donation.....	48
Appendix 3: Project Information Booklet.....	49

LIST OF TABLES

Table 1: Discrepancies between government policies and ADB SPS 2009 and project policies.....	18
Table 2: Entitlement Matrix	22
Table 3: Monitoring and Evaluation Indicators	42

ABBREVIATIONS

ADB	Asian Development Bank
AP/AH	Affected Person / Affected Household
CCR	Climate Change Resilience
CEM	Committee of Ethnic Minorities
CHP	Central Highland Province(s)
CPC	Commune People's Committee
CPO	Central Project Office
CSB	Community Supervision Board
CWU	Commune Women's Union
DARD	Department of Agriculture and Rural Development
DMS	Detailed Measurement Survey
DoF	Department of Finance
DOLISA	Department of Labour, Invalids and Social Assistance
DONRE	Department of Natural Resources and Environment
DP	Displaced person(s)
DPC	District People's Committee
DCARB	District Compensation, Assistance and Resettlement Board
EA	Executing Agency
EMA	External Monitoring Agency
EMDF	Ethnic Minorities Development Framework
EMDP	Ethnic Minorities Development Plan
GoV	Government of Vietnam
HH	Household
IoL	Inventory of Loss
IR	Involuntary Resettlement
IPP	Indigenous Peoples Plan
LURC	Land Use Rights Certificate
MARD	Ministry of Agriculture and Rural Development
MC	Main Canal
MoF	Ministry of Finance
MOLISA	Ministry of Labour, Invalids and Social Assistance
MONRE	Ministry of Natural Resources and Environment
NGO	Non-Governmental Organisation
PCEM	Provincial Committee of Ethnic Minorities
PPC	Provincial People's Committee
PPMU	Provincial Project Management Unit
PPTA	Project Preparation Technical Assistance
PRA	Participatory Rural Appraisal
PRI / PRIDP	Productive Rural Infrastructure Development Project
PSRC	Provincial Steering Resettlement Committee
RP-PMU	Resettlement Provincial Project Management Unit
ROW	Right of Way
RP	Resettlement Plan
SAH	Seriously Affected Household
TOR	Terms of Reference
USD	United States Dollars
VND	Vietnam Dong

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. (Gradually AP are replaced by Displaced Persons (DP)).
Detailed Measurement Survey (DMS)	- With the aid of the approved detailed engineering design, this activity involves the finalisation and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Compensation	- Means payment in cash or in kind to replace losses of lands, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost.
Cut-off date	Means the date of land acquisition announcement informed by local authorities. The APs will be informed of the cut-off date for each project component, and any people or assets settled or created in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
Entitlements	- Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
Eligibility	- Means any person who has settled in the project area before the cut-off date that suffers from (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporarily, or (iii) loss of income sources or livelihood, regardless of relocation...will be entitled to compensation and/or assistance.
Income restoration	- This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration programme	- A programme designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The programme is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
Inventory of Losses (IOL)	- This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops;

secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.

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

I. INTRODUCTION

1. Description of the Project

1. The proposed project (Project) aims to rehabilitate and upgrade existing but deteriorated critical productive rural infrastructure (PRI) in five central highland provinces (CHP) over a period of seven years. It directly supports the Government of Viet Nam's (Government) National Target Program for New Rural Development (NRD). The PRI has deteriorated because of limited funding available for new investment and a constrained capacity to sustainably develop, manage and use the assets. This contributes to CHP's poverty by constraining rural productivity. The Project would focus on sustainably improving approximately 15 medium scale irrigation systems, and associated PRI including: rural access infrastructure; and, local markets. In consultation with the Ministry of Agriculture and Rural Development (MARD), the subprojects have been selected from the Socio-Economic Development Plans in five central highland provinces (Lam Dong, Gia Lai, Kon Tum, Dak Lak and Dak Nong). It is expected around 3 sub-projects per province will be funded to a maximum amount of \$ 7 million for each sub-project. The improved PRI is expected to: (i) enable communities to respond to market signals by: increasing agricultural intensity and diversity; (ii) provide quicker and safer access to markets; (iii) promote employment opportunities; (iv) increase access to social services; and (v) reduce costs of rural production and marketing, as well as reducing food wastage. Improved PRI increases incomes from both on- and off-farm employment, decreases the burden of chores on women, and increases food availability even when yields are constant.

2. The majority (84%) of the population of the CHP live in sparsely populated and dispersed villages where land is suitable for agriculture. The primary income source for nearly all rural CHP households is farming. While poverty has been reduced nationwide, from 18.1% in 2002 to 13.4% in 2008, equivalent figures in the CHP were 29.2% in 2004 and 21% in 2008, with women poorer than men. Poverty rates among some ethnic minorities in more isolated areas are as high as 70%–80%. These figures reflect the more difficult terrain, and the lack of commercial opportunities, social services and arable land. All this is compounded by poor quality PRI.

3. The Project advances two key Government-supported innovations. The first innovation enhances PRI sustainability and includes good practice, which has previously not been systematically implemented, by: (i) concentrating a critical mass of PRI investments in selected productive areas; (ii) having the communities prioritize the PRI improvements in and around the selected irrigation schemes; (iii) preparing PRI condition inventories and a program to update them; (iv) using whole asset life analysis with realistic maintenance assumptions as the basis for design and sustainable management; (v) improving trails and paths within the irrigation systems thus separating pedestrians and cyclists who are often women and children from motorized traffic and reducing the loss of productive land; and (vi) incorporating bio-engineering for soil and water conservation in the design thus stabilizing the local ecosystems and improving climate change resilience (CCR).

2. Core sub-projects, beneficiary and impacts of involuntary resettlement and ethnic minorities

4. Three core sub-projects that have been selected for feasibility study studies based on the screening and selecting principle and criteria as mentioned in Section II Objectives, Policy Framework and Entitlements. These core sub-projects serve as model to follow, respecting the overall project objective to make additional non-core sub-projects eligible for funding.

- a) *Gia Lai Province: Upgrading and completion of Rural Infrastructure; Tan Son Irrigation Works in Nghia Hung – Chu Jor Commune, Chu Pah District: this sub-project comprises the following works:*

5. The subproject will upgrade rural roads and canals including: (i) Route 1 connects the local main road to the headwords, the existing dirt track of which has a base of 3-4.5 meter wide, with extremely uneven road surface, with deep mud in the rainy season; (ii) Route 2 provides access to the production areas on the left bank, running along N3 branch canal, linking Chu Jor Commune to neighboring Chu Dang Ja Commune; (iii) canals N2, N3.

6. The main beneficiaries from the Tan Son irrigation sub-project will be the farmers who work in the command area of the scheme. The number of beneficiaries is about 2,900 Kinh people (1,050 households) and 7,135 JaRai people (1,724 households). Approximately 9,600 people will benefit from transport component.

7. On the basis of the final design of canals and rural roads, the agriculture land and the garden land will be permanently affected (affecting about 69 households, in which there are 29 HHs offering their land to the project voluntarily). Among 69 AHs, 36 AHs are Jarai group. The subproject does not affect the livelihood or the cultural, ceremonial or spiritual uses that define the identity and community of EMs. All negative impacts of the subproject will be included in the resettlement plan and compensated satisfactorily based on replacement cost.

- b) *Dak Lak Province: Rehabilitation and Upgrading of Ea Kao main canal system, Buon Ma Thuot City.*

8. The subproject will help restore irrigation water supply via N1 Main Canal to Buon Brme, in Hoa Phu Commune and N2 Main Canal to across National Highway 14, to irrigate coffee plantation areas in Khanh Xuan Ward and provide supplementary water supply to Khanh Xuan irrigation scheme to irrigate paddy fields in downstream Hoa Xuan Commune during the late dry season when the water level of Khanh Xuan reservoir is extremely low.

9. Upgrading, rehabilitating and concreting total canal system in Ea Kao (including 14.87 km of main canals of N1 and N2 and numerous work items/facilities attached to the channels will increase the irrigation capability in Ea Kao original design level. This activity will impact positively on social security and lives of people, including EM people in Ea Kao, Hoa Phu, Hoa Khanh communes and Khanh Xuan and Ea Tam wards of Buon Ma Thuot city.

10. The rehabilitation of the existing irrigation scheme (including canal system and structure) will affect 07 households (44 people) and 7.7 hectares of land of which 2,860 m² of agricultural land is permanently acquired, and 74 140 m² is temporarily acquired for material yard and backfill soil yard. Among 7 AHs, 3 AHs are Ede group and poor households. The subproject does not affect the livelihood or the cultural, ceremonial or spiritual uses that define the identity and community of EMs. All negative impacts of the subproject were included in the resettlement plan and will be compensated satisfactorily based on replacement cost.

- c) *KonTum Province: Repair and upgrading of Kon Trang Kla and Dak Trit irrigation system and the rural infrastructure in Dak La area, Dak Ha district.*

11. The subproject will repair and upgrade Kon Trang Kla and Dak Trit irrigation system: building of new spillway for reservoir within the structure area in Đak Trit irrigation; Upgrading of canal N2-1 with total length L = 440m, with reinforced concrete in Kon Trang irrigation; Upgrading irrigated canal, 620m, structure of reinforced concrete and an additional new drainage canal for 250m structure of reinforced concrete in Da Pen irrigation which will be built within the existing alignment; Upgrading irrigated canal 140m, structure of reinforced concrete in Hamlet 1A intake; Building 03 branch canals with length of 890m, structure of reinforced concrete on the existing alignment in Ba Tri irrigation; Upgrading 14,805 km of earth road to cement concrete road, ROW

is 5m, width of road surface 3,5m; Drainage system: Building 02 new bridges over the existing channel.

12. The subproject is located in 04 hamlets (2, 3, 4, and 5) of Dak La commune, Dak Ha district. The subproject is expected to directly benefit 8,650 people of 1,797 households, in which ethnic minority groups make up 56% (most of them are from Ro Ngao, Ba Na, S' Ra ethnic minorities). The subproject will benefit to sustain the production for about 290 ha with two-crop of wet rice and 54 ha of dry crop plants (such as coffee, maize, cassava, rubber, and other cash crops). Also the upgrading 14,805 km of rural road will create a positive linkage with the production areas and the local market. In addition, neighboring communes of the subproject area will directly benefit from the upgraded road.

13. Repairing and upgrading the irrigation works will have impacts on 07 HHs with total agricultural land recovered of 17,015.4 m², of which 02 HHs are ethnic minority and 04 HHs are significant impacted with loss of 10% total agricultural land and more. The project will upgrade 14.805 km soil road to concrete road. The road is upgraded based on current alignment with some corrections for alignment at some locations so that the project will recover land of 69 HH (all 69HHs offer their land voluntarily). The subproject does not affect the livelihood or the cultural, ceremonial or spiritual uses that define the identity and community of EMs. All negative impacts of the subproject will be included in the resettlement plan and compensated satisfactorily based on replacement cost.

3. Anticipated involuntary resettlement and ethnic minorities of further sub-projects

14. The subproject screening criteria excludes any subproject with significant impacts for involuntary resettlement (IR) and ethnic minorities (EM) (category A). All negative impacts (temporary and permanent) will be minimized through sub-project design and consultation with communities in target areas and other stakeholders. Based on this, the project is categorized as B for involuntary resettlement and ethnic minorities.

15. Most of the proposed subprojects involve upgrading of existing facilities within the established right-of-way. Hence, very limited land acquisition is anticipated. Impacts will be limited to 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 materials to and from the work sites. Overall, it is expected that the negative impact of subsequent channels/roads in subproject areas will be limited as many of the existing canals/roads will be upgraded and therefore will not require land acquisition.

16. Items that might need permanent land acquisition will be minimized during the design. These include:

- (i) New channels and structures on channels
- (ii) Road widening beyond the right of way (ROW)
- (iii) Upgrading dams beyond the ROW

17. Items that might need temporary land acquisition are as follows:

- (i) Construction site;
- (ii) Temporary access road;
- (iii) Borrow pits;
- (iv) Disposal areas.

18. Design of sub-projects will minimize the amount of land required for the subproject construction. Some temporary disruption of lands, structures and plants will inevitably affect the livelihoods of certain farmers. This will be compensated according to the entitlement matrix agreed by Government and ADB that it is reflected in this REMDF. Depending on the level of negative impacts and number of APs affected the project or sub-project Involuntary Resettlement will be categorized as per ADB policy (SPS and OM Fi/BP dated Oct 2013). During FFM, it is confirmed that the current proposal of sub-projects/feasibility studies are Cat B for IR and IP (EM) in accordance with SPS 2009, and potentially a small number of sub-projects will be in Cat C.

19. The project does not affect the customary livelihood system or the cultural, ceremonial or spiritual uses that define the identity and community of EMs. No physical displacement of EMs from their traditional land and no impact on the cooperative of EMs are expected in the project. Therefore, a combined Resettlement and Ethnic Minority Planning Framework (REMPF) is prepared for the project. Resettlement Plan (RP) or Resettlement and Ethnic Minority Development Plan (REMDP) will be prepared for those subprojects where have impact on local people or ethnic minority people, following the REMDF. All negative impacts of the subprojects will be included in the RP or REMDP and compensated satisfactorily based on replacement cost.

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

1. Objective of Resettlement and Ethnic Minority Development Framework

20. This Resettlement and Ethnic Minority Development Framework (REMDF) prepared by the MARD provides the procedures and key principles of involuntary resettlement and ethnic minorities that will govern all the sub-projects and work items of the Productive Rural Infrastructure Development Project in the Central Highlands, regardless of the financing sources. It addresses the gaps between the Social Safeguards Policy of ADB with the Government Policies on compensation, assistance and resettlement to ensure that APs are able to restore their living standard to at least their pre-project levels. .

21. The Resettlement and Ethnic Minority Planning Framework is updated to reflect the provisions under the ADB SPS (2009) on involuntary resettlement and ethnic minority people and new Government laws and regulations relating to compensation, assistance and resettlement, and ethnic minorities.

22. The REMDF will be translated into Vietnamese and distributed to the central and local agencies, affected households, and other individuals responsible for project preparation and implementation. It will also be submitted to the ADB for concurrence and posting on the ADB website.

2. Criteria and principles for screening and selecting the sub-projects

23. The selection of sub-projects to adhere to the project objective will comply with conditions regarding land acquisition and resettlement. The criteria for eligibility of sub-project under PRIDP is explained as below regarding social safeguards for involuntary resettlement: "Safeguards compliance with Gov. of Vietnam and ADB guidelines – Subprojects should create least negative environmental impact, be located away from protected areas, and with minimal site clearance and resettlement requirement".

24. Furthermore the Aide Memoire of ADB Review Mission from 3rd to 7th October 2012 specified (in Para 9): "The Mission indicated that any subproject requiring major land acquisition would be ineligible; and asked that the table and list of eligible subprojects be revised accordingly." Any sub-projects with significant impacts for involuntary resettlement and ethnic minority (category A) will be excluded from the Project, and any impacts (temporary and permanent) will be minimized through sub-project design and consultation with communities in

target areas and other stakeholders. As there is no major land acquisition (as defined in ADB policies) the subprojects will be categorized as B or C.

25. The criteria to define the significance of the probable involuntary resettlement impacts as per ADB SPS and OM of Oct 2013 are explained as follows:

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including assessment of social impacts, is required.
- (ii) **Category B.** A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.
- (iii) **Category C.** A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.
- (iv) **Category FI.** A proposed project is classified as category FI if it involves the investment of ADB funds to, or through, a financial intermediary (Paras. 53–58).

26. A project's involuntary resettlement category is determined by the category of its most sensitive component in terms of involuntary resettlement impacts. 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). The level of detail and comprehensiveness of the resettlement plan are commensurate with the significance of the potential impacts and risks. "

27. Ethnic Minority issue (EM): the initial screening process showed the project area includes livings of EMs. The proposed subproject will bring benefits to positive efficiency for ethnic minority due to the subprojects target to promote social economic development of the whole area. Impacts on ethnic minorities will be limited in non-significant land acquisition which is not affected negatively to identity, customary livelihoods of AHs while assets lost will be compensated by replacement price. The project will not affect on customs, traditions and cultures of ethnic minority households. Accordingly, the project is rated as category "B" and "C" on Indigenous Peoples.

28. The degree of impacts on EMs is determined by evaluating (i) the magnitude of the impact on Indigenous Peoples' customary rights of use and access to land and natural resources; socioeconomic status; cultural and communal integrity; health, education, livelihood systems, and social security status; or indigenous knowledge; and (ii) the vulnerability of the affected Indigenous Peoples.

3. Asian Development Bank Safeguard Policy

29. The ADB Safeguard Policy Statement (2009)¹ consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment.

Involuntary Resettlement Policy

30. The objectives of the IR policy are:

- (i) To avoid involuntary resettlement wherever possible;
- (ii) To minimize involuntary resettlement by exploring project and design alternatives;
- (iii) To enhance, or at least restore, the livelihoods of all displaced persons (DPs) in real terms relative to pre-project levels; and,

¹<http://www.adb.org/site/safeguards/involuntary-resettlement>

- (iv) To improve the standards of living of the displaced poor and other vulnerable groups.

31. 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.

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

- i. Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of APs, including a gender analysis, specifically related to resettlement impacts and risks.
- ii. Carry out meaningful consultations with relocated people, host communities, and concerned non-government organizations. Inform all relocated people 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 APs' concerns. Support the social and cultural institutions of relocated persons and their host population.
- iii. Improve, or at least restore, the livelihoods of all APs through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation, assistance at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- iv. Provide physically and economically APs with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- v. Improve the standards of living of the displaced poor and other vulnerable groups, including women head of households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- vi. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- vii. Ensure that APs without title to land or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets.

- viii. Prepare a resettlement plan elaborating on APs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- ix. Disclose both the draft and final resettlement plan in a form and language understandable to APs and other stakeholders.
- x. Conceive and execute involuntary resettlement as part of a development project or programme. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- xi. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- xii. Monitor and assess resettlement outcomes, their impacts on the standards of living of APs, 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.

33. 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, structures will be compensated at replacement costs without deduction for the value of salvageable materials. It is expected that qualified and experienced experts will undertake the valuation of acquired assets².

34. 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 other assets 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.

Indigenous Peoples (IP) /Ethnic Minority (EM) Policy

35. The objectives of the indigenous peoples (IP) safeguard is to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they

- (i) receive culturally appropriate social and economic benefits,
- (ii) do not suffer adverse impacts as a result of projects, and
- (iii) can participate actively in projects that affect them.

36. The Indigenous Peoples safeguard is triggered if a project/subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset.

37. The term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural,

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

economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.

38. Projects financed and/or administered by ADB are expected to observe the following policy principles related to indigenous people:

- a. Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.
- b. Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.
- c. Undertake meaningful consultations with affected IP, IP communities and concerned IP organizations to ensure their informed participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts on them or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.
- d. Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples
- e. Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
- f. Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse

project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.

- g. Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.
- h. Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
- i. Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

39. 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.

40. The ADB **Public Communications Policy** (ADB, 2011) 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 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.

4. Legal frameworks of Government of Vietnam

41. The legal framework with respect to land acquisition, compensation and resettlement is based on the Constitution of the Socialist Republic of Vietnam (2013), and the Land Law 2013, and other relevant decrees/guidelines. The principal legal documents applied for this RPF include the followings:

- (i) Constitution of Vietnam 2013.
- (ii) The Land Law 2013 which has been effective since July 1, 2014.
- (iii) Decree No.43/2014/ND-CP guiding in detail the implementation of Land Law 2013
- (iv) Decree No.44/2014/ND-CP regulating the methods to determine land price; develop and adjust land price framework, land price list; value specific land price and land price consultancy activities.
- (v) Decree No. 47/2014/ND-CP regulating the provisions for compensation, support, resettlement when land is recovered by the State
- (vi) Decree No. 38/2013/ND-CP of 23 April 2013, on management and use of official development assistance (ODA) and concession loans of donors.
- (vii) Circular No. 36/2014 / TT-BTNMT dated 30 June 2014, regulating method of valuation of land; construction, land price adjustment; specific land valuation and land valuation advisory
- (viii) Circular No. 37/2014/TT-BTNMT dated 30 June 2014, regulating compensation, assistance and resettlement when the State acquires land.
- (ix) Decision No. 1956/2009/QD-TTg, dated 17 November 2009, by the Prime Minister approving the Master Plan on vocational training for rural labors by 2020;
- (x) Decision No. 52/2012/QD-TTg, dated 16 November 2012, on the support policies on employment and vocational training to farmers whose agricultural land has been recovered by the State;
- (xi) Complaint Law No.02/2011/QH11;
- (xii) Decree No.75/2012/ND-CP dated 3rd October 2012 guiding on implementation of Complaint Law.

42. Laws, decrees and decisions relevant to public disclosure of information include the Law on Land, No. 45/2013/QH13, Article 67, requiring disclosure of information to the DPs prior to recovery of agricultural and non-agricultural lands of a minimum of 90 and 180 days minimum respectively.

43. At the local level, the provinces will issued a Provincial Decision, consolidating Land Law 2013, Decree 47/2014/ND-CP Decree 43/2014/ND-CP, Decree 44/2014/ND-CP and other legal documents relevant to planning and implementation of resettlement at the provincial level. Compensation for land shall be at the market rate following the specific price that is evaluated by the external appraisers. All assistance/allowances for relocation, livelihood and production stabilization as well as occupational training and other changes will be provided for the relevant APs.

44. With regard to ethnic minorities (EMs)³, Constitution of Vietnam (2013) mandates the State to “Implement a policy on equality, unity and support for all ethnic groups in the development of a civilized society, and respect benefits, traditional cultures, languages and religions of ethnic minority groups. Related to this, a ministerial-level government body, Committee for Ethnic Minority and Mountainous Areas Affairs (CEMA) is tasked for developing and overseeing policies and programs to promote the welfare of EMs.

³ There are 54 ethnic groups in Viet Nam which are classified as minority or majority groups rather than indigenous or non-indigenous people. The Kinh and Hoa ethnic groups are considered as the ethnic majority groups, while the others are considered as ethnic minority groups.

45. Programs that target EMs are numerous and diverse and cover a wide range of issues including poverty reduction, resettlement and sedentarization, forest land allocation, education, health and communication, cash subsidies on land reclamation, improvement of commune and village infrastructure, etc.⁴ Following are key regulations involving EMs in Viet Nam.

2015	Decree No. 75/2015/NĐ-CP, dated 09 September 2015, on mechanism and policy on forest protection and support for poor ethnic minority period 2015-2020.
2015	Decree No 39/2015/NĐ-CP, dated 27 April 2015 on support for poor ethnic minority women have a baby following population policy
2011	Decree No. 80/2011/NQ-CP on sustainable poverty reduction, period of 2011-2020
2011	Decree No. 05/2011/NĐ-CP on the work of ethnic minority.
2010	Decree No. 82/2010/ND-CP of government, dated 20 July 2010 on teaching and learning of ethnic minority languages in schools.
2008	Resolution No. 30a/2008/NQ-CP of government, dated 27 December 2008 on support program for rapid and sustainable poverty reduction for 61 poorest districts
2008	Decree No. 60/2008/NĐ-CP dated 9 May 2008 of the government on the functions, tasks, authorities and structure of the Committee for Ethnic Minorities and Mountainous Areas Affairs.
2007	Decision no. 112/2007/QĐ-TTg of the Prime Minister dated 05 March 2007 on the policy of assistance for relocation and agriculture for Ethnic Minorities from 2007 to 2010.
2007	Decision no. 33/2007/QĐ-TTg of the Prime Minister dated 20 July 2007 on the policy of assistance to improve knowledge of laws as a program of 135, phase 2.
2007	Decision no. 01/2007/QĐ-UBND dated 31 May 2007 of the Ethnic Minorities Committee on the recognition of communes, districts in the mountainous areas
2007	Decision no. 05/2007/QĐ-UBND dated 06 September 2007 of the Ethnic Minorities Committee on its acceptance for three regions of ethnic minorities and mountainous areas based on development status
2007	Circular no. 06 dated 20 September 2007 of the Ethnic Minorities Committee guidance on the assistance for services, improved livelihood of people, technical assistance for improving the knowledge on the laws according the decision 112/2007/QĐ-TTg
2007	Decision no. 06/2007/QĐ-UBND dated 12 January 2007 of the Ethnic Minorities Committee on the strategy of media for the program 135-phase 2
1998	Decree no. 59/1998/ND-CP dated 13 August 1998 of the government on the functions, tasks, authorities and structure of the committee for Ethnic Minorities and Mountainous Areas

46. With regard to policy on indigenous peoples, a key difference is in the definition of IPs. In Viet Nam, the term “ethnic minorities” is used rather than “indigenous people” to refer to all the 53 ethnic groups other than the majority Kinh (Viet) ethnic group as ethnic minorities regardless of collective attachment of the ethnic group to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; and customary cultural, economic, social, or political institutions that are separate from those of the dominant Kinh (Viet) society and culture.

47. In case of development projects, there is also no specific requirement under Viet Nam legislation concerning ethnic minorities particularly for: (a) the conduct of screening; (b) social impact assessment by qualified and experience experts of the indigenous groups in the project

⁴ Viet Nam: A Widening Poverty Gap for Ethnic Minorities. Hai-Anh Dang. January 2010.

area; (c) preparation of an indigenous peoples' plan (IPP) to address adverse impacts on ethnic minorities and maximize positive impacts; (d) assisting ethnic minorities affected by projects in getting recognition of customary rights to lands or long-term renewable custodial or user rights; (e) seeking consent of affected ethnic minorities to projects the cause displacement to traditional/customary land, commercial development of cultural resources and/or commercial development of natural resources within customary lands; and (f) sharing of benefits with ethnic minorities in case of commercial development of natural resources.

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

49. However, ADB Policy on IR does not consider the absence of legal rights of APs on the acquired land as an impediment to receiving compensation for other assets and for rehabilitation assistance. Key differences between ADB Policy on IR and Government policy on land acquisition and resettlement, including measures to address the differences, are presented in the table below.

Table 1: Discrepancies between government policies and ADB SPS 2009 and project policies.

Issues	Land law 2013, related Decrees	ADB Safeguard Policy (SPS 2009)	Project Policy
Severely impacted APs losing productive land	Decree 47/2014/ND-CP, Article 19, Item 3: APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures.	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	Losing 10% or more of the household's productive assets shall be considered as threshold.
APs without LURC	Land Law 2013, Article 77, item 2 and article 92: Persons who has used land before 1 st July 2004 and directly be involved in agriculture production on the acquired land without LURC or illegalizable will be compensated for the acquired land area but not exceed quota of agricultural land allocation. But no compensation for non-land	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.	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

Issues	Land law 2013, related Decrees	ADB Safeguard Policy (SPS 2009)	Project Policy
	assets in the following cases: (i) the assets subject to the land recovery as stipulated in one of items a, b, d, đ, e, l, clause 1, article 64 and items b, d, clause 1, article 65 of the Land Law 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	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.
Compensation for structures	Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost. Decree 47, article 9: Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure.	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
Monitoring	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting. In case of significant or sensitive impacts, an external monitoring organization is required to conduct monitoring on RP and EMDP implementation	The EA must undertake internal monitoring according to the critical indicators. Anticipated negative impacts of the project are minor, it is no need to recruit an external monitoring organization.
Third-party validation of consultation related to land donations	Not required.	The borrower is required to engage an independent third-party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donations involving marginal portions of land, the LIC will verify and report on the negotiation and settlement processes as part of the due diligence report. A voluntary donation form signed by the landowners, witnesses, and village leaders will be attached in the report.

50. It should also be noted that as per Land Law 2013 Article 87, Item 2 states that for projects financed from ODA, if the state has commitment to the policy framework of compensation, assistance and resettlement will follow the framework.

5. Project principles.

51. To address the discrepancies between ADB (SPS 2009) and relevant GOV regulations as described in the table above, the project principles on resettlement policy are as follows:

- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options.
- (ii) Subprojects will be screened in terms of impacts related to involuntary resettlement. Safeguards due diligence for existing facilities and previous resettlement activities conducted in anticipation of the Project will also be conducted and corrective action will be prepared in case of non-compliance.
- (iii) Compensation and assistance will be based on the principle of replacement cost at the time of implementation.
- (iv) Severely affected household (SAH) is considered when they are losing 10% or more of the household's productive assets or are physically displaced from housing.
- (v) Affected persons (APs) without title or any recognizable legal rights to land are eligible for compensation for non-land assets at replacement cost.
- (vi) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to APs.
- (vii) Meaningful consultation will be carried out with the APs 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.
- (viii) The RP/REMDP will be disclosed to APs in a form and language(s) understandable to them prior to submission to ADB. RPs/REMDPs will be disclosed on the ADB website.
- (ix) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- (x) 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.
- (xi) Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- (xii) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- (xiii) Resettlement transition stage should be minimized. Restoration measures will be provided to APs before the expected starting date of construction in the specific location.
- (xiv) Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the provinces.
- (xv) Reporting and internal monitoring should be defined clearly as part of the management system of resettlement. Internal monitoring on implementation of

resettlement and ethnic minority development plan should be carried out by PPMUs and CPMU. Monitoring reports will be disclosed on the ADB website.

- (xvi) ADB will not allow contractors starting construction activities until the CPMU are officially confirmed in writing that (i) payment has been fully disbursed to the APs and rehabilitation measures are in place (ii) already-compensated, assisted APs have cleared the area in a timely manner; and (iii) the area is free from any encumbrances.
- (xvii) Cut-off date is the date of land acquisition announcement informed by local authorities.
- (xviii) All subprojects will be screened for presence of ethnic minorities in the subproject area and impacts on ethnic minorities (EMs). Subprojects with significant adverse impacts on EMs will be excluded.
- (xix) Local patriarchs (zia lang) will be engaged in the conduct of consultations for the preparation of the subproject. In case there are potential adverse impacts (including minor land acquisition), an REMDP will be prepared. For subproject with only positive impacts on ethnic minorities, the subproject preparation and implementation will include measures for ensuring their participation and inclusion in subproject benefits as elaborated in the Project Administration Manual.

III. ELIGIBILITY AND ENTITLEMENTS

1. Eligibility

52. Eligibility will be determined with regard to the cut-off date. The APs will be informed of the cut-off date for each project component, and any people or assets settled or created in the project area after the cut-off date will not be entitled to compensation and/or assistance under the project.

53. In addition, legal rights to the land concerned determine the extent of eligibility for compensation with regard to land. 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 ii) above shall be compensated for the affected land and assets on land. APs included under iii) shall not be compensated for the affected land, but for the affected assets on land and are entitled to assistance if they have to relocate.

2. Entitlements

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

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

Table 2: Entitlement Matrix

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
A. AGRICULTURAL LAND			
<i>A.1: Temporarily Affected Agricultural Land</i>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC; and organizations	Loss of use of the land for a period less than 1 year	No compensation for land; however, the Project will: a/ Pay the rent in cash, which will be no less than the net income that would have been derived from the affected property during disruption period. b) Compensation for standing-crops (if any) on the borrowed land at market price; c/ Restore of land before returning to the affected household to its previous or better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month after use of land.	Project is responsible to restore the borrowed land or negotiates with APs to restore and pay restoration costs for them. PPMU and LIC is in charge of monitoring on restoration of the affected land. Calculation of income lost is based on the highest productivity of one crop of the last 3 years multiplied with current market price of the crop and duration of land use.
	Loss of use of land exceeds 1 year.	No compensation for land; however, the Project will: a/ Pay the rent in cash, which will be no less than the net income that would have been derived from the affected property during disruption period. b/ Compensation for standing-crops (if any) on the borrowed land at market price; c/ Restore of land before returning to the affected household to its previous or better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month after use of land. Or AP can ask the Project to acquire permanently that affected land and compensate at replacement cost.	
User with lease or temporary right	Loss of use of the land for a period less than 1 year	No compensation for land; however, the Project will: a/ Pay the rent amount in cash, which will be no less than the net income that would have been derived from the affected	Project is responsible to restore the borrowed land or negotiates with APs to restore and pay restoration costs for

Entitled Persons	Type &Level Of Impact	Compensation Policy	Implementation Issues
		property during disruption period. b/ Compensation for standing-crops (if any) on the borrowed land at market price; c/ Restore of land before returning to the affected household to its previous or better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month after use of land	them. . PPMU and LIC is in charge of monitoring on restoration of the affected land
	Loss of use of land exceeds 1 year.	No compensation for land if returned to original user; however, the Project will: a/ Pay the rent amount in cash which will be no less than the net income that would have been derived from the affected property during disruption. b/ Restore of land before returning to its previous or better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month after use of land. Or AP entitled to compensation for the remaining value of the lease contract and remaining investment in the land.	
Non-titled user		No compensation for land; however, the Project will pay cash compensation for loss of standing crops and trees at market prices (see D, below).	
<i>A.2 Permanently affected agricultural land</i>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Losing 10 percent or more of total productive land holding affected	a/ As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) of same category (or productive capacity); (iii) at a location satisfactory to AP; (iv) with full title in the names of both the household head and his/her spouse; and (v) without charge for taxes, registration and land transfer charges; and b/ Cash compensation for standing crops at market price; and	If remaining land area is not economically viable i.e. is too small to be economically cultivated, the Project will acquire the entire affected land parcel and compensate at replacement cost. Consensus on criteria to be used to decide whether affected land is no longer

Entitled Persons	Type &Level Of Impact	Compensation Policy	Implementation Issues
		c/ Economic rehabilitation package (see E, below); Or, if AP opts, a/ Cash compensation at replacement cost for affected land; b/ Cash compensation for standing crops at market price; and c/ Economic rehabilitation package (see E, below);	viable for continued use will be reached during consultations with the community and AHs.
	Losing less than 10 percent of total productive landholding	a/ Cash compensation at replacement cost for affected portion; if the remaining land is not economically viable cash compensation at replacement cost for entire affected land parcel; And b/ Compensation for standing crops at market price; And c/ Job training/creation assistance (see E, below).	Implemented by DRCs
	Affected landholding is under dispute.	Compensation for land and all assets on the affected land and relevant assistances will be held in escrow account until land dispute is resolved.	Implemented by DRCs
User with lease or temporary rights		No compensation for land but cash compensation for standing crops at market price; And Cash compensation for loss of net income for the remaining leased or assigned period, OR remaining value of investment in the affected land, OR value of the remaining contract, whichever is higher.	Preceding note on viability of remaining (unaffected) portion of plot also applies Implemented by DRCs
Non-titled user		No compensation for land but compensation for standing crops at market price and other non-land assets on the affected land at replacement costs and remaining investments on land	For non-titled APs with no other productive landholdings, local authorities will allocate replacement land with temporary or lease land rights, if land budget is available
Public organizations		a/ No compensation for affected land but cash support not exceed 100 % of compensation value of the affected land; and b/ Cash compensation at current market prices for standing	The compensation amount must be transferred to account of affected organizations/communes and this amount will be used only for

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		crops and other non-land assets on the affected land, if any.	infrastructure improvement of commune or public purposes
B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g., commercial)			
<i>B.1. Temporarily Affected Residential and/or Non-Agricultural Land</i>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Temporary loss of use of land	No compensation for land; however, a/ The Project will pay rent amount to APs for the temporary use period; and b/ Compensation in cash for any demolished structures at replacement cost and when rebuilding the structure, the building permission will be at no cost to the AH; and, c/ Restore land before returning to the affected user to its previous condition or better.	For commercial land, rent will not be less than the amount of net income or foregone market rent value due to the temporary loss of this land. For residential land, rent value is determined based on the price prevailing in local renting market, otherwise on negotiation with the land user. PPMU and EMA are in charge of monitoring contractors on restoration of the affected land.
User with lease or temporary right	Temporary loss of use of land	No compensation for land; however, the Project will pay: a/ rent to APs for the temporary use period; and b/ Compensation for any demolished structures at replacement cost and when rebuilding the structure, the building permit will be at no cost to the AH; and, c/ Restore land before returning to the user to its previous or better quality.	For commercial land, rent amount will be not less than the amount of net income or foregone market rent due to the temporary loss of this land. For residential land, rent amount is determined based on the price prevailing in local renting market, otherwise on negotiation with the user. PPMU and EMA are in charge of monitoring contractors on restoration of the affected land.
<i>B.2. Permanently Affected Residential and/or Non-Agricultural Land</i>			
Owners with LURC, owners in process of	Loss of residential and/or non-agricultural landholding without	As a priority, allocation of replacement land: (i) equal to area and same type of affected land up to a maximum of land	a/ The DPC will determine availability of replacement land

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
acquiring LURC, owners eligible to acquire LURC	houses and structures built thereon	<p>quota in project province at a location satisfactory to AP; (ii) with full title in the names of both the household head and his/her spouse; and (iii) without charge for taxes, registration and land transfer charges;</p> <p>or, if AP opts,</p> <p>Cash compensation at replacement cost for the affected land. The compensated area does not exceed the residential land quota regulated by project province, except special case according to the law; and</p> <p>Cash compensation for the area greater than residential land quota at replacement cost based on current land law.</p>	b/ Affected landholding is under dispute: compensation held in escrow account until land dispute is resolved.
	Loss of residential land/or non-agricultural landholding with houses and structures built thereon.	<p>AP will be entitled to one of the following options:</p> <p>(i) Stay and rebuild their new houses/structures on the remaining land if viable, and cash compensation at replacement cost for the affected land area and the affected assets without depreciation of salvable materials, plus package of rehabilitation and relocation allowances (see E); OR</p> <p>(ii) Relocation in resettlement site according to regulation of project provinces and cash compensation at replacement cost for the affected assets without depreciation of salvable materials, plus package of rehabilitation allowances (See E). If amount of compensation and assistance is lower than value of a standard plot or apartment in resettlement site, the difference payment is not required; OR</p> <p>(iii) Self-relocation with cash compensation at replacement cost for affected land and assets on affected land without</p>	<p>a/ Infrastructure in relocation site will be constructed by project.</p> <p>The resettlement sites are all close to the affected area and with completed infrastructures.</p> <p>b/ Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved.</p> <p>c/ In case relocated household consists of many generations, couples living on the affected residential land Or many households own the affected land, the relocation and resettlement will be implemented as regulation of project provinces</p>

Entitled Persons	Type &Level Of Impact	Compensation Policy	Implementation Issues
		depreciation of salvable materials, plus package of rehabilitation and relocation allowances (see E); cash compensation for demolition of house/structure and transportation to the new location.	
User with lease or temporary use rights of public land	Loss of residential land/or non-agricultural land	a/ No compensation for land but cash compensation for the remaining value of contract, and remaining investment on land and b/ Cash compensation at replacement cost for assets on affected land, and c/ Package of rehabilitation and relocation assistances (see E below).	Local authorities assist AP to find alternative land.
Non-titled user	Loss of residential land or non-agriculture land	No compensation for affected land; however, a/ Non-titled AP entitled to full compensation for affected structures at replacement cost, and b/ Package of rehabilitation and relocation allowances (see E below)	a/ In case of non-titled AP has no other residential place in affected commune/ward: Local authorities should consider to allocate replacement residential land or house with full title plus package of rehabilitation allowances. b/ In case of non-titled AP has no other non-agriculture land: Local authorities should consider to allocate replacement non-agriculture land with temporary of lease land right.
Public organizations	Loss of non-agricultural land	a/ No compensation for land if land use fee is unpaid or paid by state funds, otherwise cash compensation for land at replacement cost; and b/ Cash compensation for affected assets at replacement cost and allowance of relocation if any.	
C COMPENSATION FOR AFFECTED HOUSE AND STRUCTURE			
Owners of houses/ structures	House/Structure partially affected and remaining portion	a/ Cash compensation at replacement cost for affected portion with no deduction for depreciation or salvageable	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	can be used	materials; and b/ Compensation for repairing the remaining part.	
Owners of house /structures	Structure totally affected OR Structure partially affected and remaining portion no longer viable	a/ Cash compensation at replacement cost for whole affected structure with no deduction for depreciation or salvageable materials; and b/ Relocation and subsistence allowances (see E, below). And c/ Compensation for demolition and transportation to the new location.	
D COMPENSATION FOR AFFECTED CROPS AND TREES			
Owners of crops and/or trees	Loss of annual crops	If standing crops are ripening and cannot be harvested, cash compensation of un-harvested crops at market values based on the average production over past 3 years.	A minimum of 3 months' notice to harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights
	Loss of perennial crops, fruit and timber trees and tree fences	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	Compensation must equal in value to crops that would be harvested had acquisition not occurred. A market survey shall be carried out when updating the RPs
E. PACKAGE OF ECONOMIC REHABILITATION AND RELOCATION ASSISTANCE			
<i>E 1 Economic Rehabilitation Assistance</i>			
Severely APs, displaced from housing or losing 10 percent or more of their productive, income generating irrespective of tenure status.	Assistance to restore livelihoods and incomes following acquisition of agricultural land or other productive assets	AHs directly cultivating on the affected land entitled: (i) Losing from 10 to less than 30% of agricultural land holding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area; Or cash assistance according to regulation of province, whichever is higher;	Value of in kind assistance to be determined during RP implementation. Income Restoration Programs will be designed during project implementation with the assistance of an agency specialized in livelihoods/labor or vocational assistance and with the active involvement of the AHs.

Entitled Persons	Type &Level Of Impact	Compensation Policy	Implementation Issues
		<p>(ii) Losing 30% to 70% of total agriculture landholding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area; Or cash assistance according to regulation of province, whichever is higher;</p> <p>(iii) Losing more than 70% of total agriculture landholding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; Or cash assistance according to regulation of province, whichever is higher;</p> <p>AND</p> <p>(iv) In-kind assistance to be decided in consultation with eligible APs. Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. AND</p> <p>(v) Participating in income restoration programs.</p>	Income Restoration Program shall be prepared during the RP updating following the needs assessment of the APs
All APs who are affected by loss of productive land irrespective of the degree of impact	Job training/Creation allowance	<p>Cash assistance equal to maximum of 5 times of compensation value for affected land area but not exceed 5 (five) times of land quota in locality. The specific level is as regulated by provinces.</p> <p>If AP has demand for training, he/she will be entitled to a free training course</p>	Eligibility will be confirmed during DMS.
<i>E 2. Relocation assistance</i>			
All APs that have to relocate	Relocation, transportation and installation	<p>a/ Transportation: Cash compensation for relocated HH based on actual transportation cost to new place;</p> <p>b/ House renting allowance: the relocated HHs shall receive the assistance in cash for renting temporarily house. The period of assistance will be as regulation of project</p>	Eligible APs include: i) owner of residential structures that are totally or partially affected and remaining portion is not viable for using; ii) non-titled APs who are allocated alternative residential land or housing; iii) tenants; and iv)

Entitled Persons	Type &Level Of Impact	Compensation Policy	Implementation Issues
		<p>provinces.</p> <p>c/ Cash compensation for transportation and installation of machine/equipment</p> <p>d/ Self-relocation allowance: the AHs who have to relocate to new place themselves will receive the relocation allowance in cash according to the regulation of provinces</p>	<p>businesses and eligible land use/management organizations that have to relocate.</p> <p>At the time of compensation, the level of allowance will be re-evaluated to ensure the APs have enough assistance to relocate</p> <p>The resettlement sites are all close to the affected area and with completed infrastructure</p>
<i>E. 3 Special allowance for social and economically vulnerable households</i>			
Vulnerable APs (the poor, war invalid person, woman headed household, the elderly)	Assistance to the poor and vulnerable households to improve their social and economic conditions.	<p>a) For the poor households, cash assistance equal to 30 kg of rice (at market price) per each family member per month for at least 36 months, if severely affected and 2,000,000 per household if marginally affected.</p> <p>b) For other vulnerable APs, assistance of minimum VND 2,000,000 per household to improve their social and economic conditions or based on regulation of provinces, whichever is higher.</p> <p>b) All vulnerable APs are also entitled to participation in income restoration program regardless of severity of impact.</p>	

IV. SOCIO-ECONOMIC INFORMATION

1. Screening and Categorization of Impacts on DP/APs

56. Initial screening will be conducted as early as possible in the subproject cycle to categorize the impacts and identify subsequent approaches and resource requirements to address IR (involuntary resettlement) and EM (ethnic minority) issues. The screening will identify the potential for loss of land, asset/structures, livelihoods, willingness of the community to collaborate in the implementation of the project, and their impacts through primary and secondary data information collection. The social survey team with the local community representatives will make a walkthrough survey of each subproject. The team will visit the subproject site and arrange public meetings in selected settlements including village leaders and traditional patriarchs (zia lang) to provide information about the subproject and collect their views on resettlement impact and willingness of DP/APs about the subproject and ensure community support for the subproject.

57. Resettlement and ethnic minority issues screening will also enable the categorization of subprojects based on their level of social impacts. CPMU will screen out all IR or IP Category A⁵ subprojects. If there is no resettlement impact identified, a confirmation of the PPMU should be submitted to the CPMU, confirming that there is no resettlement impact by the subproject. The Local Implementation Consultant shall certify the scope of resettlement planning. The screening and categorization will then be prepared during the subproject preparation. Once finalized, the due diligence report (DDR) and categorization form will be included in subproject feasibility/design report to be submitted to ADB. Appendix 1 shows the template for the screening form.

58. The DDR for all subprojects will establish the following (a) confirm if the subproject has or has no land acquisition or resettlement impacts; (b) confirm if there are no outstanding land acquisition or resettlement issues in the existing facilities to be upgraded/rehabilitated; and (c) establish if there are ethnic minority groups in the subproject area as defined under the project.

2. Methodology for Socio-economic survey (SES), and DMS.

59. Depending on the extent of impacts on IR and magnitude of impacts on EMs the surveys will be contracted out to a competent firm or service provider. The data, analysis and reports will lead to the preparation of the Resettlement and Ethnic Minority Development Plan (REMDP) and provide understanding of the socio-economic circumstances people in the subproject area – including poverty, gender and ethnic minorities. The information collected should be presented and discussed in the REMDP, and disaggregated by gender and ethnic group. The activities of the survey team are as follows:

- i) Detailed Measurement Survey (DMS) and Census – Based on the detailed design, a DMS of all affected assets (land and structure) and census of all affected households (AHs) quantifying the possible social impact in terms of loss of land, assets and income will be conducted. The DMS will include information on: (a) total and affected areas of land by type of land assets, (b) total and affected areas of structures, by type of structure (main or secondary), (c) legal status of affected land and structure assets and duration of tenure and ownership, (d) quantity and types of affected crops and trees, quantity of other losses, and (e) quantity/area of affected common property, community or public assets by type. On the other hand, the census will cover summary data on the affected households such as ethnicity, gender of

household head, household size, vulnerability status, primary and secondary income sources and their knowledge and preferences for compensation and, as required, relocation sites and rehabilitation measures;

- ii) Socio-Economic Survey for a representative number of Project Affected households (AHs), will also be pursued by the survey team. The coverage of the survey will include (i) 10% of total AHs (marginally affected households to be surveyed will be selected via simple random sampling) and 20% of Severely Affected household (SAHs) and Vulnerable affected Households (VAHs)⁶, (ii) selected households based on information generated through the census survey (Inventory of Loss - IOL) conducted earlier in the survey. Socioeconomic information on the community and AHs should include, among others: demographic information; economic profile such as major economic and livelihood activities, number of AH members who are gainfully employed; household health and sanitation practices/facilities and community's access to health and education facilities. A description of the availability and conditions of public infrastructure in the community should also be included.

3. Valuation and Replacement cost of Assets

60. Project owner will engage an external and qualified appraiser (firm or individual experts) to value price of affected land and assets according to the land law. APs will be compensated at replacement cost for any involuntary land acquisition. The appraiser will assess the various categories of loss envisaged in the entitlement matrix and fix prices/costs for compensation according to the compensation entitlements agreed by the PPC. Safeguards for poor and socially disadvantaged groups will be facilitated by the presence of NGO representative as necessary. Designated third-party or NGO will confirm "no coercion clause" in any voluntary contribution of land. Disagreements over valuations and extent of land-take should be negotiated as quickly as possible in order to reduce delays to letting contracts to start of civil works. If further disagreement over the value of land or assets, the complaint may be brought to the grievance committee as explained in chapter VI

61. The DRC will disburse compensation payments. A transparent system for checking entitlement against payment is needed with a monitoring exercise to ensure that payment has been made as assessed to the right person. Payments are made by check and APs may need help in opening and operating bank accounts.

4. Resettlement Plan/ Resettlement Ethnic Minority Development Plan Preparation

62. The RP will be prepared based on the results of the census, DMS and SES. The RP will include measures to ensure that the socio economic condition, needs, and priorities of women are identified, and that the process of land acquisition will not disadvantage women. If any adverse impacts on the Ethnic Minority People (EMPs) are identified, a REMDP is required to address adequately those impacts. All issues and elements of EMs need to be included in the REMDP. The PPMU will prepare RPs/REMDPs for subprojects based on the engineering design of the infrastructures, and in consultation with APs, local representatives, and local NGOs. The RP/REMDPs will be prepared in English and translated to local language and publicized to community and affected people.

63. The content of Resettlement Plan includes a statement of involuntary resettlement objective and strategy, with (i) executive summary, (ii) project description; (iii) scope of land acquisition and resettlement; (iv) socio-economic information and profile; (v) information disclosure, consultation and participation; (vi) grievance redress mechanisms; (vii) legal

⁶ The sample size should be more than 30 cases.

framework; (vii) entitlement, assistance and benefits; (viii) relocation of housing and settlements; (x) income restoration and rehabilitation; (xi) resettlement budget and financing plan; (xii) institutional arrangements; (xiii) implementation schedule; and (xiv) monitoring and reporting plan, showing how activities will be scheduled with time-bound actions in coordination with the civil works. The RP will declare an eligibility cut-off date.

64. The content of Resettlement and Ethnic Minority Development Plan (REMDP) includes a statement of involuntary resettlement and ethnic minority development objective and strategy, with (i) executive summary, (ii) project description; (iii) scope of land acquisition and resettlement; (iv) socio-economic information and profile, including information and profile of EM groups; (v) potential positive and negative impacts on EMPs and mitigation measures and beneficial measures; (vi) information disclosure, consultation and participation; (vii) grievance redress mechanisms; (viii) legal framework; (ix) entitlement, assistance and benefits; (x) relocation of housing and settlements; (xi) income restoration and rehabilitation; (xii) resettlement budget and financing plan; (xiii) institutional arrangements; (xiv) implementation schedule; and (xv) monitoring and reporting. The REMDP will establish an eligibility cut-off date.

65. Where sub-projects involve voluntary land donation, such land donations will require a written agreement with the respective landowners. It may be in a form of MOU between the landowner(s) and the CPC or other documentation acceptable to ADB, including witness by an independent third party e.g. NGO. Such agreement sample is provided in Appendix 2. Voluntary land donation will only be accepted if this does not severely affect the living standards of affected persons.

66. The PPMU will organize a consultation meeting with APs and local stakeholders to share the draft RP/REMDP and inform them about how the concerns raised by them during the screening and walk-through survey have or have not been addressed in the project design. In order to ensure that the subproject design have incorporated concerns raised locally and measures to minimize adverse impacts and enhance project benefits, the RP/REMDP will be finalized only after the final consultation with affected persons. A meeting minute on endorsement of entitlements proposed in RP/REMDP duly signed by APs will also annexed to the RP/REMDP.

67. The RPs/REMDPs for the subprojects will be submitted to the PPC for review and concurrence before sumitting to CPMU and ADB for review and approval and upload on the ADB website. The RP/REMDP shall follow the provisions and procedures specified in this Resettlement and Ethnic Minority planning Framework. An outline of an RP/REMDP is attached as appendix 3 to the REMPF.

68. In case RP/REMDP compensation payment is delayed for more than 6 months, compensation amount should be reviewed and recalculated according to the updated replacement costs. If compensation rates and prices are found to be out of date, additional replacement costs survey shall be carried out to reflect the current market prices.

69. In case there are households that will be severely affected (physically displaced from housing or lose 10% or more of their productive land), an income restoration programme (IRP) will be prepared. APs must be consulted in the preparation of the income restoration program.

70. No section or part thereof under the civil works contract shall be handed over to the contractor nor initiated before the required compensation and allowances based on the approved RP/REMDP have been provided to the APs and verified by the LIC.

V. CONSULTATION, PARTICIPATION, AND DISCLOSURE

1. Information Disclosure, Consultation and Participation

71. Information disclosure is an on-going process beginning early in the project cycle and continuing throughout project preparation and implementation. The process must provide timely information to communities in order that they may meaningfully contribute to project design, decisions and also mitigation. Provision of timely and accurate information will avoid misinformation and inaccurate 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 GoV policy (contained in Decree 47/2014/ND-CP Articles 67 and 69) the PPC and DPC must ensure that public notice is given and disseminate details of the approved draft resettlement plan, or framework, before project Fact Finding by the ADB. This draft will also be disclosed on the ADB website. Following the census of affected persons, the final resettlement plan, as endorsed by the GoV and ADB, is further disseminated to the affected communities and posted on the ADB website. Any updates or revisions to the final resettlement plan must be further disseminated to affected communities and again, posted on the ADB website.

72. 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 feedback 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 the meetings with the presence of EM people, it shall be conducted in a proper language or with local interpreter so that the EM people can understand the content of meetings. For removal or relocation of tombs/graveyards or other religious or cultural significant items, special consultation should take place and a record of consultation should be made available which includes: (i) nature and type of tombs; (ii) how old are the tomb and status of land where the tombs are located; (iii) new location and status of land; (iv) if the tombs are owned by ethnic minorities or not and the implications of impact on the religious and cultural sentiments of the community; (v) agreed ritual process, cost and time of removal of tombs, and other arrangements as deemed necessary.

73. In accordance with Decree 47/2014/ND-CP Article 67 and 69 the posting must be recorded in official minutes and confirmed by the CPC, the Commune Fatherland Front and APs. As per Decree 47/2014/ND-CP Article 69, 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.

2. Ethnic minority strategies

74. Although adverse impacts on ethnic minority households (EM AHs) are likely to be minimal, some households may be less able to restore their living conditions, livelihoods and income levels; and therefore, are at greater risk of impoverishment when their land and other assets are affected. Moreover, needs or conditions of EM AHs may not be considered in the design and operation of the upgraded facilities. To address these, the following specific actions will be conducted:

- (i) CPMU, assisted by its consultants, will undertake screening and social impact assessment of all subprojects which are identified to have the presence of EMs, and assess potential adverse and positive impacts on them.
- (ii) The CPMU will coordinate with local/traditional patriarchs (gia lang) in conducting the meaningful consultations, information dissemination and grievance redress involving households from ethnic minorities.
- (iii) In villages with EMs, a representative from each EM group will be the member of the commune resettlement team.
- (iv) During the DMS, the district RC will ensure that both men and women, and female-headed EM households are informed and participate. They will provide translation in proper language as needed to ensure that EMAHs understand and concur with the DMS results. Adversely impacted EMAHs are considered vulnerable and will be entitled to receive the support for vulnerable households.
- (v) Where EM households are required to rebuild or relocate, rehabilitation options and resettlement 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).
- (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 DP 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 EM 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) The design of livelihood restoration activities involving EMs will be done in close consultation with representatives of ethnic minorities and take into account their specific conditions.
- (ix) Where EM households live within villages of another ethnicity, the district will pay special attention to their compensation and transition. LIC will also review these cases.
- (x) CPMU will ensure that ethnic minority households receive equitable treatment with regard to: a) assistance to self-relocate (find land, etc.), b) allocation of housing and/or commercial sites (e.g., in resettlement sites); c) village support in moving, and contractor support to improve lands; and d) provision of allowances (including business income loss, transition and vulnerability allowances).

- (xi) Monitoring of consultation and awareness generation activities, as well as DP rehabilitation and satisfaction will be undertaken by the PPMUs and CPMU using gender and ethnicity disaggregated data.
- (xii) Internal monitoring will ensure consultation incorporates translation to EM languages in minority villages and for minorities living in villages of other ethnicity.
- (xiii) Both male and female EM 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 EM groups expressed interest in the job opportunities as well as increasing their incomes from agriculture and other activities.

3. Gender and Ethnic Minorities Consideration

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

4. Compensation, Income Restoration and Relocation

76. This the event that any households will be severely affected (i.e. be physically displaced from housing or lose 10% or more of their productive asset) by the subproject or vulnerable households are affected, the RP/REMDP will include an income restoration program (IRP) that will include:

- I. Description of the measures proposed for income restoration, including compensation and special measures to help vulnerable households improve their living standards;
- II. Explanation of measures to provide replacement land (very unlikely);
- III. Description of support to be provided for host populations;
- IV. Budget, financing and implementation arrangements.

VI. GRIEVANCE REDRESS MECHANISM

77. 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. Furthermore, APs will not be ordered to pay any fee during the grievance and complaints at any level of trial and court. Efforts will be made to resolve complaints at the commune level. If not resolved, a complaint will be referred to the district and provincial level. If still not resolved, the complaint will be referred to the court for resolution. The EA will shoulder all administrative and legal fees that might be incurred in the resolution of grievance and complaints.

78. The following stages for grievance redress are established based on Complaint Law no. 02/2011/QH13, dated 11/11/2011 and denounce law No.03/2011/QH13.

79. **First Stage, Commune People's Committee:** The aggrieved affected household will bring his/her complaint in writing or verbally to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC. 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 30 days and maximum of 45 days following the lodging of the complaint, depending on complicated case or distance, to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

80. **Second Stage, District People's Committee:** If after 30 days or 45 days (in remote area) 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 30 days or maximum of 70 days following the lodging of the complaint, depending on complicated case or remote area, to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DCARB of any determination made and the DCARB is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure their decision is notified to the complainant.

81. **Third Stage, Provincial People's Committee:** If after 30 days or 45 days (in remote area) 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 30 days or maximum of 70 days, depending on complicated case or remote area, 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.

82. **Final Stage, the Court of Law Arbitrates:** If after 30 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 complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a court of law for adjudication. If the court rules in favour of the complainant, then PPC will have to increase the compensation at a level to be decided by the court. In case the court will rule in favour of PPC, then the complainant will receive compensation approved by PPC.

83. The above grievance redress mechanism will be disclosed and discussed with the APs during the preparation of RPs for subprojects to ensure that they understand the process. PPMU/ DRCs and LIC resettlement specialist are responsible for follow up of the grievance process. Notwithstanding the provisions of the grievance process, local laws and regulations will take precedence. Amount of compensation and allowances of the complainant should be deposited in an escrow account until his/her complaint resolved satisfactorily. Moreover, such procedures do not

prevent a complainant to seek resolution of his/her complaint directly to the court at any stage of the complaint resolution process.

VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

1. Institutional Arrangements

84. Implementation of the resettlement plan requires the participation of relevant agencies from the Central to local district, and commune level. The Executing Agency has the overall responsibility for implementation of the RP/REMDPs. District Resettlement Committees (DRCs) will be established at district level according to the Land Law 2013 and Decree 47/2014/NĐ-CP.

1.1. Institutional Features at Central level

85. MARD will delegate responsibility of the Executing Agency to a Central Project Management Unit (CPMU). The CPMU will be led by a Project Director with fully delegated responsibility for decision making. The CPMU comprises full-time qualified and experienced social safeguards staff. Project implementation consultants will assist the CPMU with these tasks.

86. The CPMU will:

- i Provide overall management and coordination of the project;
- ii Liaise with IAs to carry out all project components;
- iii Coordinate with ADB in providing resettlement consultant services for the project;
- iv Support the PPMU for preparing and updating RPs of the project's components to get approval of PPCs and ADB ;
- v Consolidate project progress reports on land acquisition and resettlement submitted by the PPMU for relevant ministries and ADB; and
- vi Supervise resettlement implementation of the project components.

1.2. Institutional Features at Provincial Level

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

88. PPC will authorize DARD to be the Owner of the land acquisition, resettlement and compensation component in this Project. Within its authorization, DARD established the Provincial Project Management Unit (PPMU) for implementation of the Project components and to undertake the internal monitoring on implementation of updated RP/REMDPs for the Project.

89. The PPMU will oversee all activities of District Resettlement Committees (DRCs) in regard to the implementation of the RP/REMDPs. The PPMU will also be responsible for:

- (i) Preparing, updating, and supervising RP/REMDPs implementation of project components;
- (ii) Guiding DRC to implement all resettlement activities in compliance with the approved RP/REMDPs; and resolving any mistakes or shortcomings identified by internal monitoring to ensure that the objectives of the RP/REMDPs are met; and otherwise,

to provide appropriate technical, financial and equipment supports to DRC and Commune-level Inventory Working Groups.

- (iii) Conducting, in combination with DRCs and CPCs, information campaigns and stakeholder consultation in accordance with established project guidelines;
- (iv) Coordinating with other line agencies to ensure delivery of restoration and rehabilitation measures to APs;
- (v) Implementing internal resettlement monitoring, establishing and maintaining AP databases for each component in accordance with established project procedures and providing regular reports to CPMU;
- (vi) Implementing prompt corrective actions in response to internal monitoring.

90. The membership of the PPMU should include the Vice-Director of DARD who will be the Head of the PPMU.

1.3. District Level

91. The Peoples' Committees of the District concerned will establish District Resettlement Committees (DRCs) to implement the RP/REMDPs; Direct CPCs in combination with DRCs to implement RP/REMDPs; resolving complaints and grievances of APs.

92. DRC in combination with PPMU, CPCs and under the direction of the PPMU, will carry out resettlement activities of the project, in particular:

- (i) Conducting dissemination of the Public Information Brochure and other publicity material to ensure that APs are aware of the LAR process.
- (ii) Planning and carrying out the DMS and the disbursement of compensation payments.
- (iii) Identifying severely affected and vulnerable APs and the planning and implementing rehabilitation measures for these APs.
- (iv) Supporting for identifying any resettlement sites and new farming land for APs who cannot remain their present location.
- (v) Assisting DPC in the resolution of AP grievances.

1.4. Commune Level

93. The CPC will assist the DRC in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- (i) In co-operation with District level and with commune level local mass organizations, mobilize people who will be acquired to implement the compensation, assistance and settlement policy according to approved RP/REMDPs;
- (ii) Co-operate with DRC and Working groups to disclose project information and resettlement policy; notify and publicize all resettlement options on compensation, assistance and resettlement which are approved by DPC;
- (iii) Assign Commune officials to assist the DRC in implementation of resettlement activities;
- (iv) Identify replacement land for affected households;
- (v) Sign the Agreement Compensation Forms along with the affected households;
- (vi) Assist in the resolution of grievances.

2. Implementation

94. The implementation process is as follows:

- (i) Safeguards screening and due diligence. Following the detailed design, the CPMU (assisted by the LIC) will conduct safeguards screening to ensure that none of the proposed subprojects are category A for IR and ethnic minorities. Due diligence will also be done to identify if there are pending/outstanding IR/ethnic minority issues in the existing facilities to be upgraded and assess compliance to the REMDF principles and requirements of any resettlement activities conducted in anticipation of the project.
- (ii) 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 projects, PPMU will cooperate with the provincial Department of Natural Resources, Environment and the specialized cadastral agency having a contract with PPMU to determine the project land clearance red line and setting out boundary at the field, handing over land to implement resettlement tasks for the APs, in order to clear land for the project. Relevant Offices of Natural Resources, Environment of districts and Commune People's Committees of the project will assign their staff working as members of DRCs to implement this task.
- (iii) Information campaign before DMS. According to Decree No.45/2013/QH13, before land acquisition, within 90 days in case of agricultural land and 180 days in case of non-agricultural land, the DRCS must send written notices to affected land owners in respect of reasons for land acquisition, time and plan of displacement, resettlement options, land clearance and resettlement.
- (iv) Before census and detailed measurement survey, PPMU in cooperation with local authorities of districts and communes will provide project information to residents in the project area. Information will be broadcasted via the public address system of the locality in combination with other multi-media such as radios, press, television, brochures or letters delivered to households to be open posted in public areas.
- (v) Public meetings will be held in the project affected commune to notify the affected community about the scope and scale of the project, impacts, policies and rights for all kinds of damages, implementation schedule, responsibilities for organization, and complaint mechanism. Brochures including (images, photos or books) related to project implementation will be prepared and delivered to all affected communes in the meetings.
- (vi) Conduct of Replacement Cost Survey by a Qualified Agency. A qualified agency will be engaged by PPC in determining the current market price under normal condition of land and non-land assets. If there is a significant difference between compensation price and market price as per replacement cost survey carried out by a qualified agency, PPC will update the compensation unit price according to regulations and implementation guidance of Decree No.44/2014/ND-CP.
- (vii) 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/REMDPs.
- (viii) Preparation of Compensation Plan. DRCs are responsible for applying prices and preparing compensation tables for each affected household. PPMU and DPCs will appraise these tables in respect of prices, quantities of affected assets, rights that the APs are entitled to, etc. before notifying each household for review and comments.

All tables of compensation price application must be checked and signed by the APs to prove their consensus. PPMU and DRCs will submit the proposed unit rates as per result of the replacement cost survey to PPC for review and approval. The unit rates to be applied will be based on the approved unit rates of PPC.

- (ix) Submission of RP/REMDP and ADB concurrence. PPMU will prepare Updated Resettlement Plan or updated resettlement and ethnic minority development plan to submit to ADB for review and concurrence, and disclose key information of the Updated RP/REMDP to the APs.
- (x) Once the updated RP/REMDP is acceptable to ADB, the updated RP/REMDPs will be uploaded on the ADB website.
- (xi) Implementation of updated RP/REMDPs. Compensation and assistance will be paid directly to the APs by DRC under the supervision of representatives of commune authorities and representatives of the APs. Income restoration and relocation plan will be implemented in close consultation with the APs and concerned agencies.
- (xii) Internal monitoring as outlined in Chapter 2.IX will be implemented from RP/ REMDPs 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 within 6 to 12 months after completion of compensation and resettlement activities.

VIII. BUDGET AND FINANCING

95. Resettlement budget is required for all resettlement activities, including compensation for land acquisition (if any), affected assets, assistance and allowance, administrative cost, monitoring, income restoration, etc. and included in the subproject cost. Estimated costs will be updated based on the DMS and RCS results following detailed designs. The RP/REMDP will identify key activities for which funds will be used. Land acquisition/resettlement cost will be funded under the Project to ensure that sufficient resettlement budget is provided, and in a timely manner.

IX. MONITORING AND REPORTING

1. Monitoring and Reporting

96. The Project will establish systems for internal monitoring and evaluation. The main purpose of the monitoring and evaluation programme is to ensure that matters related to involuntary resettlement have been implemented in accordance with the policies and procedures of the RPs following ADB SPS 2009 and the REMDF. Monitoring will be done by the PPMU and the CPMU (assisted by its project Implementation Consultant). Engagement of external experts is not required for this project because only minor involuntary resettlement impacts are anticipated in the subprojects.

97. The objectives of the monitoring and evaluation programme are to (i) report on the status and assess compliance with the agreed REMDF and subproject RPs/REMDPs; (ii) confirm the availability/handover of land for the proposed subprojects; (iii) monitor contractors' compliance to the REMDF provisions related to temporary land acquisition impacts during civil works; (iii) ensure that the standard of living of APs is restored or improved; (iv) monitor whether the time-lines are being met; (v) assess if compensation, rehabilitation measures and social development support programmes are sufficient; (vi) identify problems or potential problems; and (vii) identify methods of responding immediately to mitigate problems.

98. The PPMU will establish an internal monitoring system and prepare progress reports on all aspects of land acquisition and resettlement activities for each subproject under its jurisdiction. Internal reports of RP/REMDP implementation will be prepared by the PPMU and submitted to the CPMU. The PPMU will conduct the internal monitoring of RP/REMDPs implementation 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 included in the project's quarterly progress reports.

2. Internal Monitoring

99. The CPMU will submit semi-annual safeguards monitoring report to ADB. For subprojects requiring land acquisition, compensation payments and provision of allowances related to permanent land acquisition impacts are expected to be completed within 6-months from the approval of the RP/REMDP. Related to this, the first monitoring report to be prepared by CPMU will report on the completion of compensation payments and allowances and start of implementation of income restoration program (for severely affected and vulnerable households). No-objection to the commencement of civil works for the subproject will only be issued if the monitoring report can confirm that all compensation payments and allowances as provided in the RP/REMDP have been provided and that there are no pending complaints on these payments.

100. The subsequent semi-annual monitoring reports by the CPMU will cover update on the temporary land acquisition impacts during construction, status of grievances noted, and progress in the income restoration activities. The CPMU will incorporate the status of RP/REMDP implementation in the overall Project progress report to ADB.

Table 3: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
INPUTS INDICATORS	Staffing and Equipment	<ul style="list-style-type: none"> • Number of project dedicated PPMU staff • Formation of DRC and VRC • Number of DRC members and job function • Adequate equipment for performing functions (including grievance recording) • Training undertaken for all implementing agencies • Construction Contractor meeting local employment targets for unskilled labor
	Finance	<ul style="list-style-type: none"> • Resettlement budgets disbursed to DRC and APs in timely manner
PROCESS INDICATORS	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> • Distribution of PIB to all APs • RP/REMDP available in all districts • Translation at ethnic minority villages and for individual minority APs in villages of other ethnicity • Consultations and participation undertaken as scheduled in the RP/REMDP • Grievances by type and resolution • Number of local-based organizations participating in subproject
OUTPUT INDICATORS	Acquisition of Land	<ul style="list-style-type: none"> • Area of cultivation land acquired • Area of residential land acquired • Fishponds acquired

Type	Indicator	Examples of Variables
	Buildings	<ul style="list-style-type: none"> • Number, type and size of private houses/structures acquired • Number, type and size of community buildings acquired • Number, type and size of government assets affected
	Trees and Crops	<ul style="list-style-type: none"> • Number and type of private trees acquired • Number and type of government/community trees acquired • Number and type of crops acquired • Crops destroyed by area, type and number of owners
	Compensation and Rehabilitation	<ul style="list-style-type: none"> • Number of households affected (land, buildings, trees, crops) • Number of owners compensated by type of loss • Amount compensated by type and owner • Number and amount of payment paid • Compensation payments made on time • Compensation payments according to agreed rates • Number of houses demolished • Number of porches/kitchens dismantled • Number of replacement houses built by APs on the same plot • Number of replacement houses built by APs on other plots they own • Number of replacement houses built by APs on allocated plots • Number of replacement businesses constructed by APs • Number of owners requesting assistance for additional replacement land • Number of replacement land purchases effected • Number of land titles issued • Number of vulnerable groups provided additional assistance • Number of APs who received support under livelihood restoration program
	Reestablishment of Community Resources	<ul style="list-style-type: none"> • Number of community buildings repaired or replaced • Number of seedlings supplied by type

APPENDICES

Appendix 1: Outline of Resettlement Plan and EMDP

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

This section:

- (i) 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 the main investment project;
- (iii) Summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) Provides details of any common property resources that will be acquired.

D. Socio economic Information and Profile

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

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

E. Potential positive and negative impacts on EMPs and mitigate measures and beneficial measures (for REMDP)

If project causes impacts on EM groups, this section should be added in the REMDP to identify:

- (i) Potential negative impacts on EMPs and measures to mitigate
- (ii) Potential positive impacts on EMPs and measures to enhance benefits of the project for EMPs.

F. Information Disclosure, Consultation, and Participation

This section:

- (i) Identifies project stakeholders, especially primary stakeholders;
- (ii) Describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) Describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (iv) 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.

G. Grievance Redress Mechanisms

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

H. Legal Framework

This section:

- (i) Describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed.
- (ii) Describes the legal and policy commitments from the executing agency for all types of affected persons (APs);
- (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.

I. Entitlements, Assistance and Benefits

This section:

- (i) Defines APs' 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.

K. Relocation of Housing and Settlements

This section:

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

L. Income Restoration and Rehabilitation

This section:

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

M. Resettlement Budget and Financing Plan

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.

N. Institutional Arrangements

This section:

- (i) Describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) Includes institutional capacity building 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.

O. Implementation Schedule

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

P. Monitoring and Reporting

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

Appendix 2: Agreement in case of land donation

Sample voluntary contribution consent form

(This form will be translated in Vietnamese Language for implementation purpose)

Government of Vietnam,

Land Revenue Office,

[INSERT NAME] District

[INSERT NAME] Commune, Village

CERTIFICATE OF LAND TRANSFER

I, [INSERT NAME, AGE, OCCUPATION], with residence located in [INSERT NAME] village, Commune [INSERT NAME] district, province

Certify that I have been previously informed by local authority of my right to entitle compensation for any loss of property (house, land and trees) that might be caused by the construction of ([INSERT NAME]) financed under the productive rural infrastructure development project (PRIDP) in five central highland provinces (CHP) (hereafter called “the Project”) in [INSERT NAME] district. I confirm that I voluntarily donate the land of [INSERT AMOUNT LOSS] square meters located in [INSERT NAME] village ([INSERT NAME] district) to the Project construction. I also confirm that I do not request any compensation of loss of [INSERT OTHER LOSSES SUCH AS TREES] and would request the local authority to consider this as my contribution to the project.

Type of Loss	Area (sqm)	Number of Trees	Unit Rates	Total	Comment
Land					
Total					

Therefore, I prepare and sign this certificate for the proof of my decision. Further, I certify that I have given my consent without any force/coercion from anybody, including project authorities.

[INSERT NAME] district [INSERT DATE]

The owner of the land [INSERT NAME AND SIGN]

Witnesses:

1. [INSERT NAME] and sign
2. [INSERT NAME] and sign
3. [INSERT NAME] and sign

Certified by the [INSERT NAME OF INDEPENDENT THIRD PARTY], [NAME AND SIGN]

Appendix 3: Project Information Booklet

Public Information Brochure (PIB)

Question 1: *How the project will improve productive rural infrastructures (PRI)? And what benefits?*

Answer: The proposed project (Project) aims to rehabilitate and upgrade existing but deteriorated critical productive rural infrastructure (PRI) in five central highland provinces (Lam Dong, Gia Lai, Kon Tum, Dak Lak and Dak Nong) over a period of seven years. The Project would focus on sustainably improving approximately 30 medium scale irrigation systems, and associated PRI including: rural access infrastructure; and, local markets. In consultation with the Ministry of Agriculture and Rural Development (MARD), about 30 subprojects from the five central highland provinces would be selected from CHP's Socio-Economic Development Plans. The improved PRI is expected to enable communities to respond to market signals by: increasing agricultural intensity and diversity; providing quicker and safer access to markets, employment opportunities, and social services; and, reducing costs of rural production and marketing, as well as reducing food wastage. Improved PRI increases incomes from both on- and off-farm employment, decreases the burden of chores on women, and increases food availability even when yields are constant. This is pro-poor and will be increasingly important for Climate Change Resilience (CCR).

Question 2: *How will the rehabilitation of the infrastructures affect the local population?*

Answer: The population in the sub-project areas will benefit variously from more extensive access to irrigation system and water supply, reduced risk of crop failure due to lack of water and more active irrigation. Also improved road access will reduce costs of rural production and marketing, as well as reducing food wastage. The implementation of the sub-projects may however necessitate the acquisition of some land for the construction of new infrastructure or extension and / or constriction of additional components. Every attempt will be made during the design process to minimize the negative impacts of such acquisition on households and communities.

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

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

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

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

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

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

Answer: No, lack of formal legal rights to land does not prevent any APs from receiving compensation, allowances and rehabilitation assistance. Those APs who possess a land use rights certificate (LURC) or any other form of written agreement to utilize the land are entitled to

compensation for the lost land as well as assets on the land. Those APs who do not have legal/legal sable or temporary/lease rights for affected land will not be compensated but supported maximum amount equal to compensation value for affected land and still be compensated for the assets on the land, such as any structures, crops and trees at replacement cost.

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

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

Question 7: *What about affected crops and trees?*

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

Question 8: *How are compensation rates decided?*

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

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

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

- **Severely affected households:**

AHs directly cultivate on the affected land to be entitled:

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

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

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

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

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

Cash assistance equal to 30 kg of rice (valued at market price at the time of compensation) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND

(iv) In-kind assistance to be decided in consultation with eligible APs.

Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. And

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

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

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

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

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

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

Question 11: *How will APs be consulted and informed?*

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

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

Answer: Yes, APs can voice their complaints (in verbal or written form) to responsible local authorities and resettlement committees. Their complaints can be filed first at the ward or commune level, and can be elevated to the district and provincial level and taken to provincial court if the APs are not satisfied with the decision of lower levels. APs will be exempted from all taxes, administrative and legal fees. All complaints of APs on any aspect of land acquisition,

compensation, resettlement and implementation will be addressed in a timely and satisfactory manner.

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

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

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

Answer: The PPMU will ensure internal monitoring all subproject activities. A post-resettlement impact evaluation will assess whether negative impacts have been mitigated adequately and pre-project standards of living of APs have been restored as a result of resettlement and the subproject.

FOR FURTHER INFORMATION AND SUGGESTIONS

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

1. Provincial Resettlement Committee of the province

Address:

Person in charge:Tel.....

2. IA:

Address:

Person in charge:Tel.....

3. District Resettlement Committee of

Address:

Person in charge:Tel.....

4. Commune Resettlement Committee:

Address:

Person in charge:Tel.....