

Resettlement Planning Document

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GMS: Biodiversity Conservation Corridors

The Resettlement Framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

ABBREVIATIONS

ADB	– Asian Development Bank
AHH	– Affected Household(s)
APs	– Affected Persons
BCI	– Biodiversity Conservation Initiative
BCI 1	– Biodiversity Conservation Initiative – Phase II
BCI 2	– Biodiversity Conservation Initiative – Phase II
CRC	– Compensation, Support, and Resettlement Committee
DPC	– District People’s Committee
DRC	– District Compensation, Support, and Resettlement Committee
FS	– Feasibility Study
GoV	– Government of Vietnam
HH	– Household(s)
LURC	– Land Use Rights Certificate
MO	– Monitoring Organization
PIB	– Public Information Booklet
PPC	– Provincial People’s Committee
RF	– Resettlement Framework
RP	– Resettlement Plan
SAP(s)	– Severely Affected Person(s)
VAP(s)	– Vulnerable Affected Person(s)

GLOSSARY

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

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

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I. INTRODUCTION

A. Project Description

1. The Socialist Republic of Viet Nam is part of the Greater Mekong Sub-region along with the Royal Government of Cambodia, Lao PDR, Myanmar, People's Republic of China, and Thailand. In 1992, the countries collaborated to form the GMS Economic Cooperation Program with assistance from the Asian Development Bank to facilitate “sustainable economic growth and reduce poverty by strengthening economic linkages among member countries. Further, it aimed to realize and enhance development opportunities, encourage trade and investment, streamline cross border arrangements, and meet common resource and policy needs. The cooperative initiative adopts the following strategies: (i) increasing connectivity through sustainable development of infrastructure and transnational economic corridors; (ii) enhancing competitiveness through efficient cross-border movements of goods and people, and integrated markets and production processes; (iii) building a greater sense of community that mutually recognize and jointly address shared environmental and social concerns.
2. The Biodiversity Conservation Corridor Initiative (BCI) is the flagship program of the Core Environment Program (CEP-BCI)¹ of the GMS endorsed by the GMS Leaders at the Second GMS Summit in July 2005. BCI- Phase I (BCI-I) was implemented from 2006-2009 as a pilot phase in the provinces of Quang Nam and Quang Tri of Viet Nam. *Biodiversity Corridors* are geographic areas within or cutting across the GMS Economic Corridors that need to be placed under sustainable management regimes to secure local livelihoods and investments and maintain ecosystem services for future generations.
3. The Government of Viet Nam requested the ADB to follow up BCI Phase I with an investment framework (\$30 million loan project) to replicate positive results of BCI in target communes in Quang Nam, Quang Tri, and Thua Thien Hue Provinces, which fall within the proposed Biodiversity Conservation Corridors (Figure 1) establishing North – South connectivity between Ngoc Linh / Song Thanh Nature Reserves to proposed Sao La Nature Reserves in Quang Nam and Thua Thien Hue, touching on Xe Xap National Protected Area in Lao PDR, connecting to the Phong Dien Nature Reserve in Thua Thien Hue and connecting to North Huong Hoa Nature Reserve in Quang Tri . At the same time, there is an East West connectivity between Bach Ma National Park in the East and Xe Xap NPA in the West.
4. The overall aim of BCI is to secure forest areas for the local communities against further outside pressure/economic concessions by delineating and demarcating community forest areas and protected forest areas and giving tenure instruments to communities and not resettle them or restrict access. Any restrictions on use of community forests will be made by them (local people). Capacity building leading to community empowerment is built in to address such and eventually, any activity will be the choice of participating communities. Connectivity between forest-blocks will be restored as a result of broad community support generated through appropriate consultation and participation modalities. Preference for BCI-II is a linear design of the biodiversity corridor, but may resort to the stepping stone model anchored on decisions of target communes within the landscape.
5. The project has four components, (i) Institutional and community strengthening for biodiversity conservation management, (ii) Biodiversity corridors restoration, ecosystem services protection, and sustainable management by local resource managers, (iii) Livelihood improvement and small scale infrastructure support in target communes, and (iv) Project management and support services.
6. The provinces, districts, and communes covered by BCI-II in Viet Nam are summarized in Table 1.

¹ Implemented under RETA 6289

Figure 1. Corridor Design and Coverage



Table 1. BCI 2 Project Sites in Viet Nam

Province	District	Commune
QUANG NAM	Tay Giang	1. A Nông
		2. A Tiêng
		3. A Xan
		4. Ch'um
		5. Ga Ri
		6. Tra Hi
		7. Lăng
	Tay Giang SubTotal Nam Giang	8. Ba Hale
		9. A Vuong
	Nam Giang SubTotal	9 Communes
		8. Cà Dy
		9. La Ee
		10. La Đề
		3 Communes
QN SubTotal	2 Districts	12 Communes
QUANG TRI	Huong Hoa	15. Huc
		16. Huong Lap
		17. Huong Phung
		18. Huong Son
		19. Huong Viet
		20. Huong Linh
	Huong Hoa SubTotal Dakrong District	6 Communes
		21. Bang Nang
		22. Huc Nghi

Province	District	Commune
		23. Huong Hiep
		24. Ta Long
		25. Ta Rut
		26. Dakrong
	Dakrong SubTotal	6 Communes
QT SubTotal	2 Districts	12 Communes
TT HUE	A Luoi	27. A Roang
		28. Hong Ha
		29. Hong Kim
		30. Hong Trung
		31. Hong Van
		32. Huong Nguyen
		33. Huong Phong
		34. Huong Lam
	A Luoi SubTotal	8 Communes
	Nam Dong	35. Thuong Quang
		36. Thuong Long
	Nam Dong SubTotal	2 Communes
TTH SubTotal	2 Districts	10 Communes
TOTAL FOR 3 PROVINCES	6 Districts	34 Communes
Legend:	Sample Communes	BCI Province

B. Anticipated Involuntary Resettlement

7. Three provinces, six districts, and 34 communes are covered by BCI 2 in the Socialist Republic of Viet Nam. Social assessment was conducted in two sample communes per province in June 2010, which resulted in the identification of activities that may possibly trigger involuntary resettlement under the SPS. These are:

- (i) Component 1: Institutional and community strengthening for biodiversity conservation management – Will entail management planning, corridor delineation and demarcation; Special corridor guidelines and rules will be issued and made public.

If affected persons are not safeguarded, the exercise may result in restriction to access for marginalized members of the commune or even loss of assets and livelihood.

- (ii) Component 2: Biodiversity corridors restoration, ecosystem services protection, and sustainable management by local resource managers - Forest restoration which will cover about 10,000 ha in the form of enrichment planting, NTFP planting and agroforestry.

There is also possibility for restriction to access for marginalized members of the commune or even loss of assets and livelihood.

- (iii) Component 3: Livelihood improvement and small scale infrastructure support - Each selected commune has a block allocation for livelihood improvements through CDF, which will provide micro credit facilities to households to borrow for their projects of choice. Aside from livelihood enhancement support, selected communes will receive small scale infrastructure support is expected to focus on (a) commune based potable water schemes, (b) provision of rural toilet and sanitation facilitations, (c) improvement / upgrading of rural access road from commune to main road or market, and (d) any other infrastructure prioritized by beneficiaries.

Possible livelihood support activities proposed by prospective beneficiaries are small holder fishponds, rattan plantation establishment, and even forest restoration and enrichment planting. Again, if not sensitively attended to may result in displacement and restriction to other commune members. As regards small infrastructure, resettlement impacts may occur when land is acquired for small-scale infrastructure improvement/rehabilitation or for storing construction materials or other temporary impacts caused by construction activities.

C. Rationale for Resettlement Framework

8. Technically and ideally, BCI 2 promotes a sequential and sector-like approach at implementation. The necessary land use and capability assessment, and participatory management planning have to be in place prior to subproject implementation. However, it is recognized that planning is an ongoing facet of natural resource management and as such, some subprojects may be ready for implementation within the whole planning phase for the landscape. Specifically under Component 1 (Institutional and community strengthening), the Project aims to secure forest areas for the local communities against further outside pressure/economic concessions by delineating and demarcating community forest areas and protected forest areas. It will provide tenure instruments to communities that are found peripheral to protected areas, which by law have defined uses. Communities will craft restrictions appropriate to their concerns and needs in order to protect their rights to the land and the natural resources therein and in so doing, protect the biodiversity. Capacity building leading to community empowerment is built in to address the need for balancing resource use and protection and eventually, within this context, any activity will be the choice of participating communities.

9. Affected persons cannot be determined as land use zones and priority subproject investments have yet to be identified, under the sequential or simultaneous approach, after the conduct of Components 1 and 2. However, an indicative menu of options for Component 3 (livelihood improvement and small scale infrastructure support in target communes/clusters) was identified by stakeholders. Technical inputs for land use planning will be provided for executing and implementing agencies, local government units, Provincial/District/Commune Peoples Committee, relevant Ethnic Minorities Offices, and the Viet Nam Women's Union. Community ownership to subprojects is still subject to processing for and documentation of broad community support imperative not only for subproject investments, but on a higher plane, to ensure sustainability towards biodiversity conservation and protection. All these are processed during Component 1 geared at strengthening local institutions. Owing to the beneficiary process-driven approach, subproject resettlement plans cannot be prepared before project appraisal. The Resettlement Framework is therefore prepared in the event that any economic or physical displacement might occur in the course of project implementation.

II. OBJECTIVE OF THE RESETTLEMENT FRAMEWORK

10. Physical resettlement is not expected for this project because the small-scale infrastructure subprojects will be improved along the existing rights of way or following the existing alignments. However, should involuntary resettlement impacts occur, whether minor or temporary, resettlement shall be prepared and implemented properly. This Resettlement Framework (RF) has been prepared to guide the resettlement planning and implementation and provide protocols for due diligence in cases of voluntary acquisition and restrictions. The Framework reflects the Cambodia Government's Policies impinging on resettlement issues and the ADB Safeguard Policy Statement (2009). The RF provides (i) the policy and legal framework of the Government and Asian Development Bank (ADB); (ii) the compensation policy to be applied to all subprojects under the Project; and (iii) procedures to be followed during the subproject preparation, appraisal, and implementation. The Framework will be translated into Khmer and distributed to the central and local agencies, companies and agencies contracted to carry out subproject feasibility study, and other individuals responsible for subproject preparation and implementation, and also submitted to the ADB for review and posting on the ADB website.

III. LEGAL FOUNDATION AND ENTITLEMENT POLICIES

A. Asian Development Bank Policy

11. The objectives of the ADB social safeguards policy are to avoid involuntary resettlement whenever possible; to minimize involuntary resettlement by exploring project and design alternatives; and to enhance, or at least restore, the livelihoods of all displaced and vulnerable persons in real

terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups. The policy indicates four important elements in involuntary resettlement:

- (i) Mitigate the need for resettlement and compensation as much as possible;
- (ii) Compensate for lost assets and loss of livelihood and income;
- (iii) Assist in relocation including provision of relocation sites with appropriate facilities and services, and,
- (iv) Assist with rehabilitation so as to achieve at least the same level of well-being with the Project as before.

12. The policy further stipulates that the absence of legal title to land cannot be considered an obstacle to compensation and rehabilitation privileges. All persons affected by the Project, especially the poor, landless, and semi-landless persons should be included in the compensation, resettlement, and rehabilitation package. The Safeguard Policy Statement stipulates that those APs who are unable to demonstrate a legalizable or recognizable claim to the land being acquired will be eligible for compensation with respect to non-land assets only, and not the land itself. They will however be provided with other benefits and allowances as provided other APs.

B. Recent Vietnamese Regulations on Resettlement

13. In recent years, the Government has formulated many decrees, decisions and regulations to protect the interests of displaced persons and in accord with the policies of the international development assistance community. Relevant acts and bylaws that govern various aspects of land acquisition and resettlement include:

- The Constitution of the Socialist Republic of Viet Nam, dated 15 April 1992, as amended by Resolution 51-2001-QH10 dated 25 December 2001 of Legislature (term 10th) of the National Assembly at its 10th session;
- Decree 22/1998/ND-CP (24/4/1998) regarding GoV compensation policy for land acquired by the State for public works construction;
- Circular 145/1998/TT-BTC (4/11/1998) from the Ministry of Finance providing guidelines for implementation of Decree 22;
- Circular 98/TT-BTC (14/10/2003) Ministry of Finance regarding the use of domestic budget in implementation and management of water resource development projects;
- The Land Law No. 13/2003/QH11 (December 2003);
- Decree 188/2004/ND-CP (November 2004) on methods for determining land process for various types of land;
- Circular 116/2004/TT-BTC (December 2004) on guiding the implementation of Decree 197;
- Decree 181/2004/ND-CP (October 29, 2004) on the implementation of the 2003 Land Law
- Circular 30/2004/TT-BTNMT on 01 November 2004 on the Guidance for Planning, Adjusting and Improving the Master Plan of Land Use
- Circular 01/2005/TT-BTNMT (13 April, 2005) on guiding the implementation of Decree 181
- Circular 116/2004/TT-BTC (December 2004) on guiding the implementation of Decree 197;
- Decree 17/2006 to reconcile the 2003 Land Law and Decree 187 (November 2004);
- Resettlement Framework (RF) of the Phuoc Hoa Project, dated 2003
- Decision 4425/QD/BNN-XD issued on 7 October 2003 signed by minister of MARD to approve the Phuoc Hoa Project Resettlement Framework for Binh Duong and Binh Phuoc Tay Ninh, Long An and HCM project sites;
- Decree 197/2004/ND-CP dated 3 December 2004 on regulations of compensation, support and resettlement when State acquires land;
- Decision 773/QD/BNN-XD dated 6 April 2005 of MARD approving technical design and general budget estimation of Tan Bien Main Canal in Tay Ninh Province, of Phuoc Hoa Project;
- Decision 1082 QD/BNN-XD issued 16 May 2005 by MARD assigning roles and responsibility of concerned agencies for the Phuoc Hoa Project in Binh Duong, Binh Phuoc, Tay Ninh, Long An Provinces and Ho Chi Minh City

- Decision 3338/QĐ-BNN-TCCB dated 6 November 2006 by MARD assigning roles and responsibility for Management and Implementation of the Phuoc Hoa Project.
- Decision 3798/QĐ-BNN - TCCB dated 12 December 2006 by MARD assigning roles and responsibility for Management of loan used for Primary Canal Construction, Land Acquisition and Compensation of the Phuoc Hoa Project;
- Decree 84/2007/NĐ-CP issued on 25 May 2007, additionally stipulating the grant of land use right certificates, recovery of land, exercise of land use rights, order and procedures for compensation, support and resettlement upon land recovery by the State, and settlement of land-related complaint;
- Decree 69/2009/ND-CP dated 13 August 2009, Additional regulations on Land Use Plans, Land Prices, Land Acquisition, Compensation, Assistance and Resettlement.
- Decision 35/2010/QĐ-UBND –HCMC, 28/5/2010. Applying Decree 69 regarding compensation, assistance and resettlement allowances.
- Decision 7/2010/QĐ-UBND, Long An, 1/3/2010. Applying Decree 69 regarding compensation, assistance and resettlement allowances.

14. The Decree 69/2009 specifically replaces Articles 10, 12, 14, 30, 52, 125, 126, 127 and 141 of Decree 181/2004/ND-CP, and Articles 3,6,19, 19, 27, 28, 32, 6, 39, 48 of Decree 197/2004/ND-CP. Decree also replaces Article 4 of Decree 142/2005/ND-CP, and Clause 1 of Article 2, and Clauses 5, 6 of Article 4 of Decree 17/2006/ND-CP, and Article 43, and Articles 48 to 62 of Decree 84/2007/ND-CP. Decree 69 also replaces Point 2 of Clause 12 Article 1 of Decree 123/2007/ND-CP which were earlier amendments to Decree 188/2004/ND-CP. These replacements and additions provide further detail and clarity to Vietnamese regulations and bring GoV policy into closer alignment to ADB SPS (refer table 1 below).

15. Generally, Decree 69/2009 meets the objectives of ADB's Policy on Involuntary Resettlement, however, differences can be found regarding the compensation of APs without legal rights to land (Land Use Rights Certificates – LURC). Preliminary enquiries reveal no illegal land users have been found in the rural areas. Another difference is the percentage of productive assets lost before an AP is regarded as severely affected. A further difference applies to the case where the value of the resettlement site, house and infrastructure exceeds the value of the land and property being acquired. **Table 2** presents main areas of possible discrepancy.

C. Avoiding / Minimizing Involuntary Resettlement

16. Avoiding or minimizing involuntary resettlement impacts is built into the subproject/sector activity selection criteria. Subprojects/sector activities will be screened based on the following:

- (i) Identified as one of the top three priorities by beneficiaries in the commune and documented through participatory, multistakeholder consultations conducted by the project;
- (ii) Affordable within the block allocation set aside for the commune;
- (iii) Fulfills all social safeguard criteria as laid out in subproject eligibility section (see PAM);
- (iv) Compliant with all environmental safeguard issues as described in safeguards section in the PAM;
- (v) In conformity with land use plans in the commune and the biodiversity corridor;
- (vi) Households in target communes benefit in the form of income generation or cost savings in terms of money, time, and effort and benefits households in the target communes (men, women, or both, and/or families/households);
- (vii) Technically feasible and satisfies preference for mountainous area community- based small scale rural infrastructure interventions; and
- (viii) Arrangements satisfactory to the project have been made for undertaking operations & maintenance (O&M) if applicable.

Table 2. Discrepancies Between Decree 197/CP, Decree 69/CP and ADB Policy

Parameter	197/2004/ND-CP, 69/2009/ND-CP	Revised ADB Policy	Project Policy
Severely impacted APs losing productive land	Decree 69, Art 20: For significantly impacted APs, Livelihood restoration measures cut in when AP loses at least 30% of productive agriculture land.	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	<i>Losing 10% or more of the household's assets shall be considered as threshold.</i>
APs without LURC	Decree 69: Article 23: Persons whose main income is derived from agricultural production whose land is acquired by the Government and cannot satisfy LURC and compensation conditions stipulated in Article 8 of Decree No. 197/2004/ND-CP and Articles 44, 45 and 46 of Decree No. 84/2007/ND-CP will be referred to the Provincial Peoples' Committee for consideration of the level of assistance to be provided in conformity with the locality's actual conditions.	Those APs without legal title to land will be included in consultations. Ensure that APs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	<i>Project affected people, without legal or recognizable legal claims to land acquired, will be equally entitled to participation in consultations and benefit schemes of BCI 2 where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-project living standards and income levels.</i>
Compensation for lost land	Article 9, Decree 197: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. Decree 69, Art 11, Art 16, Compensation is land for same-use land or if not available the AP can be compensated in cash based upon the market transfer price of such land at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land use plan approved by the authorities. If not, compensation only for improvements on that land.	Land based livelihoods restoration based upon land based strategies where possible, or cash compensation at replacement value provided loss of land does not undermine livelihoods for those with legal rights to land. Provide adequate and appropriate replacement land. If land not available non-land based options built around opportunities for employment, self-employment should be provided in addition to cash compensation for land and non-land assets lost.	Where appropriate land based compensation is not viable, replacement cost surveys will be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value, to be updated at the time of compensation and combined with other assistance and livelihood restoration measures to ensure full restoration and improvements. Provided APs have legal or recognizable claim compensation is for full amount of land acquired.
Differences between compensation rates and market rates	Dec 69 Art 14(2): if compensation is through new land or allocation of land at a resettlement area or by housing and the replacement is valued at less than the land acquired, the price difference will be paid in cash. Dec 69 Art 14(2a) If replacement residential land or the amount compensated to purchase a replacement house is more than the actual replacement cost, the AP still receives the full amount. Dec 69 Art 14(2b) if the compensated amount is less than the replacement residential land and house the AP will pay the difference themselves except for cases covered by Art 19(1) – this will not apply to (poor) APs who will be assisted by the State. If the AP does not receive land or house at the resettlement site the AP will receive the cash difference.	Provide physically and economically APs with needed assistance including i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of APs economically and socially into host communities, ii) transitional support and development assistance such as land development, credit facilities, training or employment opportunities, and, iii) civil infrastructure as required.	<i>Physically displaced (relocated) APs are to receive relocation assistance, secured tenure to relocated land, better housing at resettlement sites with comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.</i>
Compensation for structures	Dec 69 Art 24 – Compensation for House, Structures on Acquired Land. Clause (1) – Compensation for APs residential structures based on value of newly constructed house/structure equal	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	<i>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</i>

<i>Parameter</i>	<i>197/2004/ND-CP, 69/2009/ND-CP</i>	<i>Revised ADB Policy</i>	<i>Project Policy</i>
	to technical standard issued by MoC and based on house area and unit prices issued by PPC. Clause(2) other structures compensation equal to: a) total present value using unit costs for newly constructed house/structure using MoC technical standards and depreciated to present value of acquired house/structure. Maximum value cannot exceed 100% of new value of acquired house/structure	applicable payments.	<i>accrued, iv) transitional and restoration costs, v) other applicable payments</i>
Compensation for registered businesses	Articles 26, Decree 197: Only registered businesses are eligible for assistance. Decree 69 Art20 (2) if business must be suspended AP is compensated with max 30% of after tax income in one year, averaged over last 3 years as certified by Tax Dept.	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.	<i>Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.</i>
Compensation for non-registered businesses	Decree 69 only recognizes formal registered businesses as entitled to compensation for lost income based upon Tax Office records	No distinction between registered or non-registered businesses in regards to compensation entitlement for lost income and other assistance.	<i>The CPC must certify that the AP has a business in current operation and approve the level of lost income.</i>
Monitoring	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting	<i>The EA must appoint an independent external monitor and undertake internal monitoring according to the critical indicators.</i>
Disclosure and Consultation	Decree 69, Art 29 indicates public disclosure not required until after the project has been approved for implementation.	ADB policy requires continuous public disclosure throughout all stages of the project, from identification and feasibility and project design and throughout implementation.	<i>Public consultation will begin before project approval and continue on an ongoing process.</i>

17. The subprojects will avoid resettlement, land acquisition, and physical displacement or denial of access to resources currently under use by the beneficiaries without prior and informed consent. Small-scale infrastructure investments will only be undertaken on the basis of demand and agreement of the beneficiaries to in-kind contribution (e.g. labor, land, right of way, and willingness to undertake O&M etc.).

18. Resettlement impacts will be minimized by observing the following: (i) improvement of small-scale infrastructure designs will be along existing rights of way or following existing alignments; (ii) ensure no subproject with the ADB's Category A resettlement criteria is financed under the Project; (iii) local stakeholders will be actively engaged during consultation to ensure the subproject designs are with minimized or no land acquisition.

19. Further, intensive capacity building across project cycle, and ensuring broad community support in subproject prioritization, planning, selection, and implementation will be observed. Zoning will primarily protect the existing forest resources and ethnic minorities' rights to access NTFPs. Fast paced economic developments, if conducted in an unplanned manner, will heavily impact on the last remaining natural forests, ecosystem services, and forest based livelihoods. The Project will facilitate the provision of tenurial security to ethnic minorities. BCI aims at providing incentives, funding, and technical assistance enabling local people to grow trees of their choice in their homestead plantations and community forests for subsistence needs as well as for fuelwood consumption and construction. Micro credit schemes for commune level enterprises are to be encouraged for local (wood and nonwood) primary processing to emerge or existing ones to become vibrant. The establishment of management regimes in the corridors shall create jobs for local people.

D. Entitlement Eligibility Requirements

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

21. In addition, the extent of eligibility for compensation in regards to land is determined by legal rights to the land concerned. If the APs have land legal rights (LURCs), full compensation and assistance for lands and assets upon land will be made. If the APs have no land legal rights or the affected land cannot be legalized, compensation for assets upon lands will be provided but not for the land. However, assistance shall be provided for resettlement assistance and social support to improve or at least restore their pre-project living standards and income level. APs without legal right status will be entitled to benefit schemes of the BCI 2 and directly engaged in the Component 3 of the Projects - Livelihood improvement and small scale infrastructure support in target villages and villages/ clusters. An Entitlement Matrix is provided (**Appendix 1**) and it summarizes the main types of losses and the corresponding nature and scope of entitlements.

IV. COMPENSATION, ASSISTANCE AND RESETTLEMENT

A. Compensation and Assistance

22. Compensation and assistance will be provided to ensure that the economic and social futures of APs are at least as favorable as they were before the Project. The compensation policy, which encompasses compensation for all affected assets, along with rehabilitation measures, will ensure that all APs are able to, at minimum, restore their incomes, standards of living, and productive capacities to pre-project levels if not better. Specific measures to ensure restoration of incomes and living standards of APs include compensation for lost assets based on (i) as a priority, land-for-land of equivalent productive capacity and at a location suitable and acceptable to the APs, or (ii) in case of the lack of available suitable same-use land or, at the request of an APs who have been informed regarding the options, cash for land or a combination of the two. Compensation will be based on results of the replacement cost survey.

1. Compensation and Assistance for Lands

23. Some lands will be acquired on a temporary basis (i.e., for access tracks and storage areas, etc). This land will be returned to its original owners and compensation paid for any temporary loss of income from standing crops or other, and the land will be returned to its owners in its original condition. If the temporary acquisition continues for longer than 6 months, as per Decree 69/2009, the AP may request the contractor to pay for land rental.

24. In regards to productive land permanently acquired, land for land compensation is preferred if land budget of the area is available. Otherwise, APs will be compensated for the loss of land by the full market value.

25. APs with losses less than or equal to 10% of their total agricultural landholdings will be entitled to cash compensation for crops and trees at market prices, AND cash compensation for acquired land at 100% of replacement cost, AND assistance in cash by at least 1.5 time of land value for job-creation, AND entitled to the benefit scheme that proposed under the BCI 2 (livelihood improvement). APs with losses of more than 10% of their total agricultural landholdings, will be entitled to cash compensation for crops and trees at market prices AND first priority for land-for-land of equivalent productive capacity at a location acceptable to the APs or, if requested, cash compensation for the lost land at 100% of replacement cost AND allowances as provided according to GoV policy that provided for the APs who lost of more than 30% of their total land holdings; AND assistance in cash by at least 1.5 time of land value for job-creation, AND entitled to the benefit scheme that proposed under the BCI 2 (livelihood improvement).

26. For residential land, if following land acquisition there is insufficient land to rebuild upon, the AP will be relocated. If there is sufficient land remaining, the AP is assisted with replacement cost compensation for lost structures and provided other assistance and allowances to cover the cost of rebuilding or repairing the original structure. If there are no structures on the residential land, APs will be entitled to compensation in cash at 100% of the replacement cost of the affected land. APs who reconstruct their house on their remaining land will be compensated with land-for-land or cash-for-land as well as 100% of the replacement cost of the structure. If insufficient land remains they will have to be resettled.

2. Compensation for Loss of Standing Trees and Crops

27. For annual standing crops, compensation will be paid to households who cultivate the land according to the full market value of the affected crops, regardless of the legal status of the land. For perennial plants, compensation will be paid according to the full market value of the affected plants, regardless of the legal status of the land. If the plants are not yet ready for harvest, compensation will include the total cost of initial investment and care until the time of the land acquisition. In case perennial plants can only be harvested once, compensation will be paid for the total cost of investments and care calculated until the time of the land acquisition. Compensation will be in cash.

3. Compensation for Loss of Structures

28. APs losing structures will be entitled to the following: (a) Compensation in cash for all affected structures will be provided at 100% of the full replacement cost for materials and labor, regardless of whether or not they have title to the affected land or permit to build the affected structure. The amount will be sufficient to rebuild a structure the same as the former one at current market prices. The calculation of replacement cost will be based upon i) fair market value, ii) transaction costs, iii) interest accrued, iv) transition and restoration costs, and v) any other applicable payments; (b) Compensation and assistance will be provided in the form of cash. No deductions will be made for depreciation or salvageable materials; (c) The calculation of rates will be based on the actual affected area and not the useable area; and (d) The level of compensation for the removal of graves will be for all costs of excavation, relocation and reburial. Current building materials prices will be used when calculating the amount of compensation if necessary. Compensation in cash will be paid to each affected family.

4. Relocation of Registered and Unregistered Business

29. APs who must relocate their shops or factories will be provided assistance to rebuild and/or relocate their premises regardless of whether or not the business is legally registered. The CPC must certify that the AP is engaged in business and therefore eligible for the assistance provided. The AP is entitled to transportation assistance to a new location, replacement cost for structures lost with no deductions for depreciation. Affected business owners are entitled to: i) costs of re-establishing commercial activities elsewhere, ii) loss of income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment. In order to enable relocating APs who have shops at the affected locations to restore their incomes, the following measures will be adopted: (i) Access to business locations within the same communes to permit APs to maintain their economic and social relationships; (ii) businesses are entitled for compensation of lost earnings during the transition period. Businesses that are legally registered and paying tax will receive cash assistance equivalent to 30% of after tax income in one year, based on average of last three years. Income levels must be substantiated either through taxation records; and (iii) those that are not fully legal and registered with the taxation authorities will be entitled to assistance based upon an estimate of net income and will not exceed more than 3 million VND per shop.

30. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging private and communal and State property during their construction activities. Where damages do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that shall be applied to all other assets affected by the Project. In addition, damaged property will be restored immediately to its former condition.

B. Resettlement

31. Under unavoidable situations, if there is insufficient residential land remaining after acquisition, the AP must relocate resettlement. For implementation of resettlement, the following basic principles have been adopted for the Project:

- (i) Physical displacement to resettlement sites will not take place until such time as the sites are ready and equipped with fully functioning infrastructure.
- (ii) In the case of population relocation, efforts shall be made for the existing social and cultural institutions of the people being resettled and host community to be maintained to the extent possible.
- (iii) Preparation of RPs and resettlement sites will be carried out with the full participation of affected people. APs' comments and suggestions will be duly taken into account during the design and implementation phases of the resettlement plans and in preparing the resettlement sites.
- (iv) Adequate budgetary support will be fully committed and be made available to cover the costs of land acquisition, resettlement site preparation, and AP relocation and rehabilitation within the agreed implementation period.
- (v) ADB shall not approve of any civil works contract for any subproject to be financed from the loan proceeds unless the Government has completed satisfactorily and in accordance with the approved RP for that subproject compensation payment and relocation to new sites, and ensured rehabilitation assistance is in place prior to obtaining possession and rights to the land.

32. The APs may choose between the following options of resettlement:

33. Resettlement to the resettlement site: The APs will be entitled to:

- (i) Land-for-land compensation with full title to a plot of land of equal area and quality (not less than the standard plot size) at a new location as close as possible to the old location; AND
- (ii) Compensation for affected structures at full replacement cost, AND

- (iii) If not already available at the resettlement site, sufficient cash to develop access and water supply, electricity connection if available, and land filling if needed; AND
- (iv) Entitled to benefits scheme of the BCI 2; OR,

34. Self relocation: APs are entitled to assistance:

- (i) Cash compensation at full replacement cost for their legal affected land and structures if they prefer to make their own arrangements for relocation, AND
- (ii) Subsistence and transportation allowances.
- (iii) Entitled to benefits scheme of the BCI 2

35. If relocation to the resettlement site, the APs must be consulted and visit the resettlement sites during the preparation of the site and feedback obtained from APs regarding the conditions and adequacy of infrastructure at the site. It is important that the resettlement site be completed and adequate infrastructure developed at the resettlement site before any resettlement occurs. Observing these two conditions will help ensure that the APs are satisfied with the new location and do not delay moving when the time comes.

36. Relocation assistance: for APs with permanent and semi-permanent houses whose dwellings are dismantled and must relocate the structure and materials, a materials relocation allowance of 7 million VND to 13 million VND based upon category of house. Transportation allowances of 10 million VND if relocation is within the province of origin, or 13 million VND if outside the province.

37. Rental assistance: APs with no other accommodation who must rent whilst waiting for a new house at a resettlement site assistance of 300,000 VND per person in the household or at least 900,000 VND per household per month, until new house is handed over, or until notice of new land is given plus up to 6 months whilst new house is built.

38. Assistance for livelihood stabilization: (i) if the AP loses 10% to 30% of in-use productive land shall receive assistance for 3 months if relocation not required and 12 months if relocated. If relocated to difficult socio-economic area assistance extended to 18 months; (ii) if AP loses more than 30% to 50% of productive land, assistance will be for 6 months if no relocation and for 12 months if relocated. If relocated to difficult socio-economic area assistance is extended to 18 months. (iii) if AP loses more than 50% of productive land, assistance will be for 12 months, disregard location or not, but if relocated to difficult socio-economic area assistance extended to 18 months. The assistance is 30 kg of rice/head/month and pay in cash-form. In all cases the rice price is based upon average price at the time of compensation as announced by Provincial Department of Finance.

39. Assistance for employment and new vocation: Affected HHs will be assisted with a cash payment of up to at-least 1.5 to the value of the agricultural land acquired (but not exceeding a standard allocation) to assist with vocational change. APs of working age in the household who wish to receive training in a new vocation, a training credit of up to 5 million VND will be provided (note that this is not a cash payment).

40. Special assistance to policy and vulnerable households – special assistance is available to certified policy households (Heroic Mothers, Heroes Armed Forces, Invalid, Martyrs, Revolution families) and vulnerable households. If the AP is affected an additional allowance of between 2 to 10 million VND per household is paid depending upon province and extent of loss of household and, extent of need in case of vulnerable households.

41. Special assistance to poor households – If certified poor households must relocate because they have lost their residential land they will receive an additional allowance of between 5 to 10 million VND per household, depending upon the province concerned and whether or not all residential land is lost.

42. Relocating and Handing over land on time – In cases of full residential land acquisition, households that hand over their land and move in accordance with the relocation schedule will receive

5 million VND per household. If residential land only partially acquired but full acquisition of productive land the amount will be reduced to 50% of the above.

43. In addition, severely affected households will be entitled to the following: (i) being contracted for rural infrastructure rehabilitation and conservation/reforestation/restoration activities; (ii) be automatically included for Component 3 of the project (Livelihood improvement).

C. Voluntary Donation

44. The ADB-SPS on Involuntary Resettlement does not apply to negotiated settlements even if among the stakeholders, unless expropriation would result upon the failure of negotiations. Thus, consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements will be in line with this BCI 2 RF. This RF shall ensure asymmetry of information and bargaining power between involved parties.

45. Since small-scale infrastructure constructions will positively impact on the incomes and livelihoods of local people, following priorities and consensual agreement of the local people and considering that the scale of impact is very minor, the voluntary land acquisition for the BCI 2 subproject can be applied using a Voluntary Land Donation Form (See **Appendix 4** for a sample form) must be attached to the Commune RP and following the following principles:

- (i) Subproject site is selected in full consultation with landowners and any nontitled affected people;
- (ii) Voluntary donations do not severely affect the living standards of affected people and the amount of agricultural or other productive land to be acquired from each AP does not exceed 5% of the total productive landholdings of the household;
- (iii) Land donations are linked directly to benefits for the affected people;
- (iv) Any voluntary 'donation' will be confirmed through written record and verified by an independent third party such as Independent Monitoring Organization;
- (v) There is an adequate grievance process (as described in para. 57);
- (vi) No AP will be displaced from housing and severely affected;
- (vii) Vulnerable AP(s) will directly benefit from Components 2 and 3 of the Project

46. In the event APs who had long been utilizing resources that are eventually zoned off will be restricted to access said areas, resettlement and compensation entitlements will be provided following the consultations with them during the RP preparations. The affected households shall be automatically included in the Project components and entitled to benefit schemes of the BCI 2 Project.

V. IMPLEMENTATION ISSUES

A. Information Disclosure, Consultation and Participation

47. **Information disclosure.** In the RP preparation following the DMS and formulation of the Inventory of Losses (IOL) the PPC will direct the DRC to provide information for local people on:

- (i) Description of the subproject;
- (ii) Potential resettlement impacts by the subproject;
- (iii) Project Resettlement Policy Framework (concentrate on the entitlements);
- (iv) Implementation schedule; and,
- (v) Grievance redress mechanism.

48. The local people and affected households and other stakeholders will continue to be consulted during RP updating and implementation, following a two-way process – information dissemination and gathering of feedback and suggestions.

- (i) Affected households will be notified at least 6 months prior to the date that the land will be acquired by the subproject.

- (ii) Public Consultations: A first public consultation with local people and the affected households and other stakeholders will be held prior to the start of the inventory of losses (IOL), as a way of introducing the subproject and the resettlement policy to the local population. Focus groups are to be held with representatives of households affected by land acquisition and with all households affected by loss of a dwelling. During the focus groups participants can express their concerns that should be addressed in the resettlement process and on their preferences for compensation and income restoration.
- (iii) A second Public Consultation will take place to share the results of the IOL, the entitlements and the resettlement plan. This public consultation will include discussing the results of the impacts survey with the affected households and getting feedbacks and suggestions on their compensation and entitlements, including income restoration and relocation options.
- (iv) Further public consultations will continue during implementation. These consultations should take place (i) following completion of the DMS and review and updating of unit costs for affected assets, where the resettlement committees consults with the affected households individually and/or in group in connection with the updating of compensation and entitlements and, as warranted, income restoration programs and relocation plans; and (ii) following approval of the updated RP, to present to the affected households in the communes (i.e., also referred to as “final disclosure meeting”) the validated/updated list of affected people, compensation and entitlements due to them, and schedule of delivery of compensation and entitlements.
- (v) Disclosure of RP: The draft RP will be uploaded on the ADB website. Following approval of the draft RP by EA and ADB, the final RP will again be disclosed to the affected households and uploaded on the ADB website.
- (vi) The updated RP (draft and approved) to be prepared following detailed design will likewise be disclosed to the affected households and uploaded on the ADB website.

49. Information disclosure is an ongoing process beginning early in the project cycle and continuing throughout project preparation and implementation. The process must provide timely information to communities in order that they may meaningfully contribute to project design, decisions and also mitigation. Provision of timely and accurate information will stem 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 69 Articles 29, 30 and 31 and 2) the PPC and DPC must ensure that public notice is given and disseminate details of the approved draft resettlement plan, or framework, before project appraisal 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, 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.

50. The PPCs will direct the Provincial Resettlement Committees (PRCs) and District Resettlement Committees (DRCs) to conduct a series of public meetings to provide information regarding project activities and the proposed resettlement and compensation arrangements.

51. These public meetings will be needed to: (i) disseminate information on inventory and pricing results, (ii) inform the APs on amounts of compensation and supports of each affected household, (iii) to listen to their feed back and suggestions, and (iv) for revising or adjusting the inaccurate data, if any. It is important that APs are informed well in advance of the date, time and location of each meeting, and that reminders are also provided. It is essential that these meetings enjoy maximum participation as this will reduce misunderstandings and potential for conflict. The DRCs must ensure that they post this information on the announcement board at the Commune PC office for at least 20 days (Decree 69, Article 30(2c)).

52. In accordance with Decree 69 Article 30(2b) the posting must be recorded in official minutes and confirmed by the CPC, the Commune Fatherland Front and APs. As per Decree 609 Article 30 Clause 3(a), following expiration of this period the agency in charge of compensation will summarize all opinions and comments received, including numbers of APs and stakeholders who agree and disagree, with the compensation and land acquisition and assistance offered in the resettlement plan.

53. The contents of the public meetings will cover the following:

- Subproject components. This includes the places where stakeholders can obtain more detailed information about the project.
- Subproject impacts. Anticipated impacts on the people living and working, making livings in the affected areas of the project including explanations about the need for land acquisition for the subproject components.
- APs rights and entitlements. The rights and entitlements for different categories of APs, including the entitlements for those losing businesses, jobs and income. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each as well as opportunities for BCI 2 project-related employment will be applied for all APs
- Grievance mechanism and the appeal process. All APs are to be informed that project policies and procedures are intended to ensure their pre-project living standards are at least restored if not improved. All APs must also be informed that if there is any confusion or misunderstanding about any aspect of the project, the commune or district resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. APs will also receive an explanation about how to access grievance redress procedures, according to Project's mechanisms and GoV's Grievance and Denouncement Law.
- Resettlement activities. All APs are to be given an explanation regarding compensation calculations and compensation payments, monitoring procedures (which will include interviews with a sample of APs), reorganization, relocation to an individual location/self-relocation, and preliminary information about physical works procedures.
- Organizational responsibilities. All APs are to be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the Government officials with phone numbers, office locations, and office hours if available;
- Implementation schedule. All APs should receive the proposed schedule for the main resettlement activities and informed that physical works would start only after the completion of all resettlement activities and clearance from the project area. It should be clarified that APs would be expected to move only after full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

54. Following all public meetings with APs and stakeholders the DRC must complete the following activities:

- Make a list of all APs who joined the meeting;
- Make a complete record of all questions, comments, opinions, problems and decisions that arose during the information and consultation meetings.
- Deliver leaflets and project announcements to the APs.

55. **Documents disclosure**. According to the ADB SPS, the following documents are submitted to the ADB for Disclosure on the ADB website:

- (i) Draft RP or RF endorsed by the Client before project appraisal
- (ii) Final RP endorsed by Client after the DMS (Census of APs)

- (iii) Updated RP following any changes from the DMS or other changes introduced (if any)
- (iv) Resettlement monitoring reports

56. **Community Participation and Consultation:** 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, and design of resettlement sites. 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.

57. **Grievance Redress Procedure:** In order to ensure that all APs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Otherwise, all APs are not ordered to pay any fee during the grievance and complaints at any level of trial and court.

58. Complaints will pass through 4 stages before they could be elevated to a court of law as a last resort. The Executing Agency (EA) will shoulder all administrative and legal fees that might be incurred in the resolution of grievances and complaints.

- (i) First Stage, Commune People's Committee: An aggrieved affected household may bring his/her complaint before any member of the Commune People's Committee, either through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 15 days following the lodging of the complaint to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- (ii) Second Stage, District People's Committee: If after 15 days the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the DPC or the DRC. The DPC in turn will have 15 days following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DRC of any determination made. The DRC must ensure this decision is notified to the AP..
- (iii) Third Stage, Provincial People's Committee: If after 15 days the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the PPC or the PRC. The PPC has 15 days within which to resolve the complaint to the satisfaction of all concerned. The PPC is responsible for documenting and keeping file of all complaints that reaches the same. The PPC must notify the PRC of any determination made and the PRC must ensure that the decision is notified to the AP.
- (iv) Final Stage, the Court of Law Arbitrates: If after 15 days following the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PRC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication. Under no circumstance will the affected household be evicted from his/her property or for the Government to take over his/her property without the explicit permission of the court. Moreover, the PRC will deposit in an account to be designated by the court the proffered replacement cost of the subject property. Within 30 days following the adjudication of the expropriation case, PRC will pay the affected household the amount the court will decide.

B. Preparation of Subproject Resettlement Plans: Procedures and Methods

59. Procedural requirements are outlined in the ADB Safeguard Policy Statement (2009), and further detail is found in the ADB Operations Manual for Bank Policies (4/3/2010). Scoping and preparation for resettlement will be part of the updated social assessment.

60. A detailed socio-economic survey and census will be conducted with each affected household. This must cover 100% of the affected households and will be conducted by the CRC or the consultants. This will include a detailed measurement study in order to formulate the inventory of losses and calculate compensation for lost land, dwellings, structures and other assets. This will identify severely affected households and those partially affected. Other social and development assistance measures needed will be discussed with the APs and confirmed, then the final resettlement budget calculated. It is important that the survey be gender responsive and must include the men and women of the household.

61. Participatory meetings will be convened with the community to explain the process that will be followed in obtaining information regarding the census and DMS and as to why these are necessary. Separate meetings should be held with members of vulnerable groups to ensure that these people understand the process. Holding separate meetings will allow them to freely ask questions without feeling intimidated or less knowledgeable than others. These meetings will allow the community to provide feedback in regards to the process and facilitate coordination of events.

62. In regards to the valuation of affected assets, each province has established a book value system for valuing land on a square meter basis. These values are updated on an annual basis by the PPC. These valuations will be obtained during the socio-economic data collection and concurrently, details of land transactions occurring over the past 12 months will be obtained by the survey teams from each affected commune. This will provide a better indication of the current market value of any land being acquired. In accordance with ADB policy, current market values will be applied. In regards to structures and dwellings, replacement cost surveys will be undertaken by the DRCs in each district in order to obtain unit prices for building materials and other components and assets lost. Any AP not satisfied with the level of compensation applied will be able to appeal according to the Grievance Process established for the project. A guideline on socio-economic survey as well replacement cost survey is presented in the **Appendix 3**.

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

- (i) **Step 1:** In further refining of the subproject physical design, consult with potential APs and engineers and environment specialist who are working for BCI 2 to avoid resettlement effects as much as possible as already mentioned in the Section III (D) to keep the impact minimum.
- (ii) **Step 2:** Carry out a census and socio-economic survey of all the potential APs as part of the social assessment. This should include the socioeconomic data of the APs and the detailed measurement survey that inventories each household's losses. The socio-economic survey will be carried out by the resettlement committee or consultant and will be conducted on a participatory basis with all members of each household. The census survey establishes the cut-off date for the eligibility of entitlement. It will be carried out with the attendance of relevant local authorities. The following data should be collected:

Data about APs:

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

Data on land and the area:

- Map of the area and villages affected by land acquisition
 - Total land area acquired for the Project
 - Land type and land use
 - Ownership, tenure, and land use patterns
 - Land acquisition procedures and compensation
 - Existing civic facilities and infrastructures
 - Cultural systems and sites
- (iii) **Step 3:** In parallel to AP census survey, continue consultation with APs to identify their preferences and special needs that the RP needs to address. In addition, information on market prices for land, crops, and other assets need to be collected from respective provincial, district, and commune authorities and the local market, so that the cost estimates for the RP can be done.
- (iv) **Step 4:** Prepare the RP in approved format for the subproject. The Entitlement Matrix in this Framework will be used for each subproject and applied to the inventory of losses obtained from the DMS, specifying the number of APs, the size of land affected, the number of other assets affected, lost, and the compensation amount for each category of loss.
- (v) **Step 5:** Present the draft RP to the ADB and following approval, disseminate the RP at public meetings for the subproject as well as post on the ADB website. Any comments made during the meeting need to be minuted as per Decree 69, and where appropriate, incorporated into the finalised RP.

64. The outline of a RP is enclosed in the **Appendix 2**. The RP must be updated following the completion of the detailed designs and conducting of the DMS. This will provide up to date and accurate figure regarding the scope of impact, identification of APs and severity of impact, as well as an updated compensation calculation. The RP should be reviewed to update any changes in market prices for replacement values and would need to be reviewed again at the time compensation is due for payment. If rates and prices are found to be out of date, revised updated costs must be used. The procedure for updating is also discussed below under RP Implementation.

65. If after initial screening a subproject is deemed to have no land-acquisition, an Official Letter shall be submitted to the CPMU under the MONRE by the PPMU confirming that there is no land acquisition required for the subproject improvement, rehabilitation. The CPMU, with support from its consultant, will verify the situation and submit an Official Letter requesting ADB to issue no-objection letter for the subproject. Once the no-objection letter is issued, civil works can be started. The subprojects with no-land acquisition will be the subprojects to be monitored during ADB's missions and by external resettlement monitors.

C. Ethnic Minorities and Gender Issues

66. Inasmuch as the Project beneficiaries are 85% members of ethnic minority groups, any resettlement issues shall strictly refer to the BCI 2 Ethnic Minorities Development Framework (VIE) for guidance. Similarly, the Project Gender Action Plan (GAP) will serve as reference as regards gender concerns.

VI. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

67. **National.** The Ministry of Natural Resources and Environment (MONRE) is responsible for the BCI 2 Project, on behalf of the Government. As regards resettlement tasks, MONRE is responsible for allocating counterpart funds for timely compensation to APs. The CPMU will coordinate with the Provincial People's Committee and the PPMUs to ensure that the resettlement is administered according to the provisions of this Resettlement Policy Framework. During project implementation, the CPMU will engage (i) an International Social Safeguards Specialist, (ii) a National Social Safeguards Specialist, and (iii) an External Monitoring entity; to provide the technical support in implementing all social safeguards requirements, this RF included. The CPMU shall:

- (i) Provide overall planning, coordination, and supervision of the resettlement program;
- (ii) Guide implementing agencies (DRC) and the commune-level inventory working group to apply RPs and to conduct resettlement activities in accordance with policy of the approved RP; and if any mistakes or shortcomings are identified through internal and/or external monitoring of RP implementation, to ensure that the objectives of the RPs are met;
- (iii) Finalize RP and obtaining Government and ADB's approval before implementing approved RPs;
- (iv) Award civil works contracts for the package after getting the approval of the RP;
- (v) Provide resettlement training to implementing agencies, all PPMB staff and RCs at all levels, and to the external monitoring organization;
- (vi) Coordinate with other implementation agencies and relevant institutions during periods of preparation, planning and implementation of the RP;
- (vii) Establish standardized AP databases for each component, as well as for the Project as a whole;
- (viii) Establish procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies;
- (ix) Establish procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction;
- (x) Recruit, supervising, and acting upon the recommendations of the external monitoring organization;
- (xi) Establish procedures for the prompt implementation of corrective actions and the resolution of grievances;
- (xii) Report periodically on resettlement activities to the ADB.

68. **Provincial.** The Provincial People's Committees (PPCs) of Quang Nam, Quang Tri and Thua Thien Hue are the principal authorities for all BCI 2 resettlement undertakings at the Provincial level. The main responsibilities of the PPCs are:

- (i) Prepare, implement and supervise RP implementation;
- (ii) Guide DRC and Commune-level Inventory Working Groups to implement all RP resettlement activities in compliance with RP policy and in accordance with the approved RP; and if any mistakes or shortcomings are identified through internal and/or external monitoring of RP implementation, ensure that all are corrected and the objectives of the RPs are met; and otherwise, provide appropriate technical, financial and equipment supports to DRC and Commune-level Inventory Working Groups.
- (iii) Provide guidance and supervision to Commune-level Inventory Working Groups to conduct survey, asset inventory, measurements to identify accurately affected households and properties; guide Inventory Working Groups to apply procedures and compensation entitlement identified in the policy of the approved RP, prepare and submit estimated costs of compensation, allowances and other support to responsible agencies;
- (iv) Implement information campaigns and stakeholder consultation in accordance with established project guidelines, supervise the compensation payment process and the implementation of the RP, and redress grievances concerning resettlement activities in collaboration with DRCs;
- (v) Coordinate with other line agencies to ensure delivery of mitigation and support measures;
- (vi) Provide income restoration
- (vii) Implement established procedures for internal monitoring, establish and maintain AP databases for each component in accordance with established project procedures and provide regular reports to CPMU of BCI 2
- (viii) Implement prompt corrective actions in response to internal and external monitoring, and resolution of grievances;

- (ix) Implement established project procedures for monitoring coordination between contractors and local communities and ensure prompt identification and compensation of impacts to public and private assets during construction.

69. **District.** The DPC has the responsibility to identify the legal right for land and structures. It undertakes comprehensive management on compensation, assistance and resettlement. The DPC is responsible to the PPC to report on progress, and the result of land acquisition. Specifically, the District-level People's Committees of districts have responsibility for;

- (i) Implementing all resettlement activities within the district territory under the DPC' management;
- (ii) Establishing and strengthening commune-level Inventory Working Group;
- (iii) Cooperating with Provincial agencies to prepare valuation of land and structures, and compensation rates, preparing plan for land acquisition and allocation;
- (iv) Preparing a plan for compensation and submitting to PPC to value and approve;
- (v) Providing guidance of resettlement activities within DRC' responsibility;
- (vi) Guiding and supervising survey, inventory and measurement tasks;
- (vii) Accepting and handing over the sites to the implementing agencies; and
- (viii) Assisting DPC to redress APs' complaints and grievances.

70. **Commune.** The Commune People's Committee (CPC) will assist the P/DRC in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- (i) In cooperation with District level and with commune level local mass organizations, inform people, especially APs about the compensation plan and process, income restoration plans, relocation strategy and land clearance requirements according to approved RPs.
- (ii) To cooperate with working groups to notify reason of acquisition to the people whose land to be acquired; to notify, publicize all resettlement options on compensation, assistance and resettlement which was approved by DPC, answer people's questions and if not able to answer refer to District level for response.
- (iii) Assign Commune officials to assist the P/DRC in the updating of the RP and implementation of resettlement activities;
- (iv) Identify replacement land for affected households;
- (v) Assist in the resolution of grievances; and,
- (vi) Actively participate in all resettlement activities and concerns.

VII. BUDGET

71. An itemized budget in the RP is required for all resettlement activities, including compensation for land acquisition. An annual resettlement budget is prepared, showing the budget-scheduled expenditure for key items. Land acquisition and resettlement costs are reflected in the project costs.

72. Resettlement costs, including the income restoration and livelihood development, shall be from the counter-part fund. The provinces are responsible for arranging the resettlement budget sufficiently and timely allocated for resettlement activities.

VIII. MONITORING AND REPORTING

73. Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation. It provides systematic and continuous collection and analysis of information on the progress of the project. It is a tool to identify strengths and weaknesses and to enable timely decisions for corrections.

74. Implementing agencies shall assign staff responsible for internal monitoring of the Project RP at provincial level, as well as regularly external monitoring by MO.

A. Internal Monitoring

75. All resettlement-related activities are monitored by internal monitoring experts who will follow-up the implementation of RP. The internal monitoring of RPs of sub-projects and main components is the responsibility of PPMU staff and implementation consultants. All specialists working for internal monitoring will cooperate closely with DRC to implement and update resettlement data.

76. Monitoring Indicators are included:

- (i) An initial key indicator will be, as per assurances to the ADB, the payment of compensation, relocation to new sites, and rehabilitation assistance being in place before award of civil contracts and these will be monitored under each of the Civil Contracts.
- (ii) The other main indicators that will be monitored regularly are:
 - Payment of compensation to all APs in various categories, according to the compensation policy described in the RP.
 - Delivery of technical assistance, relocation, payment of subsistence and moving allowances.
 - Delivery of income restoration and social support entitlements.
 - Public information dissemination and consultation procedures.
 - Adherence to grievance procedures and outstanding issues requiring management's attention.
 - Priority of APs regarding the options offered.
 - Coordination and completion of resettlement activities and award of civil works contract.
 - The benefits provided from the BCI 2

77. The implementing agencies will periodically collect information from the different resettlement committees. A database of resettlement monitoring information regarding the Project shall be maintained and updated.

78. The P/DRCs, assisted by project consultants will submit to MONRE and ADB semi-annual/annual progress reports: a monitoring report on the progress of implementation of the RP every six months, from the ADB's approving of the updated RP. The internal monitoring reports shall include the following topics:

- (i) The number of APs by category of impact per component, and the status of compensation payment and relocation and income restoration for each category.
- (ii) The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.
- (iii) The eventual outcome of complaints and grievances and any outstanding issues requiring action from management.
- (iv) Implementation problems.
- (v) Revised actual resettlement implementation schedule.

B. External Monitoring

79. The services of an external entity or institute as the qualified experienced external monitoring organization (MO) will be retained by project management to undertake objective monitoring and evaluation of RP implementation of BCI 2 Project.

80. **Monitoring and Evaluation Indicators:** The following indicators will be monitored, upon approval of this RP, and evaluated by the MO:

- (i) Payment of compensation will be as follows: (a) Full payment to be made to all affected persons sufficiently before land acquisition; adequacy of payment to replace affected assets; and (b) Compensation for affected structures should be equivalent to the replacement cost of materials and labor based on standards and special features of construction with no deductions made for depreciation or the value of salvageable materials.

- (ii) Coordination of resettlement activities with construction schedule: the completion of land acquisition and resettlement activities for any component should be completed prior to award of the civil works contract for that component.
- (iii) Provision of technical assistance for house construction to APs who are rebuilding their structures on their remaining land, or building their own structures in new places as arranged by the project, or on newly assigned plots.
- (iv) Provision of income restoration assistance under the Project.
- (v) Entitlements of BCI 2 project benefits
- (vi) Public consultation and awareness of compensation policy: (a) All APs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) The monitoring team should attend at least one public consultation meeting each month to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) Public awareness of the compensation policy and entitlements will be assessed among all APs; (d) Assessment of awareness of various options available to APs as provided for in the RP.
- (vii) Affected persons should be monitored regarding restoration of productive activities.
- (viii) The level of satisfaction of APs with various aspects of the RP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.
- (ix) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

81. **Monitoring Methods:** The methodology for conducting monitoring and evaluation of the RP implementation includes the following activities, which will commence upon approval of this updated RP:

- (i) A socioeconomic survey is required before, during, and after resettlement implementation to provide a clear comparison of success/failure of the resettlement plan. The sample size should be 100% of relocating households and severely affected farmers, and at least 20% of all other households. The sample survey should be conducted twice a year, using the same or similar questionnaire as that used for the DMS baseline, and sampling the same 20% of marginally affected APs and 100% of severely affected APs.
- (ii) The survey should not omit women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents. Certain set questions in the interview should be specifically categorized to be answered by female members of the family only.
- (iii) A post-resettlement evaluation will be carried out 6 to 12 months after completion of all resettlement activities.
- (iv) Periodic participatory evaluations and appraisals allow the MO to consult with the various stakeholders (local government; the Compensation, Support and Resettlement Committees, implementing agencies; nongovernmental organizations; community leaders; and APs). Participatory rapid appraisals will involve obtaining information, identifying problems and finding solutions through participatory means which will include the following:
 - Key informant interviews with selected local leaders, resettlement committee members.
 - Focus group discussions on specific topics such as compensation payment, income restoration, and relocation.
 - Community public meetings to discuss community losses and impacts, construction work employment.
 - Structured direct field observations on the status of resettlement implementation, plus individual and group interviews for cross-checking purposes.
 - Informal surveys and interviews of APs, host communities, special interest or vulnerable groups and women.

- In-depth case studies of problems that have arisen during internal or external monitoring requiring special efforts for resolution.

82. The MO will maintain a database of resettlement monitoring information that will be updated every 6 months. It will contain certain files on each affected household and will be updated based on information collected in successive rounds of data collection. All databases compiled will be fully accessible by implementing agencies and P/DRCs.

83. The MO is required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted at the end of each quarter of monitoring activity to the PMU, which in turn will submit these reports to ADB as an annex of its progress report

84. The report will contain (i) a report on the progress of RP implementation, (ii) deviations, if any, from the provisions and principles of the RP, (ii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner, and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.

85. The monitoring reports will be discussed in a meeting between the MO, P/DRCs and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

86. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. The external monitor will conduct an evaluation of the resettlement process and impact 6 to 12 months after completion of all resettlement activities, using the same survey questionnaire and sample as used during the monitoring activities.

Appendix 1. Entitlement Matrix

Impact/ Loss and Application (*)	Eligible Persons	Entitlements	Implementation Issues
Marginal Loss of Productive Land (Agriculture/Aquaculture/Forest/Garden - lost under or equal 10% of the total productive land; and the remaining area is still economically viable for use or meets the expected personal yield)	Owners of land with (i) LURC (Red book) or (ii) in the process of acquiring LURC or (iii) are eligible to acquire LURC according to the regulations of GoV.	a. Cash compensation at replacement cost which is equivalent to current market price and free from transaction costs (e.g., taxes, certification, and administration costs). b. In addition, cash assistance equivalent to at-least 1.5 times of the current market price of agricultural land following the provincial regulations. c. If agricultural land is within the residential area, cash assistance amounting to 20% to 50% of current market price of adjacent residential land. d. Bonus Allowance if land is handed over in time e. Entitled to BCI 2 benefit schemes and included in the Component 3 (livelihood improvement) of the Project	<i>The viability of remaining land will be officially determined by DRC and concurred with by the affected household during the Detailed Measurement Survey (DMS).</i> <i>Average bonus allowance given is 5,000,000 VND per household. The actual amount will be finalized during RP updating.</i>
	Land Users who have no formal legal rights nor recognized or recognizable claims to such land.	a. No compensation for the land, but full replacement cost for non-land assets and investment on land to land user. b. Assistance and support to ensure that their living is restored as equal to pre-project. The assistance and support level will be finalized during consultations with APs. c. Entitled to BCI 2 benefit schemes and included in the Component 3 (livelihood improvement) of the Project	<i>There may be households who have been living and making livelihoods in the protected or reserved areas without permission of local authority, but customarily. If land is recovered, full compensation shall be made for the non-land assets and investment on lands. Assistances to remain their living level will be provided and they are automatically included in the Component 3 of the Project.</i>
Severe Loss of Productive Land (Agriculture/Aquaculture/Forest/ Garden) Lost by or more than 10% of the total productive land; and the remaining area is no-longer economically viable for use or does not meet the expected personal yield)	Owners of land with (i) LURC (Red book) or (ii) in the process of acquiring LURC or (iii) are eligible to acquire LURC according to the regulations of GoV.	a. Cash compensation at replacement cost which is equivalent to current market price and free from transaction costs (e.g., taxes, certification, and administration costs). OR Land-for-land of equivalent productive value and with secure tenure, if replacement land is available in the locality. b. If agricultural land is within the residential area, cash assistance amounting to 20% to 50% of current market price of adjacent residential land following the provincial resettlement policy.	<i>The viability of remaining land will be officially determined by DRC and concurred with by the affected household during the Detailed Measurement Survey (DMS).</i> <i>Even if replacement land is available, DPs can still opt land for land or cash for land at the replacement cost.</i>
		c. In addition, cash assistance equivalent to at-least 1.5 times of the current market price of agricultural land following the provincial regulations. d. Entitled to provisions of life stabilization assistance for APs: i) Losing between 10 % to 30%. <ul style="list-style-type: none"> 30 kg of rice per person per month for 6 months if not relocating 30 kg of rice per person per month for 12 months if relocating 30 kg of rice per person per month for 18 months if relocating to a difficult socio-economic condition area. ii) Losing between 30 % to 50%. <ul style="list-style-type: none"> 30 kg of rice per person per month for 9 months if not relocating 30 kg of rice per person per month for 12 months if relocating 30 kg of rice per person per month for 18 months if relocating to a difficult socio-economic condition area. iii) Losing more than 50%	<i>As per Article 20, Decree 69/2009 for Life Stabilization Allowance for those households losing 30% or more. However, for this project, households who lose less than 10% of their productive land, a household will be entitled to life stabilization assistance similar to those losing 30% or more.</i> <i>It is estimated that the current cost 30 kg of rice per person is equivalent to 170,000 VND per person. The amount will be adjusted to reflect current market price of rice at the time of RP updating. Average bonus allowance given is 5,000,000 VND per household. The actual amount will be finalized during RP updating.</i>

Impact/ Loss and Application (*)	Eligible Persons	Entitlements	Implementation Issues
		<ul style="list-style-type: none"> 30 kg of rice per person per month for 12 months if not relocating, also the same amount if relocating 30 kg of rice per person per month for 18 months if relocating to a difficult socio-economic condition area. <p>e. Entitled to BCI 2 benefit schemes and automatically included in the Component 3 (livelihood improvement) of the Project</p> <p>f. Bonus Allowance if land is handed over in time.</p>	
Land use restriction or loss of livelihood sources because of conservation zoning and mapping	Disregard of legal status	<p>a. Income restoration and livelihood development assistances shall be provided. The level of assistance will be finalized during consultations with the APs and during the RP preparation.</p> <p>b. APs shall be entitled to the benefit schemes of the BCI 2 Project and automatically included in Component (livelihood improvement) of the Projects</p>	
Partial Loss of Residential Land *Will not Require Relocation	(i) Owners with LURC; (ii) Owners in the process of acquiring LURC; (iii) Owners Eligible to acquire LURC;	<p>a. Cash compensation at replacement cost which is equivalent to current market price and free from transaction costs (e.g., taxes, certification, administration costs).</p> <p>b. Bonus Allowance if land is handed over in time</p>	<p><i>The viability of remaining land will be officially determined by DRC and concurred with by the affected household during the Detailed Measurement Survey (DMS).</i></p> <p><i>Average bonus allowance given is 5,000,000 VND per household. The actual amount will be finalized during RP updating.</i></p>
	Land Users who have no formal legal rights nor recognized or recognizable claims to such land.	No compensation for affected land, but full replacement cost for non-land assets and investment on land to land user.	
Total Loss of Residential Land Land no longer viable for continued use, i.e., can no longer build a house, therefore the entire property has to be acquired	(i) Owners with LURC; (ii) Owners in the process of acquiring LURC; (iii) Owners Eligible to acquire LURC;	<p>a. Cash compensation at replacement cost which is equivalent to current market price and free from transaction costs (e.g., taxes, certification, administration costs).</p> <p>Plus: cash assistance for self-relocation equivalent to investment cost per household at the resettlement site</p> <p>OR</p> <p>Plot at the resettlement site, which will be constructed by the PPC of similar attributes with secure tenure. The process of compensation a plot at the resettlement site will be as follows:</p> <ul style="list-style-type: none"> ➤ The area of allocated plot(s) at the resettlement site will be the same area of plot(s) acquired for the project (depends on the number and area of affected residential land, thus, one affected HH could be allocated with more than one standard plot at the resettlement site and based on the DPs' preference). ➤ If the selling cost of plot(s) at the new site is more than the value of the affected residential land, DPs receive new plot at no additional cost (Item 1 of Article 19 of Decree 69/2009). ➤ If the plot(s) at the new site is equal the value of affected residential land, DPs receive new plot at the new site without any balance. If the plot(s) at the new site is less than the value of affected residential land, DPs will receive plot and 	<p><i>Cash assistance will not be less than 15 million VND per household.</i></p> <p><i>The viability of remaining land will be officially determined by DRC and concurred with by the affected household during the Detailed Measurement Survey (DMS).</i></p> <p><i>The planning and detailed design for the relocation sites will be done under the management of PPC in consultation with stakeholders.</i></p> <p><i>Average bonus allowance given is 5,000,000 VND per household. The actual amount will be finalized during RP updating.</i></p>

Impact/ Loss and Application (*)	Eligible Persons	Entitlements	Implementation Issues
		the difference in cash. b. Bonus Allowance if land is handed over in time	
	Land Users who have no formal legal rights or recognized or recognizable claims to such land.	a. No compensation the affected land, but full replacement cost for non-land assets and investment on land to land user. b. Entitled to relocation to a resettlement site with residential land allocated or self-relocation with cash assistance	<i>There may be households who have been living in the protected areas for years customarily and they have no legal paper for their residential land. There will be no compensation for the affected non-legal residential land, but arrangements for their relocation in a resettlement site should be provided. Alternatively, cash assistance for their self-relocation should be provided. The actual amount of cash assistance or special arrangements will be decided by the PPC during RP updating before RP implementation</i>
Loss of Garden/Pond Land that cannot be Certified/Recognized as Residential Land	(i) Owners with LURC; (ii) Owners in the process of acquiring LURC; (iii) Owners Eligible to acquire LURC;	a. In addition to payment for affected land based on replacement cost of garden/pond land, APs will be entitled to cash assistance equivalent to 30% to 70% of the current market value of residential land, following the provincial regulation on resettlement b. Bonus Allowance if land is handed over in time	<i>As per Article 21, Decree 69/2009. The PPC will make the decision on the amount of assistance based on actual condition. Average bonus allowance given is 5,000,000 VND per household. The actual amount will be finalized during RP updating.</i>
Partial Impacts on Shops * Shop is partially affected but the remaining portion of the house will no longer be viable for continued use, therefore, the entire shop should be destroyed.		Cash compensation at replacement cost for the affected portion which is equivalent to the current market value of a newly built house or house-cum-shop and with no depreciation or deduction for salvageable materials for the affected portion.	
Total Impacts on Shops * Shop is partially affected but the remaining portion of the house will no longer be viable for continued use, therefore, the entire shop should be destroyed.		Cash compensation at replacement cost for the entire shop which is equivalent to the current market value of a newly built shop and with no depreciation or deduction for salvageable materials.	<i>Relocation of shop can be on remaining land or to a new plot of land at the resettlement site/commercial site or a plot of land that the APs chose (self-relocation).</i>
Loss of Income from Business	Registered business	Cash assistance equivalent to 30% of after tax income in one year based on average income in the last 3 consecutive years as certified by the tax department of the province	
	Non-registered business (shops)	Cash assistance based on estimated net income of shop. Assistance will not be less than 3 months	<i>Estimations of net income of shop will be carried out during the RP preparation by consultant team.</i>
Disruption During Relocation	Relocating households whose house are totally affected and will have to move on remaining land or new plot of land	a) Life stabilization allowance equivalent to 30 kg of rice per member of household. The allowance period will depend on the estimated transition period. b) Materials Relocation and Transportation Allowance which will be equivalent to the actual cost of moving (vehicle and labor) and c) House Rental Allowance if APs has no other accommodation while waiting for new accommodation (i.e., while APs is rebuilding	<i>The actual amount per type of assistance will be determined during RP updating to reflect actual conditions. Materials relocation allowance is between 7 million VND to 13 million VND based on category of house while transportation allowance is about 10 million VND if within the province and 13 million VND if</i>

Impact/ Loss and Application (*)	Eligible Persons	Entitlements	Implementation Issues
		house or waiting for house being built by a contractor at the resettlement site). d) For households who are certified by the government as poor household, additional cash assistance will be provided.	<i>outside the province. Between 300,000 VND to 900,000 VND per household per month. Additional allowance will be between 5 million VND to 10 million VND depending on the loss (if HH will move back or will relocate to a new place).</i>
Higher Risks of Impoverishment/Hardship Due to Loss of Resource Base	Affected poor and vulnerable households	a. Allowances for households as per government regulation (social policy households, heroic mothers, wounded, dead soldiers) b. Additional support for vulnerable households to assist them in rebuilding their house or restoring/improving their livelihood c. Entitled to the benefit schemes and automatically included in the Component 3 of the Project	<i>The allowance is between 2 million VND to 10 million VND depending on the loss of each household. The actual amount and period of assistance will be determined during RP updating to reflect actual needs of each vulnerable household.</i>
	Households who will experience severe loss of production land, relocating households and business owners, and vulnerable households	a. Entitled to take part in income restoration program/measures to be designed during RP updating. b. Entitled to the benefit schemes and automatically included in the Component 3 of the Project	
Loss of Secondary Structures	Owners with or without acceptable proof of ownership over the land; with or without building permit.	Cash compensation at replacement cost which is equivalent to the current market value of a newly built structure and with no depreciation or deduction for salvageable materials	
Impacts on Crops, Trees and Aquaculture Products	Owners regardless of tenure status	a. Annual crops and aquaculture products equivalent to current market value of crops/aquaculture products at the time of compensation; b. For perennial crops trees, cash compensation at replacement cost equivalent to current market value given the type, age and productive value (future production) at the time of compensation. c. Timber trees based on diameter at breast height at current market value	
Impacts on Public Facilities, Communal Owned Assets and Collective Assets	Owners of assets	a. Cash compensation to cover the cost of restoring the facilities or assets OR b. In-kind compensation (such as materials, provide labor)	<i>To be agreed between PPC and owner during RP updating</i>
Impacts on Graves/Tombs	Households/individuals who have affected tombs and graves	Costs of excavation, relocation and reburial will be reimbursed in cash to the affected family. Graves to be exhumed and relocated in culturally sensitive and appropriate ways.	
Temporary Impacts During Construction	Affected Land: (i) Owners with LURC; (ii) Owners in the process of acquiring LURC; (iii) Owners Eligible to acquire LURC; Affected Non-Land Assets: Owners regardless of tenure status	For the portion to be used temporarily during construction: (i) rental in cash which will be no less than the net income that would have been derived from the affected property during disruption; (ii) restoration of the land within 3 months after use; PPC will pay full replacement cost if contractor fails to restore the affected land within 3 months after end of use. For non-land affected assets, payment will be based on replacement cost as indicated above.	

Appendix 2: Outline of a Resettlement Plan

1. This outline is part of the Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

A. Executive Summary

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

B. Project Description

3. 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

4. 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. Socioeconomic Information and Profile

5. This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including: (i) define, identify, and enumerate the people and communities to be affected; (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account; (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

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

F. Grievance Redress Mechanisms

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

G. Legal Framework

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

H. Entitlements, Assistance and Benefits

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

I. Relocation of Housing and Settlements

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

J. Income Restoration and Rehabilitation

11. 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.

K. Resettlement Budget and Financing Plan

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

L. Institutional Arrangements

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

M. Implementation Schedule

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

N. Monitoring and Reporting

15. 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 3: Guidelines for Census, Socioeconomic Survey and Replacement Cost Survey

1. Census of APs and Inventory of Affected Assets

1. A census of APs and their households and the inventory of assets to be acquired serve two vital functions. The primary function is to identify APs eligible for resettlement entitlements, which is especially important if disclosure of subproject plans is likely to encourage land invasion and fraudulent claims for compensation. The census and inventory also supply an important part of the resettlement database to be used for project monitoring and supervision. The census and the inventory of assets can be done separately. As each requires visits to all affected households, however, doing them together is generally more efficient. Where establishing ownership or length of residency is difficult, the census should be conducted as soon as possible, to determine a cut-off date for eligibility for entitlements. In such situations an immediate partial inventory, sufficient to establish the number and general size of structures and other assets to be taken, may be advisable to supplement the census. The precise attributes of structures and an inventory of remaining fixed assets (such as boreholes) acquired or affected can be determined later. The census needs to be undertaken as soon as possible to ensure accurate determination of eligibility for entitlement. The formats for the census and the asset inventory must be adapted to the specific context and informational requirements of the subproject. In any case, the format needs to be field-tested, to ensure that the questions and the phrasing of them elicit the required information. The usual practice is for enumerators to code information while the teams are in the field. This way, incomplete or obviously incorrect information can be corrected on repeat visits. The information is then sent to the project office for data entry and filing.
2. Once the final technical design of the subproject is available, the Detailed Measurement Survey (DMS) needs to be carried-out, and the DMS results are used for the RP updating.

2. Socioeconomic Survey (SES)

3. The census and inventory are supplemented with data from socioeconomic surveys. The SES data and information are used to establish baseline information on household income, livelihood patterns, standards of living, and productive capacity. This baseline information constitutes a reference point against which income restoration and the results of other rehabilitation efforts can be measured lists other areas of socioeconomic analysis: land tenure and transfer systems; the patterns of social interaction in the affected communities; public infrastructure and social services that will be affected; and social and cultural characteristics of displaced communities. Interviews are conducted with a systematic sample and using uniform questionnaires. For some subproject under the BCI 2 that affects a limited number of people, everyone affected may be interviewed. For the significant involuntary resettlement subprojects, AP population can be sampled for the socioeconomic surveys. The sample should provide a sufficient number of cases for statistical analysis.

3. Replacement Costs Survey (RCS)

4. Compensation is based on the principle of replacement cost. Replacement cost is the amount calculated before displacement which is needed to replace an affected asset without deduction for taxes and/or costs of transaction as follows:
 - Productive Land (agricultural, aquaculture, garden and forest) based on market prices that reflect recent land sales, and in the absence of such recent sales, based on productive value;
 - Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
 - Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;
 - Annual crops equivalent to current market value of crops at the time of compensation;
 - For perennial crops and trees, cash compensation at replacement cost is equivalent to current market value given the type, age and productive value (future production) at the time of compensation. Timber trees based on diameter at breast height at current market value.
5. The evaluation of replacement costs will be carried out based on information collected from both research and field work including surveys and data collection from people in the affected and adjacent areas, both those affected and those not affected.
6. Desk research will focus on relevant publications, decisions of Government authorities at national, provincial, city and district levels. However, these materials will play the supporting role only. As the work is aimed at obtaining reasonable replacement costs for different types of affected assets, market evidences are the

factors which most strongly base the formulation of these costs. Surveys with people in the affected area, both those, whose assets are affected by the project, and those whose assets are not, will produce reliable data for evaluation.

7. For land, the objective of evaluation is to determine the prices or rates that will enable APs to purchase the same type and quantity of land. The evaluation of compensation for the loss of land is based on its market value. Direct interviews with land-owners in the subproject area, including those whose land is affected and those whose land is not; and consultation with the land and real-estate agency service staff, the District Site Clearance and Resettlement committee officer, etc. are required. The information to collect include the recent land use rights transfers (buying/selling transactions) in the area; the price, at which owners are willing to sell their land; or/and price of the recent transaction; type of land (Non – Agriculture land, Agriculture land with different categories); and the government established rates for land.

8. For annual crops, the survey team needs to calculate the value of crops that are lost, the market price of the crops during last 3 years. For the data and information, focus grouped discussions with farmers to discuss the investment cost, production, yield and benefit for each crop type, interviews with people (affected and not affected) who owned the same crops in the locality, and interviews with agricultural experts, etc. are advisable.

9. For perennial trees, the information about production and benefit of their fruit tree during last 3 years and the market price of the trees are needed.

10. For structures, the survey is to determine whether the government regulated prices enable APs to rebuild their affected structures. The evaluation of compensation for affected structures is based on the principle of replacement cost. The information to base the evaluation will mainly be collected from direct interviews with parties involved, including owners of structures in the subproject site and the owner of similar structures in the region whose are not affected, local construction contractors specialized in residential building; owner of newly built houses.

Appendix 4: Sample Voluntary Contribution Consent Form

Socialist Republic of Viet Nam

[INSERT NAME] Province
[INSERT NAME] District
[INSERT NAME] Commune

CERTIFICATE OF LAND TRANSFER

I, [INSERT NAME, AGE, NATIONALITY, OCCUPATION], with residence located in [INSERT NAME] village, [INSERT NAME] commune, [INSERT NAME] district, [INSERT NAME] 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 BCI 2 [INSERT IMPROVEMENT, I.E., WATER SUPPLY SYSTEM, ACCESS INFRASTRUCTURE, ETC...) in commune [INSERT NAME], district ([INSERT NAME]). I confirm that I voluntarily accept [INSERT TERMS FOR REPLACEMENT]. I also confirm that I do not request any compensation of loss of [INSERT OTHER LOSSES SUCH AS TREES STRUCTURES] 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.

[INSERT NAME] district
[INSERT DATE]
The owner of the land
[INSERT NAME AND SIGN]

Witnesses:

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

Certified by the Chief of the Village [INSERT NAME AND SIGN]

The Chief of [INSERT NAME] commune [INSERT NAME AND SIGN]

The Chief of [INSERT NAME] district [INSERT NAME AND SIGN]