

Updated Resettlement Plan/Corrective Action Plan

June 2013

VIE: University of Science and Technology of Ha Noi
Development (New Model University) Project

Prepared by the Project Management Unit - University of Science and Technology of Hanoi
Development (New Model University) for the Asian Development Bank.

MINISTRY OF EDUCATION & TRAINING

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SOCIALIST REPUBLIC OF VIETNAM
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On: Approval of the Updated Resettlement Plan
of University of Science and Technology of
Hanoi Development Project

Hanoi, November 06, 2013

To: Asian Development Bank (ADB)

The Loan Agreements no. 2750/2751-VIE for University of Science and Technology of Hanoi Development (New Model University) project were signed on 10/11/2011 between the Government of Vietnam and Asian Development Bank. The total project budget is 213 million USD with 210 million USD for project implementation and 3 million USD for resettlement.

According to the covenants of the Loan Agreement, the land clearance and resettlement for the site of USTH project will be implemented in accordance with regulations by the Government of Vietnam and Safeguard Policies of ADB. The Independent Resettlement Report will be implemented on a periodical basis, (quarterly). Ministry of Education and Training would like to send ADB the Report on Updated Resettlement Plan/Corrective Action Plan for the site of USTH project, updated to Quarter 2/2013 (the report is attached herewith)

Ministry of Education and Training would like to express our thanks and highly appreciation of the active cooperation of ADB.

Archive:

- As above;
- Minister (to report);
- Dept.: Planning & Finance, Facilities;
- PMU-USTH.

**ON BEHALF OF MINISTER
DEPUTY MINISTER**

Bui Van Ga

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CURRENCY EQUIVALENTS

(as of 31 July 2013)

Currency unit	=	dong (VND)
VND1.00	=	\$0.000047
\$1.00	=	VND21,110

ABBREVIATIONS

ADB	–	Asian Development Bank
AH	–	Affected Household
AP	–	Affected Person
CARB	–	Compensation, Assistance and Resettlement Board
CPC	–	City People's Committee
DDR	–	due diligence review
DMS	–	Detailed Measurement Survey
DOLISA	–	Department of Labor, War Invalids & Social Affairs
DPC	–	District People's Committee
DRC	–	District Resettlement Committee
EA	–	Executing agency
FGD	–	Focus Group Discussion
GRM	–	grievance redress and resolution mechanism
HHTP	–	Hoa Lac High-Tech Park
HH	–	Household
IMC	–	Independent Monitoring Consultant
IOL	–	inventory of losses
IRP	–	Income Restoration Program
LURC	–	Land Use Right Certificate
NGO	–	nongovernment organization
PC	–	People's Committee
PMU-USTH	–	Project Management Unit – USTH
RCS	–	Replacement Cost Survey
SPS	–	Safeguard Policy Statement
RP	–	Resettlement Plan
USTH	–	University of Science and Technology of Ha Noi
VND	–	Viet Nam Dong (currency)
VTC	–	Vocational Training Center

GLOSSARY

Cut-off Date	–	Date prior to which the occupation or use of the Project area makes a person, household or entity eligible to receive compensation and assistance under the Project. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that: (i) they have been inadvertently missed out during the census and the detailed measurement survey (DMS); or (ii) they have lawfully acquired the affected assets following completion of the census and the DMS. For this project, 10 June 2013 is considered as the cut-off date.
Affected Household	–	Includes all members residing under one roof and operating as a single economic unit, who are physically or economically displaced by the Project.
Detailed Measurement Survey	–	Finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of Affected Persons (Aps). The final cost of resettlement can be determined following completion of the DMS.
Entitlement	–	Range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
Host community	–	Community already in residence at a proposed resettlement or relocation site.
Income Restoration	–	Re-establishment of sources of income and livelihood of the affected households (AHs).
Inventory of Losses (IOL)	–	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 (ROW) 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	–	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.

Relocation	–	Physical relocation of an AP from her/his pre-project place of residence and/or business.
Replacement Cost Study/ Independent Appraisal	–	Process involved in determining replacement costs of affected assets based on empirical data.
Severely Affected Households	–	Households which will be: (i) physically displaced from housing, and/or (ii) lose 10% or more of their productive assets (income generating),
Vulnerable Groups	–	Distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement. For this project, the following households are considered vulnerable: (i) female headed households with dependents, (ii) disabled household heads, and (iii) households below the poverty line.

NOTES

- (i) The fiscal year (FY) of the Government of Viet Nam ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

EXECUTIVE SUMMARY

A. Scope of the Updated Resettlement Plan

This Updated Resettlement Plan (Updated RP) is prepared for the University of Science and Technology of Ha Noi (USTH) project covering land acquisition of: (i) the USTH site at Hoa Lac High-Tech Park (HHTP); and (ii) replacement land for the Army Units. The scope of the Updated RP contains the following information: (i) project description and detailed measurement survey (DMS); (ii) legal policies; (iii) entitlements and benefits; (iv) grievance redress mechanisms; and (v) rehabilitation measures, institutional mechanism and monitoring and evaluation. The updated RP will be disclosed to affected people through consultation meetings and on the ADB website.

A draft RP addressing the resettlement impacts of the acquisition of the HHTP site was prepared and approved by ADB in November 2010. In December 2012, a due diligence assessment identified additional land acquisition and resettlement impacts related to the proposed 52.7 ha Army relocation site. This site should be considered a linked activity, and the RP should therefore be updated to reflect impacts from both the USTH site and the Army relocation site and submitted to ADB for review.

B. Socioeconomic Profile of the Project Area

The census was undertaken in June 2012 covering 426 (100%) of households (HHs) that will potentially be affected by the project in the communes of Tan Xa and Binh Yen. These included 118 HHs from the USTH Site and 308 HHs from the Army relocation site. The average per capita income of Thach That District is estimated at 18.1 million VND/person/year (equivalent to 1.5 million VND/person/month), with the main sources of income being from traditional handicraft and small business. Income from agricultural production makes up a small portion of total income. The rate of poor households in the area is estimated at 19.2%. According to information provided from Thach That District, the need for land acquisition in the Thach That District is high, with about 2,882 ha¹ out of a total area of 18,459 ha in Thach That District required for implementation of various projects, of which 1,853.5 ha is agricultural land.

C. Scope of Impacts by Sub-Project

Regarding to acquisition of 65 hectares of land, HHTP signed a contract with Thach That District Resettlement Committee (Thach That RC) to implement land acquisition and compensation. Based on the DMS carried out by the Thach That RC, of the total of 65 ha, 26 ha are owned by HHs and the remaining 39 ha are occupied by the Army. Progress in the implementation of land acquisition is as follows:

- The DMS for 26 of the 65 ha for the Project has been completed, of which 22.5 ha was acquired and 13.6 ha have been turned over to USTH. The remaining 3.5 ha is undergoing DMS. Within that 3.5 ha, there are a total of 17 land plots claimed by 13 land users affected mostly with agricultural and forestry land, including two HHs affected with houses and in need of relocation. As agreed, these HHs are to relocate to Binh Yen resettlement site nearby. The implementation of resettlement is expected to be completed by the end of July 2013.

¹Of this, about 1,586 ha have been acquired for the HHTP Project.

- In respect of the 39 ha at the HHTP site being occupied by Army Units, the authorized person of the Army Units has committed to handing over cleared land to the project within 6 months of receiving cleared replacement land, with an area of 52.7 ha. So far, 39 ha of land at the HHTP site and 46.3 of 52.7 ha replacement land for the Army Units has undergone DMS, and about 18.9 ha has been acquired. For the remaining 33.8 ha to be acquired, there are total of 238 land users affected mostly with agricultural and residential land, including 52 HHs affected with houses and in need of relocation. As agreed, they are to relocate to Binh Yen resettlement site nearby. The implementation of resettlement is expected to be completed by the end of December 2013.

Progress in the implementation of land acquisition is presented in Table 1 below.

Table 1: Project Land Acquisition

(1) Project Location	Unit	USTH Site at HHTP		(4) Army Relocation Site
		(2) Residential/ Agricultural Site	(3) Army Site	
Land Already Acquired by HHTP	Hectares	22.5	39	18.9
	HHs	105	-	70
Land Which Has Not Been Acquired by HHTP	Hectares	3.5	0	33.8
	HHs	13	-	238
Total	Hectares	26	39	52.7
	HHs	118	-	308

Source: AH Census, June 2013

At the request of the ADB, as stated in ADB's Safeguard Policy Statement [SPS] (2009) and the agreement between the PMU-USTH and ADB in late 2012, the draft RP approved by ADB in November 2010 is updated in accordance with Project documents, the Government of Viet Nam's requirements in respect of compensation, assistance and resettlement policy and ADB's SPS 2009. The Updated RP is to be provided to ADB no later than 15 September 2013 for endorsement.

D. Consultation and Information Disclosure

In the preparation of this Updated RP, consultation meetings and four focus group discussions (FGDs) were held that representatives of communal leader, village leader, local nongovernment organizations (NGOs) and affected households (AHs) were consulted and their views were collected from January-June 2013. The consultation meetings have been documented and incorporated as part of the Updated RP. Overall, 51 participants attended the meeting, including both men and women. The Thach That RC disclosed: (i) draft DMS; (ii) draft compensation plan; and (iii) revisions to the compensation plan resulting from changes in scope or design and comments from AHs.

Key information in the Updated RP to be disclosed to AHs will include: (i) compensation, relocation and rehabilitation options; (ii) DMS results; (iii) detailed asset valuations; (iv) entitlements and special provisions, (v) grievance procedures; (vi) timing of payments; and (vii) relocation schedule.

E. Grievance Redress

A well-defined grievance redress and resolution mechanism (GRM) is established to address AHs' grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. The grievance redress mechanism is based on a four stage process at various levels of local government, which follows the government's regulation in filing grievances. The Thach That RC is responsible for resolving issues related to land acquisition and compensation. If, despite efforts to resolve disputes at the commune or district levels using the grievance procedures, these issues remain unresolved or unsatisfactory, Affected Persons (APs) may file their cases to the Thach That district, then to the RC if the complaints are still unresolved. APs have the right to directly elevate their complaints to the higher court if these are not resolved by the RC, District People's Committee (DPC) or City People's Committee (CPC). The country's legal system may be accessed by any AP at any point in time and filing a case in a Court of Law can be done in parallel with accessing the project-level GRM.

F. Legal Framework

The legal and policy framework for compensation, resettlement and rehabilitation under the Project is defined by the relevant laws and regulations of the Government of Viet Nam and the ADB Safeguards Policy Statement. In case of discrepancies between the Borrower's laws, regulations, and procedures and ADB's policies and requirements, ADB's policies and requirements will prevail.

G. Entitlements

The project entitlements adopted are based on ADB SPS (2009), Government laws, Ha Noi City People's Committee (HPC) Decisions on land acquisition, resettlement and assistance, and ADB-funded projects in Viet Nam. It should be noted that the entitlements in this Updated RP may be enhanced, as necessary, following the conduct of DMS and consultations with AHs to ensure that losses are restored and peoples' livelihoods are stabilized or improved. The cut-off date for eligibility is based on the completion of DMS which is set at 10 June, 2013.

H. Relocation of Housing and Settlements

Alternative options will be provided to relocating households which include: (i) cash compensation; or (ii) full or partial assistance for establishment of a housing unit in the Binh Yen resettlement site. The Thach That RC has confirmed that a resettlement site for displaced HHs, with technical facilities such as power/water supply, is available before relocation. In consultation with the AHs, the majority expressed their preference is to relocate to the resettlement site in Binh Yen commune.

I. Income Restoration and Rehabilitation

AHs will be provided with cash assistance for livelihood stabilization as per Government of Viet Nam laws and regulations, in addition to payment for land and non-land assets. The Updated RP also includes income restoration activities, such as vocational training and agricultural extension support. Training costs will be covered by the Government of Viet Nam budget, under Program 1956.

J. Resettlement Budget and Financing Plan

The required financing to implement the Updated RP is estimated at VND500 billion – equivalent to approximately \$24.4 million. It covers compensation costs for land and assets, allowances and income restoration measures/programs, administration costs, internal and

external monitoring, and contingency. The cost of consultation and grievances will be covered from administration charges. The resettlement budget is proposed to be funded through counterpart funds.

K. Institutional Arrangements

The HPC, Ministry of Education and Training (MOET) and PMU-USTH, under the MOET, are responsible for implementation of the Updated RP. A resettlement unit was established in the PMU-USTH to coordinate the resettlement activities with the Thach That RC. The PMU-USTH will designate a resettlement staff member and independent monitoring consultant to implement the Updated RP in coordination with the Thach That RC. The PMU-USTH will ensure that the designated staff member has relevant experience in either ADB assisted or official development assistance (ODA) projects involving resettlement.

L. Implementation Schedule

The Project will be implemented over 5 years. The resettlement component is expected to be completed by December 2013.

M. Monitoring and Reporting

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

The PMU-USTH has engaged an Independent Monitoring Consultant (IMC) to verify the results of the internal monitoring and to carry out a quarterly review and assessment of (i) achievement of resettlement objectives; (ii) changes in living standards and livelihoods; (iii) restoration of the economic and social base of APs; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures as required. The PMU-USTH will consolidate the results of the internal monitoring and the external verification of the external monitoring and submit the reports to ADB semi-annually.

I. INTRODUCTION

A. Project Background

1. The University of Science and Technology of Ha Noi (USTH) Development (New Model University) Project (the Project) was approved by the Asian Development Bank (ADB) on 25 April 2011 for \$213.0 million (\$210 million for the Project and \$3 million for resettlement). The Project's expected outcome is a high-quality new model university that generates industry-relevant science and technology teaching and research. The project will deliver four outputs: (i) an effective management and governance system for the USTH will be developed and implemented, (ii) systems to promote high-quality and relevant academic programs at the USTH will be developed and implemented, (iii) physical facilities at the USTH will be constructed and outfitted, and (iv) effective project management and implementation.

2. Output 3 will develop the physical facilities at USTH through: (i) providing supervision of design and construction and assisting the PMU-USTH in project management for construction; and (ii) undertaking site planning, architectural planning and engineering for the design of the campus, site infrastructure works, and construction and basic fit-out of the USTH campus.

3. The site for USTH is an area totaling 65 hectares (ha) within the Education and Training Zone (ETZ) at Hoa Lac High-Tech Park (HHTP). A draft Resettlement Plan (RP) addressing the impacts of the acquisition of the site at HHTP was prepared and approved by ADB in November 2010. In December 2012, a due diligence assessment identified additional land acquisition and resettlement impacts related to the proposed 52.7 ha Army relocation site. As advised by ADB, this site should be considered a linked activity, and the RP should be updated to reflect impacts from both the USTH site and the Army relocation site and submitted to ADB for review.

4. This Updated RP addresses all land acquisition and involuntary resettlement impacts from the Project. It supersedes the draft RP prepared in November 2010 for the approval of the Project. It combines the updated land acquisition information on the 65 ha USTH site and the 52.7 ha Army relocation site. This Updated RP is consistent with relevant Viet Nam laws and regulations and the ADB Safeguard Policy Statement [SPS] (2009).

B. Changes Made in the Updated Resettlement Plan

5. This Updated RP is based on the specific USTH campus site and Army relocation site boundaries and is final. It introduces a number of changes in the draft RP which include:

- i. Results and measures to address gaps noted in the due diligence activities conducted in December 2012;
- ii. A census of Affected Households (AHs) and inventory of losses (IOL) in both the USTH and army relocation sites, conducted in June 2013;
- iii. Results of the detailed measurement surveys (DMS) conducted by the Thach That District Resettlement Committee (RC);
- iv. Description and valuation of all affected lands/buildings/structures and other assets in both USTH and army relocation sites;
- v. Description of the process and results of public consultations with Affected Persons (APs) conducted in updating the RP;
- vi. Compensation budget for all types of losses;

- vii. Refinements in the entitlements for various losses and newly issued relevant regulations; and
- viii. A livelihood restoration strategy.

C. Objectives of the Updated Resettlement Plan

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

D. Land Acquisition and Resettlement-Related Conditions

7. As provided in the loan agreement (Loan VIE-2750/2751), the following conditions shall be complied with:

- i. All remaining land acquisition and resettlement activities under the Project shall be conducted in accordance with this updated RP;
- ii. In the case of discrepancies between the relevant laws and regulation of Viet Nam and ADB's SPS (2009), then the ADB SPS shall prevail;
- iii. PMU-USTH shall: (a) disclose the Updated RP to APs and implement the approved RP to the satisfaction of ADB, including provision of adequate counterpart funding to cover the actual cost; (b) ensure that all APs are compensated, resettled, and rehabilitated in accordance with the requirements of the approved RP prior to any physical or economic displacement taking place; and, (c) engage a qualified specialist or institution to conduct independent external monitoring; and,
- iv. Civil works will not commence until: (a) the Updated RP has been fully implemented, which shall be verified by a report prepared by the independent monitoring agency; and (b) the independent report has been approved by ADB.

II. SOCIOECONOMIC INFORMATION ON AFFECTED HOUSEHOLDS

A. The Socioeconomic Profile of the Project Area

Geographical Location

8. Thach That District is located from 20°58' to 21°06' Northern Latitude, 105°38' to 105°38' Eastern Longitude, bordering Hoa Binh province on the south, and bordering other districts in Ha Noi City on the west and the north, and away from Hanoi capital 10km on the North West. The Thach That District covers 23 communes/towns, including Tan Xa and Binh Yen communes, which fall under the HHTP area.

Land Use Status

9. The total area of Thach That District is 184.59 km² (18,459 ha). The distribution of the land area in the project communes, according to land use status, is set out in Table 2 below.

Table 2: Land Use Status

Location	Land Area (ha)			
	Agricultural	Non-agricultural ²	Vacant Public Land	Total
Tan Xa Commune	375.7	452.3	6.82	834.9
Binh Yen Commune	458.6	602.8	6.58	1,068.0

Source: Thach That District, June 2013

Population and Employment

10. The current population in Thach That District is approximately 199,470 people, living in 23 communes/towns. The district population density is 108 persons/km². The population in Binh Yen commune is 9,849 persons (about 2,587 HHs). The Tan Xa commune population is 4,985 persons (about 1,464 HHs). The rate of natural population increase in Binh Yen was 1.6% in 2012. For Tan Xa commune, the rate of natural population increase is 1.5%. The employed labor force in Binh Yen is 2,592, accounting for 53.1% of the commune population. Tan Xa has an employed labor force of 2,592 persons, accounting for 52.0% of the commune population. In both communes, the majority of the working population is involved in agricultural production (65% in Bin Yen and 71% in Tan Xa). However, most are also involved in non-agriculture activities like trading and wage labor.

Income

11. The average income in Thach That District is estimated at VND18.1 million/person/year (equal to VND1.5 million/person/month). Main sources of income are traditional handicraft wage labor and small businesses. HHs involved in agriculture derive only about one-fourth of their income from agriculture. Most of their income comes from non-agricultural sources. Around 19.2% of HHs are considered poor and/or close to poor.

B. The Socioeconomic Profile of AHs

12. Socioeconomic profile of AHs was taken from the census conducted in June 2013. A total of 426 (100%) HHs in the communes of Tan Xa and Binh Yen were covered by the survey, of which 118 AHs are from the USTH site, and 308 AHs are from the Army relocation site. The major findings are highlighted below.

Household Demographic Profile

13. The 426 AHs have a combined total of 1,902 members. Of these, 943 persons (49.6%) are males and 959 (50.4%) are females (see Table 3). All of the 426 HHs heads are men. HHs have an average size of 4.4 persons.

² Non-agricultural land includes residential land, and land for industrial, institutional and commercial/ trading purposes.

Table 3: Gender of Members of AHs

Site	Number of AHs	HH Members			Average HH Size
		Male	Female	Total	
USTH	118	272	212	484	4.0
Army Relocation	308	671	747	1,418	4.6
Total	426	943	959	1,902	4.4
Percent (%)		49.6	50.4		

Source: AH Census, June 2013

14. The majority of HH members are between 18–60 years old (see Table 4). Many of those below 18 years of age are in school, while most of those age 60 years and above are either working on their agricultural plot or keeping the house. Those who are between 18–30 years old (284 persons) are likely to have a better chance to get employed in factories and offices. Older APs may need to look for income from trading and other opportunities for self-employment. Many of the APs beyond 60 years old are not keen to find alternative income sources. Many would rely on their pension and younger members of their HH for support.

Table 4: Age of Members of AHs

Site	Age					
	Below 18	18–30	31–50	51–60	Beyond 60	Total
USTH	146	95	134	71	38	484
Army Relocation	413	189	405	289	122	1,418
Total	559	284	539	360	160	1,902

Source: AH Census, June 2013

Livelihood and Income

15. All HH heads are currently employed (see Table 5). The majority (62%) reported agriculture as their primary job. Another 30% claim to be a worker/employee in a factory or office. Only a few (4%) claim to primarily depend on trading. Most HH heads (78%) rely on more than one job. Only 22% have only one income source. More than half (54%) of the HH heads claim to get their secondary income as a worker/employee in a factory or office, while 14% claim that trading is their secondary source of income.

16. Other HH members between 18–60 years' old are either working or in school. The majority (54%) claim to be a worker/employee in a factory or office. More women tend to be employed in garment or similar factories, while men are mostly employed in construction. A few indicate agriculture (15%) or trading (2%) as their primary income source. The rest (30%) are either involved in seasonal work or in school. A great majority (76%) have more than one source of income. Most (64%) are engaged in seasonal work. A few others work as part-time workers in a factory or office (8%), do trading (1%) or agriculture (4%).

Table 5: Occupations of the Head and Members of AHs

Site	AH Member	Primary Jobs					Secondary Jobs					Total
		Agriculture	Trade or Sales	Employed in a Factory/Office ³	Others ⁴	None	Agriculture	Trade or Sales	Hired Labor	Others	None	
USTH Site	HH Head (n=118)	89	5	24				15	24	51	28	118
	Members Aged 18-60 (n=300)	52	10	132	106		15	5	46	107	127	300
Army Relocation Site	HH Head (n=308)	176	12	105	15			45	21	177	65	308
	Members Aged 18-60 (n=883)	124	10	505	244		32	5	48	646	152	883

Source: AH Census, June 2013

17. Although many HH heads claim agriculture as their primary source of income, only around 20% of their income actually comes from agriculture. Income from employment in garment/bamboo weaving, factories/small workshops and offices nearby accounts for 39–58% of their income, while trading accounts to about 17–22%. Income from other sources only contributes between 4–17% of their income. Among other working HH members, employment in factories/offices accounts for 38–40% of their income. Income from other sources accounts for about 32–38% of their income, while income from trade accounts for 7–9%. Other HH members derive around 18–20% of their income from agriculture (see Table 6).

Table 6: Average Percentage Contribution of Income Sources

Site	AH Member	Percentage Distribution of Income by Source (%)				
		Agriculture	Trade or Sales	Hired Labor	Other	Total
USTH Site	HH Head (n=118)	20.4	17.3	58.1	4.2	100
	Members Age 18-60 (n=300)	20.0	8.7	39.6	31.7	100
Army Relocation Site	HH Head (n=308)	21.6	22.4	39.4	16.6	100
	Members Age 18-60 (n=883)	17.7	7.0	37.6	37.7	100

Source: AH Census, June 2013

³ This includes factory/office workers and government employees.

⁴ This includes those involved in seasonal work and/or in school

18. AHs losing agricultural land in the project site are likely to lose between 17–21% of their income source unless they have alternative plots to cultivate elsewhere. The livelihood restoration program would need to ensure that AHs losing their income from agricultural activities are able to either improve their income from their other jobs or to find additional alternative income sources.

19. Based on the current poverty line, HHs with income below VND9 million per year can be considered poor, while those with income between VND10–12 million can be considered near poor. The census estimated that 17 HHs have income of VND9 million and below per year, while 64 HHs have income of VND10–12 million. The rest of the AHs cannot be considered poor or near poor. The distribution of AHs according to annual per capita income is presented in Table 7.

Table 7: Distribution of AHs According to Estimated Annual Income

Site	Million VND/Year						Number of AHs
	9 and Under	10-12	13-19	20-29	30-49	50+	
USTH Site	7	27	26	28	25	5	118
Army Relocation Site	10	37	92	81	76	12	308
Total	17	64	118	109	101	17	426

Source: AH Census, June 2013

Ownership of Productive Land Plots

20. AHs claim to have an average of 2.4 plots of productive land. Some of their plots are located in a different location within the commune. However, they all indicated that their other plots were either already acquired or are being acquired by other projects in the district and that the remaining land (if any) is no longer economically viable for continuing agriculture production. All AHs that are engaged in agriculture will need to find other sources of livelihood.

Education

21. There is generally a high percentage of HH members who have attended formal education. There is almost an equal distribution among HH members who have reached secondary (47.7%) and have completed upper-secondary school (38%). Overall, female members tend to have lower access to higher education compared to their male counterparts.

Vulnerable HHs

22. Based on the definition of a vulnerable HH used in the Project, the census identified a total of 39 HHs which may be considered vulnerable. These include 17 poor HHs, and 22 HHs with a war invalid member. None of the AHs are headed by a woman. All AHs belong to the Kinh ethnic group which cannot be considered an ethnic minority group based on ADB SPS (2009) definition.

III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Overview of Land Acquisition in the District

23. Thach That district has a huge land acquisition requirement. Around 2,882 ha (15.6% of the 18,459 ha, total land area of Thach That district) needs to be acquired for various projects in the district. This includes the 1,586 ha for HHTP⁵ where the 65 ha USTH campus site is situated. In the district, about 9,062 HHs are expected to lose all their agricultural land and would therefore need to shift to non-agriculture related occupations. In Tan Xa commune alone, the Project requires the acquisition of 540 ha/834 ha (65%) of the commune area, including both productive and residential land. It is estimated that, over 11,500 persons will require support in finding alternative livelihood sources.

24. APs from various projects in the district are looking for occupations other than agriculture. This becomes a challenge, particularly for the middle-age and elderly population who have less chance of finding employment in existing industries in the area. They need further assistance from local authorities to enable them to participate in vocational training and job creation, and/or to start small businesses/services.

B. Status of Land Acquisition for the USTH Project

25. Land acquisition for the USTH Project involves two sites – the 65 ha campus site and the 52.7 ha relocation site for the army that is currently occupying 39 ha of the 65 ha campus site. HHTP Management Board coordinates with the Thach That District RC for the acquisition of land at both sites. The campus is located within the 108 ha ETZ of the HHTP complex where other universities, training centers and vocational schools are planned to be established.

26. As shown in Table 8, the land required for the 65 ha USTH campus site is comprised of 26 ha of predominantly agricultural land (used by 118 HHs) and 39 ha occupied by the Army. 5.3 ha were acquired in 2008 prior to the approval of the USTH project by ADB. Another 2.98 ha was acquired in 2012. 8.9 ha of leased forest land (under the United Nations' Programme Alimentaire Mondial) were also recovered in early 2013. As of June 2013, a total of 17.18 ha of land (affecting 105 HHs) had been acquired/recovered. Only 3.5 ha of privately-owned land (affecting 13 HHs) and 39 ha on the Army site have not been acquired at the 65 ha USTH campus site. The remaining 5.32 ha is public land (ponds, vacant land). The Army commits to hand over the 39 ha it occupies to the USTH Project within 6 months of the hand-over of the Army relocation site by the Hanoi People's Committee (HPC).

27. Approximately 308 land users (HHs) are expected to be affected by the acquisition of 52.7 ha of land for the Army relocation site. DMS has been conducted on 46.3 ha and 18.9 ha have been acquired (affecting 70 HHs). Only 33.8 ha of land for the Army relocation site (affecting 288 HHs) has not been acquired. This Updated RP reports on the completed land acquisition activities, incorporates the results of the due diligence work and presents the corrective actions/remaining activities to ensure that all APs are compensated at replacement cost and are assisted in restoring their living conditions and livelihood.

⁵ HHTP is the first and largest high-tech park in Viet Nam, which is still in the process of development. It is envisioned to be a model science city divided into several functional zones - Research and Development Zone, Software Park, Hi-tech Industrial Zone, ETZ, Central Area and Service area.

Table 8: Summary Status of Land Acquisition for the USTH Project

(1) Category	USTH Site at HHTP			(5) Army Relocation Site
	(2) Residential/ Agricultural Site/Public Land	(3) Army Site	(4) Total	
Land Area (ha)	26	39	65	52.7
Land for Which DMS Completed (ha)	26	39	65	46.3
Land for Which DMS Not Completed (ha)	0	0	0	6.4
Land Which Has Been Acquired by HHTP (ha)	22.5 ⁶	39	61.5	18.9
Land Which Has Not Been Acquired by HHTP (ha)	3.5	0	3.5	33.8
Cleared Land Turned Over to USTH/Military (ha)	13.6	0	13.6	0
Cleared Land Yet to be Turned Over to USTH/Military (ha)	12.4	39	51.4	52.7

Source: Thach That RC, June 2013

C. Due Diligence Assessment on Completed Land Acquisition

28. In December 2012, ADB recruited a national resettlement expert to undertake due diligence on the land acquisition-related activities initiated by Thach That District to identify gaps in terms of compliance with ADB SPS, 2009 and recommend appropriate corrective actions.

29. The due diligence review (DDR) included: (i) desk review of secondary information, including project documents prepared by the Thach That RC such as HH profiles, decisions approving compensation plan(s) and entitlements, ADB documents such as the Project Administration Manual (PAM), MOUs and the approved RP (November 2010); (ii) interviews with relevant government officials including representatives from the PMU-USTH, HHTP, Thach That RC, key informants in the project communes of Tan Xa and Binh Yen and other representatives from about 40 AHs; and (iii) field observations. Field visits were conducted on the following dates: December 4 2012 to January 31 2013, and 7–15 June 2013. The location map of USTH is attached as Appendix 1 to this Updated RP. The Market Rate Perception Survey is attached as Appendix 2. The list of persons met is attached as Appendix 3. The Project Information Booklet is attached as Appendix 4. The DMs is attached as Appendix 5.

30. The DDR confirmed that land acquisition for the USTH site started in 2008 as part of the 1,586 ha site at HHTP. At the Army relocation site, compensation started in January 2013. As of June 2013, a total of 175 HHs (105 AHs at the USTH site, and 70 AHs at the Army relocation site) have received compensation and have handed over their affected land/assets. The remaining 251 AHs (13 AHs at the USTH site, and 238 in the Army relocation site) are still to be compensated and assisted.

⁶ This area includes 5.32 ha of public land (ponds and vacant land) that does not need to be acquired, the 5.3 ha acquired in 2008, the 2.98 ha acquired in 2012 and the 8.9 forest land leased to 7 HHs.

31. Among the 175 compensated AHs, impacts include loss of agricultural land, crops/trees and structures. A perception survey conducted among AHs showed that the rates used for the compensation payments for agricultural and structures are close to the AHs' perceived market rates of these assets. A review of the compensation records also shows that no deductions were made in determining the compensation for structures. Severely affected HHs received livelihood stabilization support as provided in the approved RP. Table 9 shows the entitlement matrix in the approved RP and the compliance status of compensation payments that have been provided, while Table 10 shows the summary of compensation and stabilization support provided to the 175 HHs.

Table 9: RP (2010) Entitlement Matrix and Actual Compensation Provided by Thach That RC to the 175 AHs

Type of Impact	Level of Impact	Beneficiary	Entitlement		
			Entitlement Based on November 2010 RP	Compensation/ Assistance Provided	Analysis
Agricultural land					
Temporary loss of agricultural land	Loss of land-use right for a period less than 1 year	Users with long-term land-use right	No compensation for land if returned to the original user; -Compensation for loss of net income from the temporary use of land	No cases among compensated HHs	
Permanent loss of agricultural land	Below 10% of the total land lost	Users with long-term land use right (legal and legalizable)	Cash compensation for the part of the land lost at replacement cost	No cases among compensated HHs	
		Users with temporary land-use right	Compensation for the remaining value of the land transfer contract and investment value into that land.	No cases among compensated HHs	
	Equal or greater than 10% of total land lost	Users with long-term land-use right (legal and legalizable) (175 AHs)	Replacement agricultural land at same or neighboring commune, or cash compensation for the land lost if there is no land for replacement. Rehabilitation support	Cash compensation based on Government regulation and unit price stipulated by HPC + rehabilitation support	Slight (5% or less) difference from AHs' perceived market price
Structures		Owners (1 AH)	Cash compensation for the affected assets at replacement cost, or	Cash compensation following Government regulation	The applied compensation rate is basically equivalent to

Type of Impact	Level of Impact	Beneficiary	Entitlement		
			Entitlement Based on November 2010 RP	Compensation/ Assistance Provided	Analysis
			Compensation for asset transportation cost if removable and related damages Rehabilitation support	and unit price stipulated by HPC based on 100% of cost without deductions. + rehabilitation support	AHs' perceived market price
Crops and trees, aquaculture		Owners (175 AHs)	Cash compensation for loss of standing crops and trees at market prices	Cash compensation for crops and trees based on Government regulation and unit price stipulated by HPC	The applied compensation rate is basically equivalent to AHs' perceived market price
Rehabilitation support	Support for displacement	HHs to be moved	Cash support from VND3milliontoVND 5 million	No applicable case among the compensated households	
	Support for livelihood stabilization	HHs with loss of 10-70% of total agricultural land	Support for livelihood stabilization of all family members at 30 kg of rice/person/month for 6 months	No applicable case among the compensated households. All AHs will lose 100% of their agricultural plot in the project area.	
		HHs with loss of >70% of total agricultural land	Support for livelihood stabilization of all family members at 30 kg of rice/person/month for 12 months	Support for livelihood stabilization of all family members at 30 kg of rice/person/month for 12 months	Complies with the entitlement matrix
		AHs who have to move	Support for all family members with 30kg of rice/month/person for 6 months	No cases among compensated HHs	
		AHs who have to both move and lose 10-70% of their agricultural land	Support for all family members with 30kg of rice/month/person for 12 months	No cases among compensated HHs	

Type of Impact	Level of Impact	Beneficiary	Entitlement		
			Entitlement Based on November 2010 RP	Compensation/ Assistance Provided	Analysis
		AHs who have to both move and lose >70% of their agricultural land	Support for all family members with 30kg of rice/month/person for 24 months	No cases among compensated HHs	
	Support for training	HHs with loss of >10% of agricultural land	Training support calculated based on either (i) the affected land size multiplied by 3.5 the regulated price of agricultural land or (ii) HH needs based on consultation completed during DMS process	Training support at cash equivalent to 3.5 to 5 times the regulated price of agricultural land	For some AHs, compensation >3.5 rate indicated in the entitlement matrix
Others not covered in the entitlement matrix			N/A	Bonus of up to VND3 million/HH with affected agricultural land	Assistance beyond those stipulated in the entitlement matrix

Source: Due Diligence Review, June 2013

32. Thach That RC has already undertaken some livelihood restoration programs for the compensated AHs, including vocational training, job placement and the provision of financial advice. Consultations and grievance redress mechanism requirements related to RP implementation were also generally complied with. All of the heads of the compensated HHs are currently employed in the production of traditional handicrafts such as bamboo weaving and garments, or are hired as laborers in nearby factories/industries. Some are involved in agricultural production—i.e. those HHs that are on productive land that is economically viable. Similarly, other adult members of HHs are either employed or in school.

33. During the interviews and consultations, AHs expressed their support for the implementation of the Project. They also stated that the impact is quite marginal on low value agricultural land that has been under master planning for at least 15 years, and they hope to find employment opportunities from during the Project construction phase.

34. The DDR confirmed that compensation payments made have so far generally complied with the HPC regulations, as well as the provisions in the RP and ADB SPS (2009). However, more assessment and support is needed to ensure that all AHs are able to restore their living conditions and livelihood. The DDR recommended that the Updated RP reflect all impacts from both the USTH site and the Army relocation sites, refine the entitlement matrix to more specifically describe the entitlements of APs for specific losses, and include a comprehensive livelihood restoration plan.

Table 10: Compensation Paid as at June 2013

Site/Losses	AHs	Quantity	Amount('000 VND)
USTH Site			
Agricultural land	105	22.5 ha	13,585,139,420
• Structures	1		418,684,000
• Crops and trees	105		1,578,314,900
• Support and allowances	105	494 APs	77,122,203,100
Subtotal			92,704,341,420
Army Relocation Site			
• Agricultural land	70	18.9 ha	14,653,863,500
• Structures (Graves)	92	203	1,015,000,000
• Crops and trees	70	325 APs	1,323,174,300
• Support and allowances	70		83,571,097,500
Subtotal			100,563,135,300
Total			193,267,476,720

Source: Thach That RC, June 2013

D. Methodology for Impact Assessment

35. Information on the magnitude of impacts on land and other losses were determined using the DMS conducted by Thach That RC from December 2012 to June 2013. Additional information was gathered from the census of 426 AHs and focus group discussions (FGDs) in the two affected communes of Tan Xa and Binh Yen, conducted in June 2013.

36. The DMS and census documented the losses and impact resulting from the land and/or resource/asset acquisition as follows:

- Main socio-economic information of AP/HH – number of people in HH; number of families that comprise HH; gender and age of head of HH and HH members; tenure of land; education of HH members; livelihood activities (paid and unpaid and by number of people in HH participating); cash income (regular, seasonal, non-wage, etc); levels of subsistence production; type of dwelling; whether there are people in the HH with disability or long-term illness;
- Loss of land – by type of land affected (i.e., residential; agricultural; commercial; fishpond, etc); total area of land (including other plots), area of land affected; tenure of land;
- Loss of assets - by type (i.e. structures, crops and trees (type, area affected, number lost, etc); time required to rebuild or relocate;
- Loss of, or impact on, livelihood activities – type, dependency, how impacted, restoration measures required; and
- Any other impact or losses.

37. Data were entered into a database, and analyzed to establish the profile of AHs and determine the losses and impact in order to calculate required compensation. Data were disaggregated, as relevant, by gender, ethnic group, and income group. The conditions, needs, and priorities of women were analyzed to ensure that Land Acquisition and Resettlement (LAR) impact do not disadvantage women and other vulnerable groups.

E. Cut-Off Date

38. Prior to the conduct of the census, a consultation meeting was held with local commune officials to discuss the procedures and information on the cut-off date. The cut-off date refers to the date prior to which the occupation or use of the Project area makes users of the same eligible to be categorized as APs. Persons not covered in the census after the cut-off date are not eligible for compensation and other entitlements, unless they can show proof that: (i) they have been inadvertently missed out during the census and the DMS; or (ii) they have lawfully acquired the affected assets following completion of the census and the DMS and prior to the conduct of the DMS. The cut-off date established for the Project is the last day of the census - June 10, 2013. This cut-off date applies to both the USTH site and the Army relocation site.

F. Land Acquisition and Resettlement Impact

Affected Households

39. The Project will affect a total of 426 HHs with a combined membership of 1,902 APs. Of these, 373 AHs (1,635 APs) will lose agricultural land (including forestry and garden land). Fifty-four AHs (267 APs) will lose their residential structures and will need to relocate. Another 373 AHs will lose crops and trees. Only 251 of these AHs have not been compensated. The 175 AHs that were compensated prior to the preparation of this updated RP will still be covered in the livelihood restoration program (see Table 11).

40. All AHs will be paid compensation at replacement value of land and assets. The 54 AHs requiring resettlement will be provided with an option to self-relocate or be provided with a plot at the Binh Yen resettlement site. Details on the compensation and relocation strategy are provided in Section VIII below.

Table 11: Summary of AHs

Compensation Status/Site	Loss of...Impact										Total	
	Agricultural Land		Residential Land		Structures		Crops/Trees		Relocation			
	AHs	APs	AHs	APs	AHs	APs	AHs	APs	AHs	APs	AHs	APs
Compensated												
USTH Site	105	425	0	0	0	0	105	425	0	0	105	425
Army Relocation Site	70	347	0	0	0	0	70	347	0	0	70	347
Subtotal	175	772	0	0	0	0	175	772	0	0	175	800
Not Yet Compensated												
USTH Site	12	49	1	5	2	10	12	49	2	10	13	59
Army Relocation Site	186	814	52	257	52	257	186	814	52	257	238	1,071
Subtotal	198	863	53	238	54	267	198	863	54	267	251	1,130
Total	373	1,635	53	262	54	267	373	1,635	54	267	426	1,902

Source: AH Census, June 2013

Affected Land

a. Residential Land

41. A total of 10,721m² of residential land will be acquired, which will affect 53 HHs (238 APs). All of them will be fully affected with the loss of residential land and will require resettlement. During the consultation, all the 53 AHs agreed to relocate to Binh Yen resettlement area, which is about 2–3 km from their current residence and is within the Thach That District (see Table 12 below).

Table 12: Impacts on Residential Land

Site	Partial		Full		Remaining Residential Land	
	m ²	AHs	m ²	Ahs	AHs	
					Viable (>60 m ²)	Not viable (<60 m ²)
USTH Site	0	0	200	1	0	1
Army relocation Site	0	0	10,521	52	0	52
Total	0	0	10,721	53	0	53

Source: DMS, Thach That RC June 2013

b. Agricultural Land

42. The Project will affect 671,574 m² of agricultural land, including 444,170 m² of private paddy fields owned by 312 AHs and 227,404 m² of reforestation land leased to 61 AHs. Some of these plots are planted with various crops, 179 fruit trees and 8,377 timber trees. Of the 373 AHs, 175 AHs had already received their compensation for their losses prior to the preparation of the updated RP. The remaining 198 AHs are yet to be compensated (see Table 13).

Table 13: Impact on Agricultural Land

Compensation Status/ Site	Productive Land (Paddy)/ Private		Forest Land Lease		Total of Agriculture Land	
	>10%	>10%				
	m ²	AHs	m ²	AHs	m ²	AHs
Compensated						
USTH Site	82,668	98	89,133	7	171,801	105
Army Relocation Site	137,425	70	0	0	137,425	70
Subtotal	220,093	168	89,133	7	309,226	175
Not Yet Compensated						
USTH Site	19,205	10	15,595	2	34,800	12
Army Relocation Site	204,872	134	122,676	52	327,548	186
Subtotal	224,077	144	138,271	54	362,348	198
Total	444,170	312	227,404	61	671,574	373

Source: AH Census, June 2013

43. All these AHs will lose more than 10% of their land and are therefore considered severely affected. Although many of these AHs have plots in other locations, these are also being affected by other development projects and the remaining area is no longer viable for agriculture. They are entitled to compensation for loss of crops and land at replacement cost, in addition to other rehabilitation support as specified in the entitlement policy. Overall, total land affected by the Project is 787 ha (787,095 m²). This includes 10,721 m² (1.4%) residential land; 671,574 m² (85.3%) of agricultural land and 104,800 m² (13.3%) of public land (see Table 14).

Table 14: Summary of Impacted Lands

Compensation Status/Site	Agricultural (m ²)	Residential (m ²)	Public Land (m ²)	Total (m ²)
Compensated				
USTH Site	171,801	0	53,200	225,001
Army relocation Site	137,425	0	51,600	189,025
Subtotal	309,226	0	104,800	414,026
Not Yet Compensated				
USTH Site	34,800	200	0	35,000
Army relocation Site	327,548	10,521	0	338,069
Subtotal	362,348	10,721	0	373,069
Total	671,574	10,721	104,800	787,095

Source: AH Census, June 2013

44. The DMS results showed that all of the 53 HHs losing residential land are legitimate owners of private residential land. Similarly, the 312 AHs losing paddy land have Land Use Right Certificates (LURCs), while the other 61 AHs have a valid lease on the forest land.

Affected Houses

45. As shown in Table 15, 54 AHs will permanently lose their housing structures with an aggregate area of 9,189 m², and will need to relocate. DMS has been completed on their structures. None of these AHs have been compensated and asked to hand-over their structure and relocate.

Table 15: Affected Residential Structures

Sites	Impact on Housing (m ²)			Required to Relocate(AHs)	
	Affected Households	Partially Affected House	Totally Affected House (m ²)	Can Rebuild on Remaining Residential Land	Required to Relocate
USTH Site ⁷	2	0	200	0	2
Army relocation Site	52	0	8,989	0	52
Total	54	0	9,189	0	54

Source: AH Census, June 2013

⁷ One AH who has a residential structure on a forest land will also be compensated for the loss of his structure and will be provided a plot at the relocation site.

Impact on Secondary Structures

46. Secondary structures belonging to 55 HHs will be affected. One of these structures is owned by 1 HH at the USTH site, who was compensated in 2008. The secondary structures include toilet (845 m²); 54 gates; cemented yard (6,424m²) and walls (5,445 m²).

Table 16: Impact on Secondary Structures

Sites	Toilet		Gate		Yards		Walls	
	m ²	AHs	Unit	AHs	m ²	AHs	m ²	AHs
Compensated								
USTH Site	16	1	1	1	50	1	20	1
Army relocation Site	-	-	-	-	-	-	-	-
Subtotal	16	1	1	1	50	1	20	1
Not Yet Compensated								
USTH Site	30	2	2	2	200	2	650	2
Army relocation Site	815	52	52	52	6,224	52	4,795	52
Subtotal	845	54	54	54	6,424	54	5,445	54
Total	861	55	55	55	6,474	55	5,465	55

Source: AH Census, June 2013

Impact on Crops and Trees

47. Some of the impacted agricultural lands are planted with various crops and vegetables. Compensation has been provided for a total of 220,093 m² of crops and vegetables, 45 fruit trees and 431 timber trees before the preparation of the updated RP. Compensation has yet to be provided for the remaining 205 fruit trees, 4,050 timber trees and 224,077 m² of crops and vegetables (see Table 17).

Table 17: Impact on Crop and Trees

Compensation Status/Site	Type of Crops			
	Fruit	Timber	Other	Crops/Vegetables
	Unit	Unit	Unit	m ²
Compensated				
USTH Site	45	431	-	82,668
Army relocation Site				137,425
Subtotal	45	431	-	220,093
Not Yet Compensated				
USTH Site	150	1,600	-	19,205
Army relocation Site	55	2,450	-	204,872
Subtotal	205	4,050	-	224,077
Total	255	4,481		444,170

Source: Census, June 2013

Impact on Businesses

48. Some AHs run small businesses/shops, but are located elsewhere in the district. Accordingly, there is no business establishment or any structure utilized for business which is expected to be impacted by land acquisition. The AHs can continue with their existing businesses.

Impact on Communal Resources

49. There are no communal resources and/or historical/cultural structures which are impacted by land acquisition.

Impact on Graves

50. The Project required the removal of about 203 graves, in Binh Yen Commune where the Army relocation site is to be located. These graves have been removed since 2010, with support from the district authorities. A cash compensation of 5 million VND was provided for each grave that was removed.

IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

A. Identification of Project Stakeholders

51. The Project primary stakeholders consist of the following:

- APs: HHs and individuals affected by physical or economic displacement due to acquisition of land for the construction of the Project or for the Army relocation site; and
- Institutional Stakeholders: Provincial, district, commune People's Committees/ Government agencies and village chiefs in the Project area, as well as mass organizations whose mandates include issues and persons impacted by the Project such as Women's Union, Farmers Union and Fatherland Front.

B. Consultation Undertaken During Resettlement Plan Preparation

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

Consultation Undertaken during RP Preparation

53. In order to gain an understanding of the socioeconomic situation of AHs, a census was undertaken in March 2010 during the project preparation stage covering all AHs within the USTH site. A Project Information Booklet was also prepared and disseminated to AHs to ensure that they were well informed and consulted early in the project preparation.

Consultation Undertaken during RP Updating

54. During the RP updating, several rounds of consultations were carried out in the USTH site and the Army relocation site. During the consultation, AHs actively participated in discussing their development needs and priorities of their locality. The AHs were also asked about the potential impacts of the Project and possible mitigation measures and measures to improve project benefits for them. AHs and local people were made aware of Project implementation and, the Project compensation policy. APs expressed a desire to see faster

progress in land acquisition and compensation activities, as these had been underway for at least 18 years, and they no longer cultivate the land that is subject to acquisition.

55. AHs relocating to the Binh Yen resettlement site are also very concerned about the power/water supply distribution and other social services at the resettlement site. HHTP, PMU-USTH and Thach That District assured them that basic facilities will be ready before the relocated AHs complete construction of their new house on the resettlement site by the first quarter of 2014. Table 18 summarizes the issues raised at consultation meetings held during RP updating.

Table 18: Summary of Consultation Activities During RP Updating

Consultation Activities	Location	Number of Participants	Date of Consultation	Main Issues in Consultation Meetings
Stakeholder meetings	USTH PMU Office	10	December 2012	<ul style="list-style-type: none"> • Project impacts • Entitlement policy of APs • Grievance and redress mechanism • Compensation policy for each kind of land, structures, architectural facilities, trees and crops • Assistance policies • Implementation plan • Measures to address issues arising in the project implementation stage
	HHTP PMU, and Thach That DRC Office	15	December 2012	
Consultation Meetings (Round 1)	Tan Xa			
	Tan Xa	13	January 2013	
Consultation Meetings (Round 2)	Tan Xa	17	June 2013	
	Binh Yen	21	June 2013	
Total		51		

56. The district and commune authorities were also consulted on their agreement and commitments to follow the project resettlement policy reflecting both the Government of Viet Nam and ADB resettlement objectives. Comments raised by participants were freely discussed. Key points are summarized below:

- In terms of compensation and land acquisition, participating AHs wanted the Project to provide them with information about implementation progress and hoped that the Project would be implemented soon. They also expected a transparent process of compensation and to be compensated at replacement cost for their affected land/assets.
- The land to be acquired on the USTH site and the Army relocation site is mostly agricultural land, which is hardly cultivated due to: (i) announced plan of the Government for HHTP implementation for the past 18 years; and (ii) low income from agricultural activities due to poor soil quality. Many APs agree that the acquisition of their agricultural land will have minimal negative impacts to their livelihood.
- APs expect that compensation payments provided to them can help them improve the quality of their remaining farm land (in cases where their remaining land is economically viable for agricultural production) and/or to pursue other non-farm sources of income such as small shops/services when the USTH campus becomes operational.

57. The summary of scope of impacts, entitlements and general principles were presented in community meetings and disclosed in the communal public area. As a result, the AHs are fully aware of the project and the implementation of land acquisition and resettlement. All comments, feedback and recommendations from AHs were also gathered during the consultation meetings, for USTH PMU and Thach That RC's consideration and then, were solved accordingly.

58. In each community consultation meeting, representatives of PMU-USTH, Thach That RC, commune authorities, other competent agencies, and AHs agreed on the meeting's contents and signed the minutes (see attachment in Annex 3).

Activities during Updated RP Implementation

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

V. GRIEVANCE REDRESS MECHANISMS

60. This section presents information and arrangements for addressing conflicts and appeals procedures regarding eligibility and entitlements, as well as the implementation of the resettlement activities. A well-defined grievance redress and resolution mechanism is in place to address AHs' grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. All AHs are made fully aware of their rights and the detailed procedures for filing grievances and an appeal process is publicized through an effective public information campaign. The grievance redress mechanism and appeal procedures were also explained during public consultations.

A. Stages in Grievance Redress

61. APs are entitled to lodge complaints regarding any aspect of the land acquisition and resettlement requirements such as, entitlements, rates and payment and procedures for resettlement and income restoration programs.

62. During the consultation meeting and as part of PIB, the AHs were informed of the GRM for the Project that their complaints, if any can be made verbally or in written form. In the case of verbal complaints, the committee hearing the complaint is responsible to make a written record during the first meeting with the AHs.

63. For the purposes of grievance redress and resolution, the respective PMU-USTH and Thach That RC also serve as grievance officers, or grievance focal persons for the Project. Commune officials will make all reasonable attempts to settle AHs' issues at the commune level through community consultation. All meetings will be recorded by the commune and resettlement committees and copies will be provided to AHs. Copies of minutes of meetings are provided to PMU-USTH and ADB upon request.

64. A three-stage procedure for redress of grievances is proposed:

- (i) Stage 1: Complaints from APs are in the first instance lodged verbally or in written form with the Thach That District RC. The complaint will be discussed in an informal meeting with the AH and the RC. It will be the responsibility of the RC to resolve the issue within 15 days from the date the complaint is received. All meetings will be recorded and copies of the minutes of meetings will be provided to AHs.
- (ii) Stage 2: If no understanding or amicable solution can be reached or if no response is received from the RC within 15 days of registering the complaint, the AH can appeal to the Ha Noi City Resettlement Committee (CRC). The AH must lodge the complaint within 30 days of registering the original complaint and must produce documents that support his/her claim. The CRC will provide a decision within 1 month of receiving the appeal.
- (iii) Stage 3: If the AH is not satisfied with the decision of the CRC or in the absence of any response, the AHs can appeal to the Provincial People's Committee (PPC). The PPC will review and issue a decision on the appeal within 30 days from the day it is received.

65. If the AHs are still not satisfied with the decision of the PPC or in the absence of any response within the stipulated time, an AH, as a last resort, may submit his/her case to the court. The procedure described above is consistent with the legal process for resolution of disputes in Viet Nam. The grievance mechanism shall not impede the court of law. The country's legal system can be accessed by an AP at any time. Complainants will not bear administration or complaint charges.

66. In the case of disputes relating to compensation payments or among compensation recipients or other similar cases, an escrow account under the name of the complaining APs can be established where the compensation amount can be deposited while the dispute or complaint is being resolved.

B. The Grievance Tracking and Reporting

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

68. The PMU-USTH has engaged an Independent Monitoring Consultant (IMC) responsible for checking the procedures for, and resolution of, grievances and complaints. The IMC may recommend further measures to be taken to redress unresolved grievances.

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

VI. LEGAL FRAMEWORK

A. Policy and Legal Framework for Resettlement

70. The legal and policy framework for compensation, resettlement and rehabilitation under the Project is defined by the relevant laws and regulations of the Government of Viet Nam and ADB policies. In case of discrepancies between the Borrower's laws, regulations, and procedures and ADB's policies and requirements, ADB's policies and requirements will prevail, consistent with Decree No. 131/2006/ND-CP which provides that in case of "discrepancy between any provision in an international treaty on Official Development Assistance, to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on official development assistance (ODA) shall take precedence" (Article 2, Item 5).

B. Relevant Vietnamese Legislation

71. The Constitution of the Socialist Republic of Viet Nam (1992) confirms the right of citizens to own and protect the ownership of a house. In addition, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation and resettlement. The principal documents include the Land Law No. 13/2003/QH11, providing Viet Nam with a comprehensive land administration law; Decree No. 197/2004/ND-CP, on compensation, rehabilitation and resettlement in the event of land recovery by the State, as amended by Decree No. 17/2006/ND-CP; Decrees No. 188/2004/ND-CP and 123/2007, specifying the methods for land pricing and land price frameworks in the event of land recovery by the State. There is also Decree No. 84/2007/ND-CP, which stipulates issue of LURC, land acquisition, land use right implementation, procedure of compensation, and assistance in the event of land recovery by the state and grievance redress.

72. Decree No. 38/2013/ND-CP on the use of ODA funds issued on 23 April 2013 states that, in cases where there is discrepancy between provisions of Vietnamese law and international treaties, such international treaties shall take precedence.

73. Other laws, decrees and regulations relevant to land management, land acquisition and resettlement include the Construction Law 16/2003/QH11 on compensation and relocation of people affected by ground clearance for investment projects, Decree 16/2005-ND-CP on the implementation of the Construction Law, Decree 182/2004/ND-CP on penalties for administrative violations in land issues, Decree 198/2004/ND-CP on land use fees.

74. Laws, decrees and decisions relevant to public disclosure of information include Land Law, No. 13/2003/QH11, Article 39, requiring disclosure of information to affected people prior to recovery of agricultural and non-agricultural land of, respectively, 90 and 180 days minimum and Decision 3037/QD-BGTVT, 2003, making the PMU-USTH together with the Thach That Resettlement Committee responsible for public disclosure through mass media of the Project policies and the extent of site clearance to local people, particularly those that will be affected.

75. Decrees relevant to protection and preservation of cultural property include Decree No. 172/1999/ND-CP, Article 25, requiring that sites currently recognized for cultural and historical preservation and that are situated within the boundaries of waterway safety corridors, should be kept intact according to current legal regulations.

76. Decree 69/2009/ND-CP of 13/8/2009 (Supplementary Regulations Regarding Land Use Planning, Land Pricing, Land Acquisition, Compensation, Assistance and Resettlement)

amends Decree No. 197/2004/ND-CP, extends eligibility and provides additional entitlements, compensation and assistance over previous legislation.

77. From HPC, there have been some decisions issued recently on regulation of land acquisition and compensation, including Decision 108/2009/QD-UBND issued by Ha Noi City PC dated Sep 29th 2009 on regulation on compensation, assistance and resettlement due to land clearance by the State in Ha Noi City; and Decision 02/2013/QD-UBND issued by Ha Noi City PC dated Jan 7th 2013 on revision of Decision 108/2009; Decision 50/2011/QD-UBND issued by Ha Noi CPC dated Dec 30th 2011 on land price in Ha Noi PC for 2012 year; Decision 02/2013/QD-UBND issued by Ha Noi CPC dated January 7th 2013 that enable RC in charge to employ consulting firm to conduct independent appraisal of affected land, to ensure that the compensation rate is equivalent to market price; and recently, Decision 27/2013/QD-UBND dated 18/7/2013 by HPC on detail regulation of methods for determining unit prices for residential land; housing at resettlement sites served as basis for calculation of compensation, resettlement while land acquired by the State in the Ha Noi area.

C. ADB Safeguard Policy and Requirements

78. The new ADB SPS (2009) was approved by the ADB Board of Directors on 20 July 2009 and became effective in January 2010. In respect of Involuntary Resettlement, the objectives of the SPS are to avoid or minimize the impact on people, HHs, businesses and others affected by the acquisition of land and other assets, including livelihood and income, in the implementation of development projects. Where resettlement is not avoidable, the overall objective of the ADB safeguards is to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups by compensating for lost assets at replacement costs and by providing, as necessary, various forms of support.

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

- a. Screen the project early on to identify past, present, and future involuntary resettlement impact and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impact and risks.
- b. Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a GRM to receive and facilitate resolution of APs' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impact and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- c. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for

assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

- d. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, social and economic integration of resettled persons into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- e. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas, provide them with legal and affordable access to land and resources, and in urban areas, provide them with appropriate income sources and legal and affordable access to adequate housing.
- f. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain an equal or better income and livelihood status.
- g. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- h. Prepare an RP elaborating displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- i. Disclose a draft RP, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- j. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project costs and benefits. For a project with significant involuntary resettlement impact, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- k. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- l. Monitor and assess resettlement outcomes, their impact on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

D. Reconciliation of the Government of Viet Nam and ADB Policy on Resettlement

80. The Project's resettlement and compensation policy must comply with the requirements of ADB SPS (2009) and Vietnamese laws. Under ADB policy, it is a condition of funding that the

ADB's requirements are met in relation to resettlement, compensation and rehabilitation to all AHs as defined in the ADB SPS.

81. With the promulgation of Decree No. 197/2004/ND-CP, the policies and practices of the national government have become more consistent with ADB's social safeguards policies. Nonetheless, provisions and principles adopted in the RP for the Project will supersede the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with Decree No: 38/2013/ND-CP (April 2013).

82. In Article 32, Decree No. 197/2004, it is clear that: "In addition to the support specified in article 27, 28, 29, 30 and 31 of the Decree, based on local actual condition, the Chairman of PPC will set out the decision on other support solutions for stabilizing the life and production activities of the people whose land is recovered; other special circumstances will be submitted to the Prime Minister for his decision." Any gaps which are not mentioned in the updating the RP, necessary changes should be done in the final Updated RP.

83. Table 19 describes the difference between Laws and Decree of the Government of Viet Nam and ADB's SPS (2009) related to resettlement and compensation as well as the means of addressing these gaps.

Table 19: Differences in National Laws and ADB Policies

Key Issues	National Laws	ADB SPS	Project Policy
Compensation for Business Loss	Decree 69/2009, Article 20(2) only registered businesses are eligible for assistance Compensation is 30% (the highest) of the after tax income in one year subject to average income in the last 3 continuous years as certified by the tax department	Regardless of whether or not they are physically displaced, promptly compensate for the loss of income or livelihood sources at full replacement cost Provide assistance such as credit facilities, training, and employment opportunities so that they can improve, or at least restore, their income-earning capacity, production levels, and standards of living to pre-displacement levels	Those who are economically displaced, but who are not formally registered (e.g. unregistered businesses, employees without labor contracts) will be assisted as appropriate to ensure that their income sources are restored to at least pre-project levels Improve the standards of living of the displaced poor and other vulnerable groups, including women
Compensation Rate for Land	Decree 123/2007 amending Decree 188/2004) Price should not be 20% below or above the benchmark price In areas where the actual market price is lower than minimum price limit in the Decree, the PPC will adjust	Rate of compensation will be calculated at full replacement cost based on the following elements: (i) fair market value, (ii) transaction costs; (iii) interest accrued; (iv) transitional and restoration costs; and (v) other applicable payments.	Payment for land will be based on the principle of replacement cost. In the case of residential land not equivalent to market price, an Resettlement Cost Survey (RCS) will be carried out

Key Issues	National Laws	ADB SPS	Project Policy
	<p>the specific price to be applied locally and report to the Ministry of Finance.</p> <p>(Benchmark price for residential land usually significantly lower than prevailing market price)</p>		
Houses and Structures	<p>Decree 197/2004, Article 18 and 20: Houses and structures constructed prior to land use plans or the right of way announcements will be assisted between 60%–80% of replacement cost</p> <p>Houses and structures constructed after land use plans or the right of way announcements will be provided assistance on case-by-case basis</p>	<p>Compensate all APs, including those without title to land, for all of their losses at full replacement cost (depreciation of structures should not be taken into account), provided they occupied the land/structure prior to the cut-off date for eligibility for resettlement assistance</p>	<p>Compensation for the buildings, regardless of ownership situation, will be made based on full replacement cost</p> <p>(if area was occupied before the cut-off date).</p>
Resettlement Assistance	<p>Article 28-29 - Decree No. 187/2004: The affected people who lose more than 30% of productive land can be provided livelihood stabilization assistance and training/employment.</p> <p>Decree 17/2006 provision of long term support for the poor (3–10 years)</p>	<p>Propose and implement targeted measures so that adverse impacts do not fall disproportionately on individuals and groups who may be differentially or disproportionately affected because of their disadvantaged or vulnerable status</p>	<p>The resettlement assistance will be applied for those who lose 10% or more of income-generating assets, those who are forced to relocate, or poor/vulnerable households</p>
Entity that Conducts the Valuation of Acquired Assets	<p>Provincial and city People's Committees under central authority will establish specific land prices based on the principles stated in clause 1, Article 56, Land Law.</p> <p>Qualified organizations may provide consultancy on land prices (Article 57, Land Law)</p>	<p>Qualified and experienced experts will undertake the valuation of acquired assets</p>	<p>An independent appraiser will be engaged to conduct independent valuation particularly for residential land as input by the District Compensation Boards for determining compensation amounts for HPC approval</p>

E. Project Policies

84. The Project will follow the principles of the ADB SPS (2009):
- a. Involuntary resettlement and impact on land, structures and other fixed assets will be minimized where possible by exploring all alternative options.
 - b. Compensation will be based on the principle of replacement cost at the time of compensation.
 - c. AHs without title or any recognizable legal rights to land are eligible for resettlement assistance and compensation for non-land assets at replacement cost.
 - d. Meaningful consultation will be carried out with the AHs, indigenous households, affected communities and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of AHs and communities will be taken into account.
 - e. The Updated RP will be disclosed to AHs in a form and language(s) understandable to them prior to submission to ADB.
 - f. Resettlement identification, planning and management will ensure that gender concerns are incorporated.
 - g. Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as indigenous households, households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
 - h. Existing cultural and religious practices will be respected and, to the maximum extent, preserved.
 - i. Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.

F. Principles for Valuation

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

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

86. The Thach That District People's Committee under the HPC will establish specific land prices based on the principles stated in clause 1, Article 56, Land Law. In the case of residential land, a qualified/licensed independent valuer will be engaged to help establish the market rate.

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Types of AHs Eligible for Compensation/Assistance

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

88. June 10, 2013 is the established cut-off date, which applies to both the USTH site and the Army relocation site. This date was disseminated throughout the project area via notice in commune offices and community meetings undertaken by the Thach That RC. Any person who purchases or occupies land in the demarcated project area after the cut-off date is not eligible for compensation or resettlement assistance. Fixed assets such as structures, fruit trees, and woodlots established after this date will not be compensated.

B. Project Entitlements

89. The Project entitlements developed and presented in the entitlement matrix below correspond to the impact identified during the census and IOL. Entitlements adopted are based on Government Decisions, and ADB Social Safeguard policies. It should be noted that these entitlements may be enhanced, as necessary, following the conduct of DMS and consultation with AHs to ensure that losses are restored, if not compensated at replacement value.

90. Entitlements for each type of AHs are based on the types and levels of losses. The entitlements also provide various measures aimed at providing opportunities for AHs to obtain development benefits from the project as well as assisting vulnerable AHs to improve their living standards. The entitlement matrix for the Project is shown in Table 20. Unit rates presented in the Updated RP and the entitlement matrix are applicable at the time of updating of the RP, to ensure they are equivalent to replacement cost at the time of compensation.

Table 20: Entitlement Matrix

Type of Loss	Application	Entitled Persons	Compensation Policy	Implementation Issues
1a. Loss of land	Productive land - partially or fully affected, permanent	Owners with LURC, eligible to acquire LURC according to Government regulations, or otherwise legalizable	<ul style="list-style-type: none"> Cash compensation for acquired land at replacement cost which is equivalent to current market price and free from transaction costs (e.g., taxes, certification, administration costs) 	If remaining land area is no longer viable (less than 60% of land holdings) and if AH agrees, then remaining land will be acquired according to

Type of Loss	Application	Entitled Persons	Compensation Policy	Implementation Issues
		under Government regulations.		Project compensation/ assistance regime
	Productive land - partially or fully affected, permanent, with some portion used for residential purpose.		<ul style="list-style-type: none"> Assistance equivalent to 30-70% of the value of residential land (at replacement cost) in the locality of the affected land. The maximum area that may be thus be calculated for this assistance is not to be larger than 5 times the land allocation limit in the local area. [Decree 69/2009(21)] 	AHs are obliged to pay pre-existing outstanding financial obligations to the state related to affected land from land compensation.
	Lease land - partially or fully affected, permanent, with some portion used for residential purpose.	Land Users with temporary or lease rights to use land that cannot be legalized as long term land user	<ul style="list-style-type: none"> As priority, compensation "leased land for leased land" at location acceptable to APs, , or, if requested or there is no reserved land to compensate "land for land", cash compensation equal to remaining investment put on the land or 30% of replacement cost Cash compensation for loss of crops and trees at full market prices 	
			<ul style="list-style-type: none"> For allowances due to loss of agricultural land – see item 7 in this table (below) 	
1b. Loss of land	Residential land Fully or Partially affected: where remaining land is sufficient to rebuild a house	a. Owners WITH LURC, eligible to acquire LURC according to Government regulations, or otherwise legalizable under Government regulations.	<ul style="list-style-type: none"> Cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, and free from transaction costs (e.g. taxes, administration fees) 	Minimum permitted residential lot size is according to provincial regulations (60 m ²)
	Residential land Fully or Partially affected: Without remaining		<p><i>Cash compensation</i></p> <ul style="list-style-type: none"> Cash compensation at replacement cost which is equivalent to current market price and free from transaction costs (e.g., taxes, certification, 	Resettlement sites must have adequate infrastructure and access to social services Depending on the area, category and location of affected land,

Type of Loss	Application	Entitled Persons	Compensation Policy	Implementation Issues
	land sufficient to rebuild houses/ structures		<p>administration costs)</p> <ul style="list-style-type: none"> • In addition, land owner can opt for: <p>(A) <i>Land Plot in Resettlement Site</i></p> <ul style="list-style-type: none"> - Replacement land compensation in resettlement sites or in commune, with the same area, type and category, without charge for taxes, registration and land transfer, with land title or land use certificate - If the cash compensation amount is not sufficient for the DPs to buy a land plot in the resettlement site at minimum size, the APs will be supported the differences. [ND 69/2009:19(1)] <p>(B) <i>Lot development grant</i></p> <ul style="list-style-type: none"> - Those entitled to receive a land plot in resettlement site, but choose not to receive such shall receive a lot infrastructure development grant as per relevant provincial decision, not less than VND100 million per resettlement lot that they would have otherwise been entitled to - For allowances due to loss of residential land – see item 8 in this table (below) 	<p>AHs may be entitled to additional resettlement lots as specified in the relevant PPC decision</p> <p>Where the entitlement for number of lots granted is less than the actual number of HHs of an extended family living separately on the acquired land, favorable consideration will be given to grant priority access of remaining HHs to purchase resettlement plots and facilitate suitable payment arrangements as needed</p>
	Residential land –fully or partially affected, - permanent	b. Owners without LURC, eligible to acquire LURC according to Government regulations, or otherwise legalizable under Government	<ul style="list-style-type: none"> • Compensation for affected land through either replacement land or cash payment will be at replacement cost, however no dispute and no violation with announced planning, otherwise no compensation for land but only support for non-land assets • If APs have no other residence, PPC considers allocating residential land and a 	APs will be provided with LURC for land plot allocated

Type of Loss	Application	Entitled Persons	Compensation Policy	Implementation Issues
		regulations	rehabilitation and allowance package for AP	
2a. Loss of structure	Residential, business and secondary structures - partially or fully affected	Owner of structures regardless of tenure status	<ul style="list-style-type: none"> Fully affected: Cash compensation at replacement cost equivalent to current market prices of materials and labor without depreciation or deductions for salvaged building materials for the affected portion at the time of compensation Partially affected: Cash compensation for the portion of structures lost plus repair compensation equivalent to the actual cost of repair (materials and labor) For allowances due to loss of structure, see item 8 below 	
2b. Impact on graves	Graves located in the affected areas.	Owners of graves.	<ul style="list-style-type: none"> Cash compensation for each grave to cover cost of excavation, movement, and reburial (VND 5 million). 	For ownerless affected graves, compensation will be given to local PC to relocate them to new site
3. Loss of crops and trees	Loss or damage to assets Trees Crops	Owners regardless of tenure status	<ul style="list-style-type: none"> Annual crops and aquaculture products, cash compensation equivalent to annual yield based on current market value of crops/aquaculture products at the time of compensation 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 Timber trees based on diameter at breast height at current market value 	<p>AHs have the right to use salvageable trees.</p> <p>AHs will be given 3 months' notice prior to land acquisition.</p> <p>AHs will receive cash compensation based on market cost of ripened crops/fruit for any unharvested crops that were planted prior to the land acquisition announcement.</p>
4. Affected income and production or business	Lost income sources and production or business	The DPs whose income/ business lost.	<ul style="list-style-type: none"> Cash assistance for loss of income equal to 30% of taxable revenues of one year. Average annual taxable revenues 	

Type of Loss	Application	Entitled Persons	Compensation Policy	Implementation Issues
facilities	properties from registered business Lost income sources and production or business properties from non-registered business		determined on basis of financial statements for the past 3 years <ul style="list-style-type: none"> • Cash assistance for loss of income based on the minimum wage in the Ha Noi City for the duration that the business/income-generation activity is disrupted • Cash compensation for affected structures at replacement costs 	
5. Indirectly affected	Land and properties to be acquired for the development of resettlement areas.	Land users	<ul style="list-style-type: none"> • People who are indirectly affected are impacted the same as those who are directly affected and they are entitled to the same compensation and assistance policies as directly affected people 	
6. Affected public utilities and/or structures	Structures, housing, public architecture, forests, grazing land, and other land, temporarily or permanently affected	Villages, urban zones, administration agencies, army units	<ul style="list-style-type: none"> • Public utilities will be: (i) restored as before, or (ii) Built in other locations after consulting the community and concerned agencies, or (iii) Compensation based on replacement costs of affected buildings and deducting reused materials but not calculating depreciation 	
Transitional Allowances				
7. HHs whose existing agricultural land is affected	Support with vocational training and job change	All AHs	<ul style="list-style-type: none"> • For agricultural land acquired, the allowance is 3-5 times of entirely acquired agricultural land price, depending on type of crop <p>And</p> <ul style="list-style-type: none"> • In cases where the HH requests training, a vocational training course will be provided for people who are of working age, free of charge (Decision 52/2012/QD-TTg). 	See Section IX of this Updated RP
	Support for stabilizing	AHs having 10% or more	<ul style="list-style-type: none"> • AHs with over 10% of their agricultural lands acquired will 	

Type of Loss	Application	Entitled Persons	Compensation Policy	Implementation Issues
	household living standards:	of their total agricultural land holding to be impacted.	<p>be compensated with money equivalent to 30 kg of rice/person/month at local market price, including:</p> <ul style="list-style-type: none"> - AHs with from 10%-70% of their agricultural lands acquired will be assisted for living stabilization for 6 months if they do not need to resettle and for 12 months in case of resettlement - AHs with more than 70% of their agricultural lands acquired will be assisted for living stabilization for 12 months if they do not need to resettle and for 24 months in case of resettlement 	
8. Displacement from residential housing	Severe impact requiring resettlement	Relocating households regardless of tenure status	<p>Transport Allowance:</p> <ul style="list-style-type: none"> • Cash allowance sufficient for the transport of HH effects to the new residence to be not less than the following: <ul style="list-style-type: none"> - Those relocating within Ha Noi City: VND5 million/HH - Those relocating outside Ha Noi City: VND8 million/HH <p>Stabilization Assistance:</p> <ul style="list-style-type: none"> • Cash grant stabilization assistance allowance to support the household during the period of transition while establishing a new house to be not less than the following: <ul style="list-style-type: none"> - Those required to relocate: Cash allowance equivalent to 30kg of rice/HH member for 12 months - Those relocating on the same land lot: Cash allowance equivalent to 30kg of rice/HH member for 6 months <p>Rental Assistance:</p> <ul style="list-style-type: none"> • Those without alternative accommodation and who are: (i) Awaiting resettlement land/house at a resettlement site; or (ii) Awaiting finalization of construction of replacement house on a non-resettlement 	Transport allowance to be provided to AHs displaced from rented accommodation and those temporarily displaced from owned residential accommodation in addition to those permanently displaced from owned accommodation

Type of Loss	Application	Entitled Persons	Compensation Policy	Implementation Issues
			site shall receive: <ul style="list-style-type: none"> - VND6 million/month during the period from handover of cleared land to the time they receive notice of land plot allocation in the resettlement site; and - 6 months' support for house construction 	
Special Assistance				
9. Poor and vulnerable households	Loss of land and non-land assets and relocation.	Affected vulnerable groups regardless of severity of impact	Special Allowance <ul style="list-style-type: none"> • Poor HHs shall receive a grant of VND3 million as per Ha Noi CPC Decision. • Other vulnerable HHs and female headed HHs, as defined in the RP, shall receive a grant of VND3 million 	
10. Incentive Bonus		All AHs	<ul style="list-style-type: none"> • All AHs who hand over the site on time will be provided an amount from VND3 million to VND5 million 	

C. Additional Measures

91. Following existing practice of assisting HHs affected by infrastructure projects, all AHs will be advised by the Thach That Resettlement Committee to have their compensation deposited in a bank for safekeeping and enable them to benefit from the interest paid on such deposits.

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

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

VIII. RELOCATION OF HOUSING AND SETTLEMENTS

A. Relocation Options

94. AHs that need to relocate will be provided with 2 relocation options:

- Option 1: self-relocation, where AHs arrange their own relocation utilizing the compensation and lot development cash grant.
- Option 2: fully assisted resettlement in the form of provision of a lot in Binh Yen resettlement site with replacement of land plot with availability of basic infrastructures and social facilities.

95. A total of 54 HHs are expected to be relocated. During the conduct of the DMS and consultations, the 54 HHs expressed their preference for a residential lot at Binh Yen resettlement site. In both options, the relocating HH will be provided with transport allowance, stabilization assistance and rental assistance.

B. Description of the Resettlement Site

96. Currently, Thach That District and/or HHTP have an existing Binh Yen resettlement site which is included in the HHTP's Master Plan. It is located in Binh Yen commune, Thach That district, about 1–2 km from the USTH site. The resettlement site is intended for all AHs for various development projects in the district.

97. An area of about 8 ha was allocated by the district in 2004 to receive approximately 200 HHs affected by the HHTP project, with an area of 200m² for each plot of land. The resettlement site was provided with basic infrastructure such as internal-road network, drainage system, and high voltage power supply. However, social facilities such as health clinic, school, and market are still lacking. District authorities target to put up the power and water distribution systems once the relocating HHs have been awarded plots and have started building their houses on the site.

C. Relocation Process

98. Prior to the payment of compensation to relocating households, Thach That District RC will conduct a special briefing and consultation on the relocation process where the timing of activities, awarding of plots, house construction and related topics will be discussed. A specific section of the resettlement site will be designated for the USTH and Army site relocating AHs to help them maintain their proximity and better manage the power and water distribution system. Plot allocation will be made through drawing-lots. AHs will be asked to confirm their agreement to the allocated plot(s). After confirmation of the plot allocation, each AH will be assisted in marking the specific boundaries of their plot in consultation with their neighbors.

99. After the AHs have received their compensation payments and have handed over their assets, they will be given 4 weeks to clear their plots and arrange for their temporary accommodation using the funds provided to them for transportation. The DRC will closely monitor the process and provide further assistance if needed, particularly vulnerable households. If AHs agree, assistance will also be provided by the DRC in organizing for bulk purchase of materials (i.e. bricks, roofing, cement, steel, etc.) to help reduce the cost of materials. Information on housing construction standards and sanitation will also be disseminated to the AHs to ensure that they are properly guided. Follow-up consultations will also be made to identify and help plan to address concerns related to children schooling, access to markets, community facilities and services.

100. Each relocating household will be provided a LURC to the plot for free. The LURC will be made under the name of both spouses. This, and other emerging issues related to the relocation of the AHs will be included in both the internal and external monitoring of the resettlement. It is expected that all relocating AHs will turn over their land by the end of September 2013 and be resettled in the resettlement site by the first quarter of 2014.

IX. INCOME RESTORATION AND REHABILITATION

A. Impact and Risks to Livelihoods

101. Agriculture is the key livelihood source for the AHs that will be affected by the Project. Among the HH heads, 62% (265) are engaged in agriculture activities. To a lesser extent, other HH members (15%) are also involved in agriculture. Almost all AHs will lose all their agricultural land and will no longer be able to continue with their agricultural activities. The census showed that AHs that are involved in farming also have lower income as compared to other households. This situation is likely to become worse as a result of land acquisition, unless farming households are assisted in finding and keeping other income sources.

102. Although most HH heads (84%) have other income sources, and the majority of HH members are working as laborers/employees in factories, construction sites and offices, there is still a need to help them recover their lost income from agriculture to make sure that they will not become worse off as a result of land acquisition. These HHs are expected to lose between 17–21% of the income which they get from agriculture.

103. There are employment opportunities in garment and other factories in the districts and there are existing training courses offered by the Department of Labor, Invalids and Social Affairs (DOLISA) to help members of AHs to obtain employment. However, shifting to non-agricultural work remains a challenge for people who are more than 50 years old due to the preference of factories to hire younger applicants. Trading is another opportunity, but would require good planning, location and capital. Because of these challenges, many older APs are resigned to the idea of not finding alternative jobs, and relying only on the capacity of the younger members of their HHs to find better paying and sustainable jobs, thereby adding economic strain to the household.

104. The success of resettlement planning in restoring living conditions is thus inextricably bound to income restoration, and effective income restoration in turn necessitates a clear understanding of livelihoods, capacities and risks faced by those displaced.

105. The crucial role that women play in the socio-economic well-being of the HH can often be overlooked when AHs' livelihoods are only examined at the HH level. The nature of women's work can often be quite different to that of men. The implications for resettlement are that these differences in the general characteristics of productive work mean that women can experience different risks and impacts on livelihoods compared to men. Work located close to the home tends to be the income source most severely affected by resettlement. Women's separate incomes, while generally lower than those of men, are an important element for empowerment within the HH and make a significant contribution to HH wellbeing. Overall, lost incomes for women pose significant risks in terms of increased time, poverty, disempowerment within the family as well as impoverishment of HHs.

Ongoing Income Restorations Undertaken in the District

106. A number of specific ongoing income restoration measures in the district have been incorporated into the updated resettlement plan as summarized below:

Affected Livelihood

Income Restoration Measures

- | | |
|--|---|
| <ul style="list-style-type: none">▪ <i>Farmers</i>
▪ <i>Vulnerable households</i> | <ul style="list-style-type: none">▪ <i>Stabilization allowance (income support) for 6–24 months</i>▪ <i>Income restoration allowance (equivalent to 3–5 times the PPC value of affected land), depending on types of crop.</i>▪ <i>Vocational training entitlements (provides benefit of diversifying household income sources)</i>▪ <i>Special assistance</i>▪ <i>Vocational training</i>▪ <i>Access to micro-finance</i> |
|--|---|

107. Following Decision No. 1956/QD-TTg dated 27 November 2009 of the Prime Minister, and Decision No. 1201/QD-TTG dated 31 August 2012 of the Prime Minister approving the National Target Program on Employment and Training for the period of 2012–2015, Tan Xa and Binh Yen commune People's Committees:

- Organize annual surveys on labor supply and demand and develop a database of households within the communes;
- Established a steering committee to oversee the implementation of the employment and training plan in the commune;
- Conduct information dissemination on the vocational training scheme for rural laborers;
- Guide departments, divisions and missions in implementing the vocational training program; and
- Monitor the implementation of vocational training classes in the commune.

108. Vocational training and job referrals have been implemented widely, resulting in significant improvement in skills development, job creation, and increasing income of people in the commune. This program is carried out for people under working age affected resulting from land acquisition by various projects in the district. To date, about 42.2% of the said people have participated in vocational training, and among them, 80% found new jobs after being trained.

109. Members of the 256 AHs (about 1,161 APs) losing agricultural land under the Project are eligible to participate in one short term vocational training course (up to 6 months) free of charge. The main State provider of vocational training is the Provincial DOLISA as stated in Decision 1956/QD-TTg.

B. Income Restoration Program (IRP) under the Project

110. In addition to cash allowances (i.e. support for vocational training and job change and support for stabilizing HH living standards) provided to the 265AHs losing agricultural land, an

income restoration program is now being implemented to ensure that Project AHs can find a new job after losing their agriculture land.

111. The IRP aims to: (i) create career opportunities through vocational training and job referrals; and (ii) provide technical advice or/and small business/service models for those who want to venture into business. Based on the consultations carried out with various stakeholders and needs assessment, the specific activities of the IRP include: (i) organizing vocational training courses suitable to AHs' capacity; and (ii) provide technical advice, models on small business/services at site.

Vocational Training Program under the Project

112. The main objectives of district vocational training programs are to: (i) provide vocational training for about 400 laborers; and (ii) to create jobs for at least 400 laborers. The program will target persons whose agricultural land is acquired by the Project, and where the "land for land" compensation mechanism is not applied. The criteria for people to apply for this program are: (i) long-term residence in the project area; (ii) of working age; and (iii) revealed demand for participation in vocational training courses and job creation programs.

113. At least 240 AHs meet the criteria and are eligible to participate in the training. Participants will be supported, free of charge, for vocational training for a 3 year period, commencing from issuance of the land acquisition decision. There are two types of training courses:

- Short-term (less than 3 months): the AH will be provided with short term vocational training courses (under Decision 1956/QD-TTg dated November 27 2009), with that funding taken from Program 1956.
- Long-term (more than 3 months – e.g. college): the AH will be provided with long term training courses (under Decision 52/2012/QD-TTg dated November 16 2012), with funding taken from the compensation payment of the project (counterpart funds) or from the Project investment cost (ADB financing).

114. The proposed project Income Restoration Program (vocational training) is a combined program, which is associated with current or existing vocational training programs undertaken by the district authority and implemented by DOLISA under Program 1956. The steps for the vocational training program areas follow:

- The project communes of Tan Xa and Binh Yen create a database of interested AHs to reflect qualifications, job experience, skills and desired occupation, and submit this to the District DOLISA. Data gathering started in July 2013 and will be completed within the 3rd quarter of 2013.
- Commune authorities maintain linkages with construction projects, commercial, industrial and institutional establishments within the Thach That District with the intention of identifying their manpower requirements (i.e. number, qualification, schedule of deployment, etc.) and securing agreements (quota for hiring) for deployment of qualified AH members to fill job vacancies, then identify the type of relevant training courses and list of participants.

- The list of proposed participants will be submitted to Thach That District DOLISA, which will coordinate with District Vocational Training Centers (VTCs) to provide vocational training courses.
- Available jobs will also be posted in the commune offices and advertised on the commune's local radio.
- Under the Project, the PMU-USTH and Thach That RC will closely coordinate with the project contractors and consultants to recruit local labor, especially from AHs, on a priority basis. Labor standards will be maintained and will incorporate applicable workplace occupational safety norms. There will be no differentiation between men and women on payment for work of equal value, and no child labor will be used for construction and maintenance.

115. Based on the survey and consultation results showing the preference of many members of AHs for short-term vocational training courses, including industrial sewing, bamboo weaving, cooking, to meet the growing demand from local industries, three vocational training courses (sewing, bamboo weaving and cooking) are planned for 2014. The tentative schedule and number of participants in these courses for 240 Project AHs are presented in Table 21 below.

Table 21: Tentative Schedule for Vocational Training Courses

Types of Vocational Training Courses	No. of Classes/Courses	No. of Participants	Timing
Industrial Sewing (Garment)	3	140	Q1-Q2 2014
Bamboo Weaving	1	50	Q1-Q2 2014
Cooking	2	50	Q1-Q2 2014
Total		240	

Source: Thach That PC, June 2013

Implementation Arrangements

116. The Thach That District DOLISA will play a key role in implementing training courses and the small business component. Their tasks are to: (i) Disburse budget in a planned way according to guidelines of the District/City VTCs; (ii) Store and maintain accounting documents for auditing; (iii) Closely monitor the training and small business activities and report to the Project in a timely manner; (iv) Establish and maintain linkages with the management of the USTH construction projects; and (v) Organize the monitoring and evaluation workshop (if any).

117. VTC in Thach That District are responsible for conducting occupational training, industrial extension models, consultation and job referrals. Detailed tasks are as follows: (i) Participate in the needs assessment (presentation of training options and the small business component); (ii) Conduct training courses suitable for trainees; (iii) Establish a program to provide information to the affected communes on the availability of jobs through posting of job vacancies in the commune offices and through communes' local radio; and (iv) Provide advice and conduct specific training courses on entrepreneurship.

118. The Thach That RC has good knowledge of APs and the status of AHs (tenure, socioeconomic status, etc.) and will be useful for the implementation of the IRP. Through the Thach That RC, AHs will be made aware of what to look into such as the right products, market situation, competition, amount of investments and potential profit, and risks involved.

Cost Estimate

119. The training fee will be taken from the Government of Viet Nam's fund for implementation of Program 1956. The estimated cost is set out in Table 22.

Table 22: Cost Estimate for Vocational Training Program

Items	No. of Participants	Unit Price	Amount (VND)
Vocational Training			
Training Fee (per person)	240	3,000,000	720,000,000
Per diem for Trainees (per person per day)	240	15,000	324,000,000
Others (including transportation)	240	200,000	48,000,000
Job Creation			
Other activities (including provision of technical advice, models on small business/services at site, and job referral)	Lump-sum		100,000,000
Total			1,192,000,000

X. RESETTLEMENT BUDGET AND FINANCING PLAN

A. Funding Source

120. The funds to be used for land acquisition, compensation for housing, asset and other related costs will be provided from counterpart fund, Ha Noi PPC.

B. Replacement Cost

121. Replacement cost is the amount needed to replace for the affected assets without deduction for taxes and/or costs of transaction and as follows:

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

Process and Survey Methodology

122. Replacement costs are normally determined by the district following the valuation standard methodology prescribed under MOF Circular No. 145/2007/TT-BTC of 2007. According to the survey on household perception of market rates, the current compensation prices for agricultural land, structure/assets and crop/trees are basically equal to market value, which are acceptable to AHs. For residential land, where market rates are normally higher than the annual benchmark rate issued by HPC, a licensed independent appraiser was hired by HHTP to conduct the valuation and submit to HPC for review and approval.

C. Resettlement Budget

123. The compensation and resettlement costs include land, assets/structures, crop/trees, supporting/allowance (in cash) and income restoration programs (in kind) for the remaining activities. These are presented below.

Compensation for Land

124. The unit rate for land varies by grade and location of land. Total permanently acquired land costs approximately VND76.3 billion, as presented in Table 23 below.

Table 23: Compensation for Affected Land

Types of Land	Number of AHs	Area of Land Impacted (m ²)	Unit Price (VND)	Amount (VND)
USTH Site				
Land Already Acquired by HHTP				13,585,139,420
Residential Land				
Agricultural Land	99	82,867.7	115,000	9,529,785,500
Forest Land	7	88,933.2	45,600	4,055,353,920
Land Which Will Be Acquired by HHTP				3,059,778,180
Residential Land	1	200	700,000	140,000,000
Agricultural Land	12	19,205.5	115,000	2,208,632,500
Forest Land	1	15,595.3	45,600	711,145,680
Army Relocation Site				
Land Already Acquired by HHTP				14,653,863,500
Residential Land				
Agricultural Land	70	127,424.9	115,000	14,653,863,500
Forest Land				
Land Which Will Be Acquired by HHTP				45,032,672,000
Residential Land	52	10,521	700,000	7,364,560,000
Agricultural Land	132	204,865	115,000	23,559,475,000
Garden Land	113	122,684	115,000	14,108,637,000
Total				76,331,453,100

Source: Estimated, June 2013

Compensation for Assets/Structures

125. The unit rate for housing and structures varies by type. Permanently acquired housing/structures cost about VND 31.1 billion, as presented in Table 24 below.

Table 24: Compensation for Project Affected Assets/Structures

Types of Asset	Number of AHs	Area of Assets Impacted (m ²)	Unit Price	Amount (VND)
USTH Site				1,353,504,000
Land Which Has Been Acquired by HHTP				418,684,000
Housing				
Structures	1			418,684,000
Land Which Will Be Acquired by HHTP				934,820,000
Housing	2	200	3,289,000	657,800,000
Structures	2			277,020,000
Army Relocation Site				29,751,808,200
Land Which Has Been Acquired by HHTP				1,015,000,000
Housing				
Structures (Graves)	92	203	5,000,000	1,015,000,000
Land Which Will Be Acquired by HHTP				28,736,808,200
Housing	52	7,510	3,289,000	24,700,713,200
Structures	52			4,036,095,000
Total				31,105,312,200

Source: Estimated, June 2013

Compensation for Crops/Trees

126. The unit rate for crops/trees varies by type. Permanently acquired crops/trees cost about VND5.6 billion, as presented in Table 25 below.

Table 25: Compensation for Project Affected Crops/Trees

Types of Crops/Trees	Number of AHs	Quality	Unit Price	Amount (VND)
USTH Site				1,831,329,500
Land Which Has Been Acquired by HHTP				
Crops/Trees	105			1,578,314,900
Land Which Will Be Acquired by HHTP				
Crops/Trees	13			253,014,600
Army Relocation Site				3,795,769,400
Land Which Has Been Acquired by HHTP				
Crops/Trees	70			1,323,174,300
Land Which Will Be Acquired by HHTP				
Crops/Trees	238			2,472,595,100
TOTAL				5,627,098,900

Source: Estimated, June 2013

Support/Allowances in Cash

127. The costs for support/allowances (including vocational training and job creation, living rehabilitation allowances, relocation support (including rental support during the transition period) is estimated at VND 334.2 billion, presented below in Table 26.

Table 26: Support and Cash Allowances

Types of Allowances	No. of AHs	Quality	Unit Price	Amount (VND)
USTH Site				92,309,834,000
Land Which Has Been Acquired by HHTP				
Allowances	105			77,122,203,100
Land Which Will Be Acquired by HHTP				
Allowances	13			15,187,630,900
Army Relocation Site				241,924,216,500
Land Which Has Been Acquired by HHTP				
Allowances	70			83,571,097,500
Land Which Will Be Acquired by HHTP				
Allowances	238			158,353,119,000
Total				334,234,050,500

Source: Estimated, June 2013

Income Restoration Program

128. The IRP proposed in the project is in kind vocational training for about 400 people of working age, which estimate at about VND1,192 million. The budget will be taken from the Program 1956, not from the project compensation budget.

Total Cost Estimate

129. The resettlement budget is estimated at VND500 billion equivalent to approximately US\$24.4 million. These include cost of compensation, administration, allowances, monitoring and contingency. The cost of consultation and grievance redress mechanism will be covered from administration charges. All costs for land, structures and crops are based on the results of the Replacement Cost Study having conducted since January 2013. The basis and assumptions of all other costs are presented in Table 27 below.

Table 27: Resettlement Budget Estimate

Items	USTH Site (VND)		Army Relocation Site (VND)	
	Land Already Acquired by HHTP	Land Which Will Be Acquired by HHTP	Land Already Acquired by HHTP	Land Which Will Be Acquired by HHTP
Direct Compensation Payment				
Land	13,585,139,420	3,059,778,180	14,653,863,500	45,032,672,000
Housing	-	657,800,000	-	24,700,713,200
Structures	418,684,000	277,020,000		4,036,095,000
Graves			1,015,000,000	
Crops and Trees	1,578,314,900	253,014,600	1,323,174,300	2,472,595,100
Support/Allowances	77,122,203,100	15,187,630,900	83,571,097,500	158,353,119,000
Income Restoration Programs				
Sub-total 1	92,704,341,420	19,435,243,680	100,563,135,300	234,595,194,300
Management				
Administration Fee (2%)	1,854,086,828	388,704,874	2,011,262,706	4,691,903,886
Contingencies (10%)	9,270,434,142	1,943,524,368	10,056,313,530	23,459,519,430
Sub-total 2	11,124,520,970	2,332,229,242	12,067,576,236	28,151,423,316
Total	125,596,335,312		375,377,329,152	
In VND			500, 973,664,464	
In USD			24,437, 740	

Source: Estimated, June 2013

XI. INSTITUTIONAL ARRANGEMENTS

A. The Ministry of Education and Training

130. The MOET is the executing agency (EA) and will oversee all project activities including RPs. The Government, through MOET is responsible for:

- The overall execution of this resettlement plan in accordance with the assurances quoted in the Introduction, and in line with the Implementation Schedule set out in Section XII below;
- Monitoring the progress of the RP, commissioning the independent monitoring referred to in Section XIII below, and ensuring that action is taken upon its findings; reporting to the National Executive board on the progress of the RP and the relocation of the two Army units; and
- Allocating a budget, through HHTP Management Board, to local authorities to pay for the functions delegated to them under this RP.

131. The PMU-USTH supports the Government, especially MOET, in the exercise of these functions, which also include aspects related to coordination with the concerned units, reporting, complaint handling, and internal monitoring of the implementation of the Updated RP. In addition, to implementing the Project Updated RP, the Government has delegated certain functions to the HHTP Management Board, HPC and Thach That District People's Committee (TTPC). These agencies have established units to implement the RP.

B. HHTP Management Board

132. The HHTP Management Board has been assigned to implement the HHTP program, including ground clearance. In term of land acquisition, the HHPT Management Board's functions include:

- Providing costs for compensation and land clearance;
- On behalf of MOET, implementing all resettlement activities within the management area of the city, and signing all contracts related to the implementation of different resettlement categories;
- Together with other provincial function departments, up-dating the unit price for land and building compensation in accordance with rules of the Resettlement Policy Framework; preparing the procedure of acquiring and granting land and submit this document to seek for approval from TTPC; coordinating and monitoring the resettlement activities in the cities;
- Guiding and supervising the DMS process; completing the compensation form and submitting the document to the HPC for approval; and
- Handing over the cleared site to USTH in accordance with the implementation schedule.

C. HPC

133. The HPC promulgated Decision No.3235/QĐ-UBND, dated 2 July 2010, on transferring the project investor of compensation, assistance, land clearance in HHTP from Industrial Parks Investment and Development Management Unit of Hanoi Industrial Center to TTPC, including:

- Providing instructions for various departments, industries and District People's Committee to set up the plan for compensation, assistance and resettlement;
- Instructing and coordinating relevant offices in resolving questions and complaints from the affected people on compensation, assistance and resettlement; and
- Ensuring the equality and objectiveness when considering and resolving the task of compensation, assistance and resettlement as the Government acquires the land.

D. Thach That District Level

134. TTPC will be responsible for:

- Guiding, organizing, campaigning all organizations and people about policies on compensation, assistance, resettlement and implementing to clear the site in accordance with the Updated RP once it has been approved by the ADB;
- Guiding the Compensation, Assistance and Resettlement Board (CARB) to implement the compensation, assistance, resettlement plan. Approving the Updated RP after it has been approved by the ADB;
- Coordinating with departments, industries, organizations and investors for construction, to prepare construction plans for the local resettlement areas, as classified by the Municipal People's Committee;
- Resolving complains of these affected people related to compensation, assistance and resettlement issue;
- Coordinating with other functional agencies related to the implementation of land acquisition and other resettlement activities;
- HPC has handed over the implementation of compensation and land clearance in HHTP to TTPC, which must establish a CARB to implement its tasks; and
- Thach That District DOLISA, in close coordination with commune level in preparation and implementation of livelihood restoration program, including coordination with factories, companies in the region for vocational training and job creation.

135. Thach That RC is responsible for:

- The President guides all members of the CARB to submit the compensation plan for approval by the ADB and then to implement the compensation, assistance and resettlement plan.
- Project officers are responsible for assisting the President in preparing the compensation, assistance and RP and in assuring the full payment for compensation and assistance; and developing the resettlement area in time.
- Representatives from these APs are responsible for expressing wishes from the AHs whose lands are acquired or those who have to remove; and encouraging them to remove and clear the land as in planned.
- Other members will complete other appropriate tasks, which are in accordance with their functions, are guided and assigned by the President.

136. In general, the CARB is responsible for the accuracy of the data, statistics and the legality of land and properties which are eligible enough for compensating or implementing the compensation, assistance and resettlement plan.

E. Commune People's Committees

- Organizing to consult and disseminate information on land acquisition and policies on compensation, assistance and resettlement of the project.
- Coordinating with the CARB to identify people whose land are affected, and to inventory properties on the land of the affected people, and
- Coordinating with the CARB to pay for compensation and assist in arranging the resettlement area for the affected people who have to remove; and push the progress of land clearance.

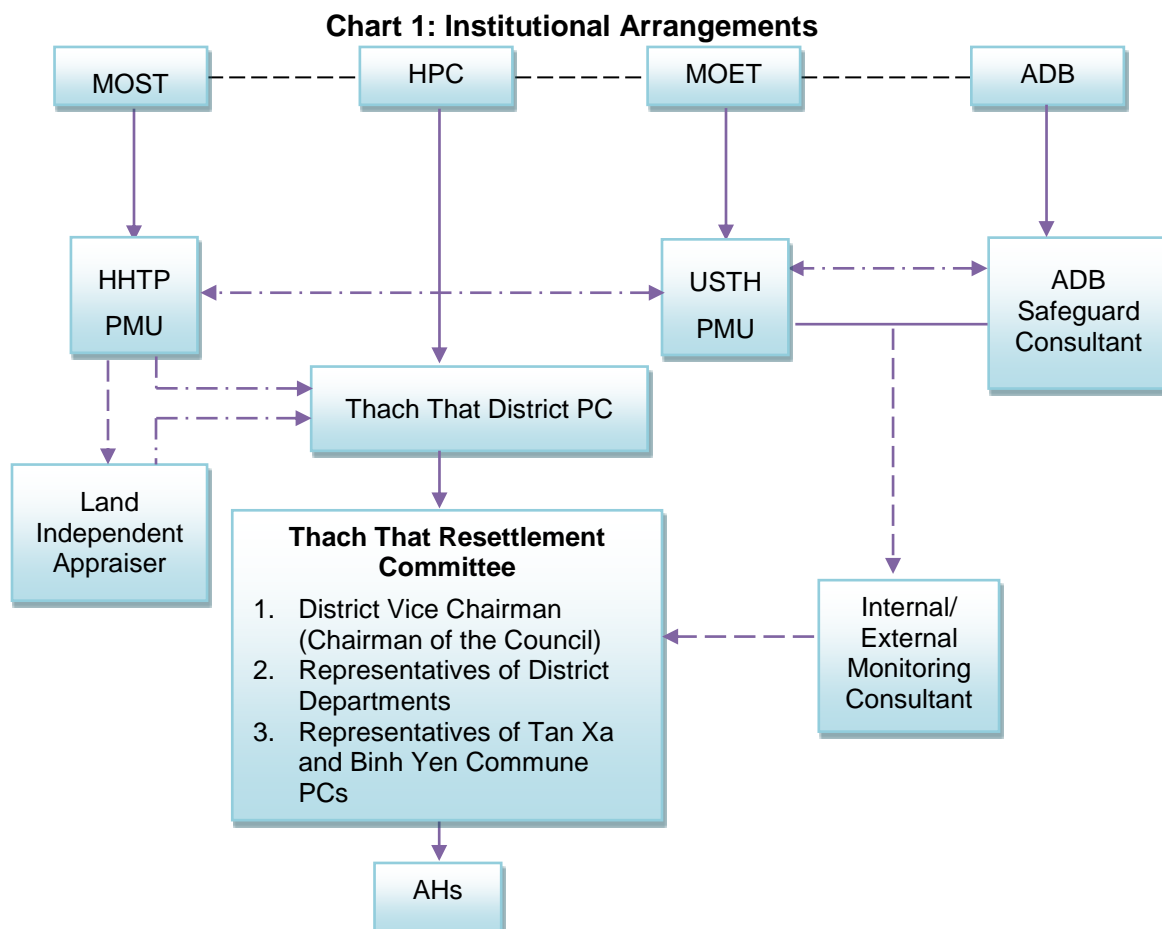
- Supporting district authorities, especially DOLISA at district level in preparation and implementation of livelihood restoration program, including coordination with factories, companies in the region for vocational training and job creation.

F. Other Supporting Consultants

137. IMC: Internal and External/Independent Consultants specializing in resettlement and social development were mobilized to monitor and evaluate the implementation of Project Updated RP, and carry out socioeconomic and baseline surveys. Costs for the independent monitoring of the project's resettlement activities will be deducted from the Project's ODA loans. The independent monitoring consultant will report periodically on the progress of updated RP's implementation on the quarterly basis and recommend solutions to any problems they discover.

138. ADB Social Safeguard Consultant: main objective and purpose of the assignment is to assist the PMU-USTH in updating RP, including Due Diligence Review for area that have been acquired by the Thach That RC and preparing Income Restoration Program, as part of the updated RP for the project as requirement of the ADB. In addition, the Consultant will be responsible for: (i) in cooperation with USTH PMU to regularly monitor all project implementation of land acquisition, compensation; (ii) provide all necessary assistances aimed to resolving all shortcoming and other remaining issues during compensation and resettlement implementation; and (iii) in coordination with Independent Monitoring Consultant hired by PMU-USTH to prepare and monitor implementation of income restoration for all AHs.

139. Chart 1 outlines institutional arrangements for updating and implementing the RP.



XII. IMPLEMENTATION SCHEDULE

A. Resettlement Activities

(i) Establishment of Compensation Committees

140. Thach That RC is established under the Thach That District PC, which is responsible for land acquisition for all projects in the Thach That district area. Members of the Thach That RC are determined by the Thach That District PC.

(ii) Conduct of DMS

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

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

(iii) Conduct of Independent Appraisal of Land

143. HTTP engaged an independent appraiser to determine the current market price of residential land. Results from this survey serve as basis for calculating the compensation and resettlement that is required for submission to Thach That District PC for approval.

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

144. The Thach That RC will be responsible for preparing a detailed Compensation Plan for each AH, including all relevant information, including scope of impacts, entitlements, implementation and institutional schedule, payment release, etc.

(v) Updating Resettlement Plan

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

(vi) Payment Releasing

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

(vii) Internal and Independent Monitoring

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

B. Indicative Implementation Schedule

148. The Updated RP is prepared following the detailed project design. All resettlement activities are coordinated with the civil works schedule. Land acquisition and relocation of AHs cannot commence until the Updated RP has been reviewed and approved by ADB. Construction activities in affected sites are not allowed until all resettlement activities have been satisfactorily completed, agreed rehabilitation assistance is in place, and site is free of all encumbrances. It is estimated that the procedures for compensation and relocation of HHs will be completed in the first two years of project implementation as detailed in Table 28 below.

Table 28: Implementation Schedule

Land Acquisition and Resettlement Activity	Starting Date	Completion Date	Implementation
Preparation of Updated RP			
Work with Thach That Resettlement Committee	Dec 2012	Feb 2013	Consultants
Conduct of Census, Socio-economic and RCS (household perception on market price)	Dec 2012	Feb 2013	Consultants
Coordination and confirmation with Thach That RC on space availability in the designated Binh Yen resettlement site	Dec 2012	Feb 2013	Consultants
Conduct public consultations (throughout RP Updating)	Dec 2012	June 2013	Consultants, Communes, DRC, District PC
Conduct and Update DMS, from Thach That RC	Dec 2012	June 2013	Consultants, Communes, DRC,
Consult AHs on project impact, entitlements and final options, grievance mechanism, and complete census	Dec 2012	June 2013	Consultants, Communes, DRC,
Prepare Updated RP	Dec 2012	June 2013	Consultants
Finalize the RP incorporating comments of AHs and results of census/DMS	July 2013	July 2013	Consultants
Submit to ADB for review	Aug 2013	Aug 2013	USTH PMU
Review and approval of Updated RP	Aug 2013	Aug 2013	ADB
Endorsement of Updated RP	Aug 2013	Aug 2013	HPC
Disclose approved Updated RP to AHs and upload to ADB website	Aug 2013	Aug 2013	USTH PMU, ADB

Land Acquisition and Resettlement Activity	Starting Date	Completion Date	Implementation
Preparation of detailed income restoration measures	Aug 2013	Sep 2013	USTH PMU, Consultant
Approval and disclosure of detailed income restoration measures	Sep 2013	Sep 2013	ADB, HPC
Approval of the independent appraisal of residential land.	Sep 2013	Sep 2013	ADB, HPC
Implementation of Updated RP			
A. Compensation Payments and Income Restoration			
Funding Arrangement from competent agency	July 2012	Aug 2012	
Disbursement of compensation to remaining AHs	Aug 2013	Sep 2013	DRC
Grievance Redress Mechanism	Sep 2012	Dec 2017	DRC, District
Processing and issuance of LURC for replacement lands.	Sep 2013	June 2014	PMU, District
Temporary relocation of AHs and clearing of land (both USTH site and army relocation site)	Sep 2013	Oct 2013	DRC, Commune/District
Implementation of income restoration measures	Sep 2013	Dec 2014	DRC, Commune/District
B. Relocation and Handover of 39 ha Army Site			
Turnover of the army relocation site to the army unit	Oct 2013	Oct 2013	DRC, District
Construction of army buildings and structures	Nov 2013	Feb 2014	The Army Unit
turn-over of the 39ha to USTH	Mar 2014	Mar 2014	The Army
C. Development of Binh Yen Resettlement Site			
Finalization of agreements on plot allocation and relocation	Aug 2013	Aug 2013	District, AHs
Installation of power distribution network and water systems.	Oct 2013	Nov 2013	District
Construction of Houses and other structures by AHs (during their temporary relocation)	Sep 2013	Feb 2014	AHs,
AH relocation to the resettlement site	Mar 2014	Mar 2014	AHs,
Monitoring and Evaluation			
Submission internal progress reports –quarterly	Dec 2012	Dec 2014	IMC
Submission of external monitoring reports	Dec 2012	Dec 2014	IMC

XIII. MONITORING AND REPORTING

A. Objectives

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

B. Internal Monitoring

150. The PMU-USTH is directly responsible for internal monitoring of RP implementation. In particular, the PMU-USTH, with the assistance from the IMC will supervise and manage monitoring of resettlement activities and implementation arrangements.

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

152. The range of activities and issues that need to be recorded and verified, include:

- Compensation, allowance payments and delivery of assistance measures;
- Reestablishment of AHs' settlements and business enterprises;
- Reaction of AHs, in particular, to resettlement and compensation packages; and
- Reestablishment of income levels.

(i) Internal Monitoring Indicators

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

- Timely and complete disbursement of compensation to AHs according to the compensation policy agreed in the RP;
- Timely and complete delivery of relocation, income restoration and rehabilitation allowances and measures;
- Allocation of replacement land and development of individual and/or group resettlement sites and infrastructure;
- Public information dissemination and consultation procedures;
- Adherence to grievance procedures and identification of outstanding issues that require further attention and resolution;
- Attention given to the priorities of AHs regarding the options offered; and
- Completion of resettlement activities required before the award of civil works contracts.

(ii) Internal Monitoring Data Collection and Report

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

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

- (i) The number of AHs by category of impact, district, commune and village, and the status of compensation payments, relocation of AHs and income restoration measures for each category.

- (ii) The status of disbursement of cash and allocation of replacement land and housing.
- (iii) The amount of funds allocated and disbursed for a) resettlement program operations and b) compensation, assistance and resettlement activities.
- (iv) The activities, levels of participation, outcomes and issues of the Information Dissemination and Consultation Program.
- (v) The status and outcomes of complaints and grievances and any outstanding issues requiring further attention by provincial or district authorities, or ADB assistance.
- (vi) Implementation problems, including delays, lack of personnel or capacity, insufficient funds, etc.; proposed remedial measures; and, revised resettlement implementation schedule.

Independent Monitoring Consultant

156. The main objective of external monitoring is to verify results of internal monitoring. In addition, the project will establish a program for external monitoring and evaluation which includes the following specific objectives:

- (i) To verify that the resettlement program has been implemented in an accurate and timely manner, in accordance with the approved Final RP and Project policies and objectives.
- (ii) To assess whether and to what degree the resettlement program has achieved the Project objectives, namely that AHs are able to restore their livelihoods, incomes and standards of living to levels equal to, if not better than, that which they had before the Project.
- (iii) To identify problems or potential problems and methods of mitigating problems in a timely manner.

157. The IMC was recruited by the PMU-USTH and commenced work prior to the DMS. The IMC will continue to carry out quarterly independent reviews of the implementation of the Updated RP to determine whether intended goals are being achieved, and if not, what corrective actions are needed.

(i) External Monitoring Objectives, Indicators and Issues

158. In addition to reviewing and assessing activities during RP updating, the general objective of external monitoring is to provide an independent periodic review and assessment of: (i) the achievement of resettlement objectives; (ii) changes in living standards and livelihoods; (iii) the restoration of the economic and social conditions of AHs; (iv) the effectiveness, impact and sustainability of assistance measures; (v) the need for further mitigation measures, if any; and, (vi) to identify strategic lessons for future policy formulation and planning. The below bullets present a range of indicators to be included in the external monitoring of the resettlement program. The IMC will address specific issues including the following:

- Payment of compensation, against the following criteria: (i) compensation in cash or in kind sufficient to replace affected land, crops and trees; (ii) compensation for structures equivalent to replacement costs at current market prices for materials, materials transport and labor, with no deduction for depreciation or the value of

- salvageable materials; and, (iii) payment in full prior to land acquisition and with sufficient time to permit AHs to rebuild structures and/or harvest crops.
- Coordination of resettlement activities with the construction schedule: All compensation must be paid in full, income rehabilitation measures initiated and AHs relocated out of the project construction area prior to award of civil works contracts. Income rehabilitation activities, while initiated prior to award of civil contracts, may continue over a longer time period as needed.
- Provision of technical assistance for house construction for AHs who are required to rebuild their houses, either on remaining land, on individual resettlement sites or on a plot in a group resettlement sites.
- The extent to which AHs are able to restore livelihoods and living standards: The provision of technical assistance, allowances and other measures, and to what extent AHs are able to restore livelihoods and living standards to pre-project levels. Special attention should be given to: (i) severely affected AHs and other vulnerable AHs groups, (ii) AHs that relocate; (iii) AHs that must re-establish businesses and enterprises; (iv) AHs who undertake new economic and livelihood activities; and (v) host communities.
- Public consultation and awareness of resettlement policies: The IMC should monitor to ensure that: (i) AHs are fully informed and consulted about land acquisition, leasing and relocation activities; and (ii) AHs and other stakeholders are aware of the compensation and entitlement policies and various options available to AHs as provided in the agreed RP. The IMC should participate in at least one meeting per district of each stage of consultation and information dissemination activities to monitor public consultation procedures, problems and issues that arise during the meetings and solutions that are proposed.
- The level of satisfaction of AHs with the provisions and implementation of the RP: This will be assessed, reviewed and recorded by the IMC, including the efficiency and equity of grievance redress mechanisms.
- Trends in living standards: Throughout the RP implementation process, the IMC will observe and conduct surveys to monitor the progress AHs are making to restore living standards. Special attention will be paid to any differences based on gender, ethnicity or other relevant factors. Any potential problems in the restoration of living standards will be reported.

(ii) External Monitoring Methodologies

159. The methods for external monitoring and evaluation of land acquisition, compensation and resettlement activities include:

- (i) DMS and Replacement Cost Survey (RCS): The DMS and RCS data will be entered into a database to document: (i) socio-economic status of AHs; (ii) nature and extent of losses; and (iii) entitlements for compensation and other assistance. The resulting data will be made available to the IMC, to establish a baseline for monitoring and evaluating project benefits.
- (ii) Socio-Economic Survey (SES): The SES is designed to provide a clear comparison of the success and/or failure of the resettlement program to restore their livelihoods and living standards. In general, if there is a significant lag time between census and SES and actual land acquisition, demographic and socio-economic factors may change significantly. For this project, if land acquisition does not occur for at least two years after the original SES, the IMC will carry out another SES. A post

resettlement survey will also be undertaken 6–12 months following completion of resettlement activities. Each time the SES is conducted, the same AHs will be interviewed. Special attention is to be paid to the inclusion of women, poor, landless and other vulnerable groups, with set questions for women and other target groups. The database will disaggregate information by gender, geography and social group.

- (iii) Participatory rapid appraisals (PRA) methods: In the intervals between administrations of the SES, periodic PRA methods permit the EMO to consult with various stakeholders such as local authorities, resettlement committees, implementing agencies, NGOs, community leaders and AHs. PRA methods will involve obtaining information, identifying problems and finding solutions through participatory means including: (i) key informant interviews with local leaders, NGOs and resettlement committees; (ii) FGDs on specific topics such as compensation payment, income restoration and relocation; (iii) community public meetings to discuss community losses, integration of resettled AHs in host communities or construction work employment; (iv) structure direct field observations, for example, of resettlement site development; (v) formal and informal interviews with AHs, women, other vulnerable groups and host communities; and, (vi) in-depth case studies of problems as identified by internal or external monitoring and required special efforts to resolve.

(iii) Database Management and Storage

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

(iv) Reporting

161. Every three months, the IMC will submit an external monitoring report to the EA. The report should summarize the findings of the EMO, including: (i) progress of RP updating and implementation, including any deviations from the provisions 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; (iii) identification of specific issues related to vulnerable AHs, as relevant; and, (iv) a report on progress of the follow-up of issues and problems identified in the previous report.

162. The monitoring reports will be discussed in a meeting between the IMC, the PMU-USTH after submission of the reports. Necessary remedial actions will be taken and documented.

Appendices

Appendix 1: Location Map of USTH

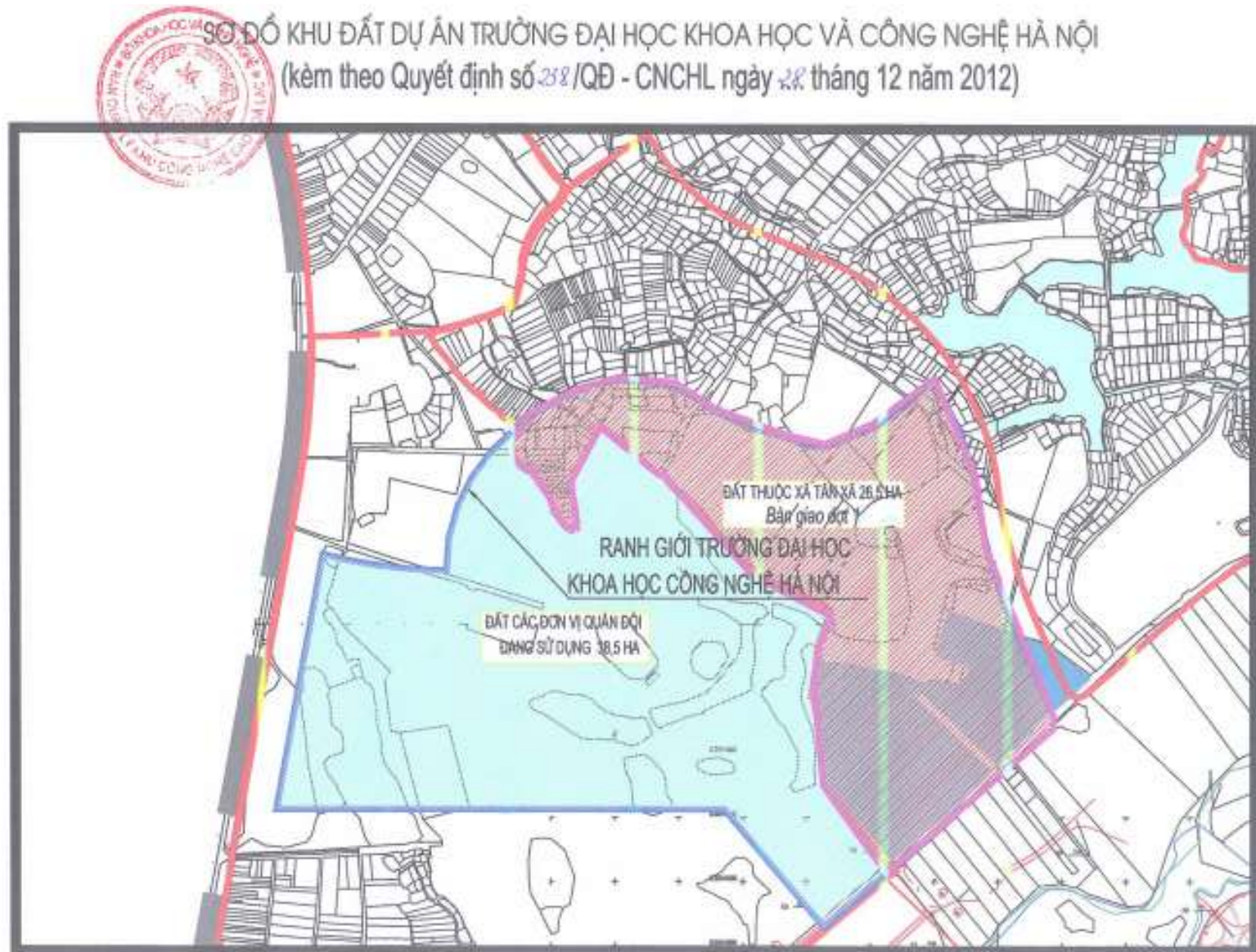
Appendix 2: Market Rate Perception Survey

Appendix 3: List of Persons Met and Interviewed

Appendix 4: Project Information Booklet

Appendix 5: Detailed Measurement Survey (DMS)

APPENDIX 1: LOCATION MAP OF USTH SITE



APPENDIX 2:
SURVEY ON AFFECTED HOUSEHOLD PERCEPTIONS OF MARKET RATES

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ABBREVIATIONS

ADB	Asian Development Bank
AH	Affected Households
CPC	Commune People's Committee
DMS	Detailed Measurement Survey
PMU	Project Management Unit
PPC	Provincial People's Committee
RC	Resettlement Committee
VND	Vietnamese dong
\$ US	United State dollars

A. Introduction

1. The team (including representatives of Thach That RC and Tan Xa commune PC) conducted a survey and consultation with stakeholders in Tan Xa commune, Thach That district and assessed people's perception of market rates for land and assets affected resulting from land acquisition for the USTH Development (New Model University) Project. The survey was conducted from 3 to 4 January 2013.

B. Objectives and Scope of work

2. Pursuant to the Land Law 2003, the decrees and circulars related to compensation in case of land acquisition by the State for the purposes of national defense, security, economic development and public interests, compensation for affected assets is applied in accordance with the rates issued by the local government based on price frame (ceiling and floor prices) stipulated in Decree no. 123/2007/ND-CP. Recently, Ha Noi City PC issued Decision 02/2013/QD-UBND dated January 7, 2013 that enable RC in charge to employ consulting firm to conduct replacement cost survey, to ensure that the compensation rate is equivalent to market price.

3. At the request of the ADB, as stated in SPS (2009), the survey was conducted to determine peoples' perception of market rates for assets affected by the University of Science and Technology of Ha Noi Development Project. The survey was implemented with participation from Tan Xa commune officers, Thach That RC. This survey is separate and does not replace the independent appraisal of residential land to be conducted by a licensed valuator using standard valuation methodologies.

C. Principle of Replacement Cost

4. The replacement cost is market price plus tax and transaction fees of the affected assets. Details are as below:

- (i) Productive land (agriculture, aquaculture, garden, forestry): base on income/harvest output and productivity;
- (ii) Residential land: the replacement cost is based on transaction price of similar land plot on the market. In case of no such transaction, it is possible to base on transaction price of land with equivalent attribute in other locations;
- (iii) Houses and other structures: the replacement cost is based on the market price of materials, labor with no deduction for salvageable building materials.
- (iv) Annual trees: the replacement cost is equivalent to the market price common at the time of compensation;
- (v) Perennial trees: compensation cost is equivalent to the current market price depending on type, age and output value (*future output*) at the time of compensation.
- (vi) Timber trees: the replacement cost is based on types, diameters, height of trees and market price.

D. Organization and Methodology

5. *Survey Organization.* The survey team consists of 4 members including Thach That RC, Tan Xa commune and ADB Resettlement Consultant conducting the survey in Tan Xa commune. Prior to the survey, the team has discussed about replacement cost, method,

questionnaires; reviewed current policies on land acquisition and compensation in project provinces; and identified stakeholders at the province to commune levels to carry out consultation and survey the replacement cost. The stakeholders mainly include Thach That Office of Finance, Office of Natural Resources and Environment, Office of Construction and Thach That RC, commune government, affected and non-affected people in the project area, local contractors and competent construction companies.

6. *Survey Process and Method.* To survey the replacement cost and provide allegation and comparison between the survey results and the compensation rates issued by Ha Noi city PC, the team has applied the following methods and carried out the below activities on site within the project area:

- (i) *Desk study* on decrees, circulars regarding principles on compensation in case of land acquisition by the State for the purposes of national defense, economic development, public utilities such as Land Law 2003; Decrees no. 197/2004/ND-CP; 123/2007/ND-CP; Decree no. 69/2009/ND-CP dated 13/08/2009 issued by the Government providing additional regulations on land use planning, land price, land acquisition, compensation, assistance and resettlement; Amended Decree no. 188/2004/ND-CP dated 16/11/2004; Circulars No. 116 and 114/2004 of the Ministry of Finance (MOF) concerning method of price fixing and price frame of land types; Decision no. 108/2009/QD-UBND date 29/9/2009 of Hanoi city PC issuing "Regulation on compensation, assistance and resettlement in case of land acquisition by the State over the area of Hanoi city"; Decision no. 50/2011/QD-UBND dated 30/12/2011 of Hanoi city PC issuing prices of land of different types over the area of Hanoi in 2012; Announcement no. 6323/STC-BG dated 29/12/2011 of Hanoi Department of Finance (DOF) informing assistance and compensation costs for trees, crops and domestic animals in land with water surface to serve for site clearance over Hanoi city in 2012; Decision no. 35/2011/QD-UBND dated 05/12/2011 of Hanoi city PC issuing prices for construction of new houses, temporary houses, structures as basis for determination of assistance and compensation costs in case of land acquisition by the State over Hanoi city...
- (ii) Meeting Office of Finance, Office of Natural Resources and Environment, Office of Construction and Thach That RC to learn about legal framework, principles, methods and processes already applied in determination of rates of land and other assets. The team has also discussed and listened to allegation of the mentioned offices and committee about the compensation cost to the project affected people over the district area.
- (iii) Interviewing local officers (at district, commune level), people about the current market price of land in the project area and recent land transaction dossiers. In case of no transaction of land (not residential land) it is possible to base on actual experience such as output and location to identify market price and then discuss and determine replacement cost for such types of land.
- (iv) Meeting with suppliers, building material shops, local contractors to interview and identify current prices of materials, labor and prices for construction of houses and other common facilities.
- (v) Meeting with land dealer, agricultural experts, staff of local Agriculture Office to verify price for annual and perennial trees; and

- (vi) Validation of compensation rates used for assets (land, structures, annual and perennial trees) affected by the project. The reference units for determining compensation rates was discussed with local people, suppliers, land dealers, and other entities to validate if such costs are reflective of market rates and acceptable to local people.

E. Survey Results

- 7. The survey results and comparison with the rates issued by the district are presented in Tables 1, 2, 3 and 4 in Annex 1.

F. Conclusion and Recommendation

- 8. The survey results show that household perceptions of replacement costs are slightly different from the rates issued by the HPC. It is therefore recommended that Ha Noi City PC requires the project owner (HHTP) to conduct a replacement cost survey, which would serve as a basis for HPC to approve the compensation rates (according to the replacement cost) for the USTH Development (New Model University) Project.

G. Attachments

Tables 1, 2, 3 and 4: Results of the AHs market rate perception survey

ANNEX 1 TO APPENDIX 2:

SURVEY OF HOUSEHOLD PERCEPTIONS OF MARKET RATES AND COMPENSATION RATES USED

Table 1: Comparison of AHs' perceived market rate for rural residential land in Tan Xa commune

Market Rates: 1000 VND/m ² (as Perceived by AHs)		Decision no. 50/2011/QD-UBND dated 30/12/2011	Difference Between Benchmark Rate and Highest Perceived Rate by AHs
Lowest	Highest		
600,000	700,000	600,000	+12%

Note: The Ha Noi PC issued Decision 51/2013/QD-UBND on land price to be applied for year 2013 that the residential land is at VND 700,000, equivalent to survey price.

Table 2: AHs' perceived market rate for agriculture land with annual/perennial crops/trees or aquaculture in Tan Xa commune

No.	Type of land	Market Rates: 1000 VND/m ² (as Perceived by AHs)		Decision no. 50/2011/QD-UBND dated 30/12/2011	Difference Between Benchmark Rate and Highest Perceived Rate by AHs
		Lowest	Highest		
01	Annual Crop	105,000	110,000	105,000	+5%
02	Perennial Crop	97,000	98,000	98,000	0%
03	Aquaculture	82,000	84,000	84,000	0%
04	Forestry	45,000	45,600	45,600	0%

Table 3: AHS' perceived market rate for agriculture land located in residential areas in Tan Xa commune (n = 8)

No.	Market Rates: VND/m ² (as Perceived by AHs)		Decision no. 50/2011/QD-UBND dated 30/12/2011	Difference Between Benchmark Rate and Highest Perceived Rate by AHs
	Lowest	Highest		
01	240,000	280,000	240,000	+11.5%

Note: The Ha Noi PC issued Decision 51/2013/QD-UBND on land price to be applied for year 2013 that the residential land is at VND 280,000, equivalent to survey price.

Table 4: AHs' perceived construction cost of structures: materials and labor

No.	Class, type	Unit	Construction Cost (materials and labor) (as Perceived by AHs)		Decision no. 35/2011/QD-UBND dated 05/12/2011	Difference Between Benchmark Rate and Highest Perceived Rate by AHs
			Lowest	Highest		
A	Houses of different types					
01	Class-4, 1-storey house with reinforced concrete roof	VND/m ²	3,289 - 4,007	4,007,000	3,289,000	+12.1%
02	1-storey house with tile or iron roof, 110mm wall with columns (brick or laterite), surrounding wall of > 3m height (excluding the height of gable wall)	VND/m ²	1,761 - 2,078	2,078,000	1,761,000	+11.8%
03	220mm brick wall, < 3m height (excluding the height of gable wall) and floor of cement tiles or tilt bricks or cement screening	VND/m ²	1,619 - 2,002	2,002,000	1,619,000	+12.3%
04	Half-floor house with roof of tiles or fibrocement or iron and cement tile floor	VND/m ²	849 - 1,139	1,139,000	849,000	+13.4%
B	Auxiliary work					
01	Brick wall	VND/m ²	351 - 452	452,000	351,000	12.8%
02	Gate	VND/m ²	358 - 534	534,000	358,000	14.9%
03	Yard	VND/m ²	112 - 114	114,000	114,000	0%
04	Drilled well	VND/pc	2,100 - 2,457	2,457,000	2,100,000	11.7%
05	Soil tomb	VND/pc	4,020 - 4,703	4,703,000	4,020,000	11.6%
06	Brick tomb	VND/pc	6,489 - 10,828	10,828,000	6,498,000	16.7%

Table 5: Compensation rate and market rate for trees and crops

No.	Class, type	Unit	Announcement no. 7038/STC- BG dated 31/12/2012	Compensation rate	Survey rate
A	Annual trees				
01	Rice	VND/m2	7,000	7,000	0%
02	Beans of different types	VND/m2	6,000	6,000	0%
03	Vegetables of different types	VND/m2	3,000	3,000	0%
B	Fruit trees				
	Jackfruit	VND/tree	350,000	350,000	0%
	Mango	VND/tree	350,000	350,000	0%
	Banana	VND/tree	35.000	35.000	0%
	Papaya	VND/tree	20,000	25,000	0%
	Star apple	VND/tree	350,000	350,000	0%
	Longan tree	VND/tree	300,000	300,000	0%
C	Timber trees				
	Eucalyptus	VND/tree	30.000	30.000	0%
	Acacia	VND/tree	30.000	30.000	0%
	Chinaberry	VND/tree	25,000	30.000	0%

ANNEX 2 TO APPENDIX 2:
LIST OF PEOPLE MET DURING THE MARKET RATE PERCEPTION SURVEY

NO.	FULL NAME	POSITION/LOCALITY	DATE OF MEETING	CONTENT OF DISCUSSION
A. AFFECTED PERSON				
1	Nguyen Tien Thu	Hamlet 1 - Tan Xa	Jan 3-4th	Survey on price of land, trees and houses
2	Nguyen Thi Oanh	Hamlet 1 - Tan Xa	Jan 3th	Survey on price of land, trees and houses
3	Truong Cong Quynh	Hamlet 1 - Tan Xa	Jan 3th	Survey on price of land, trees and houses
4	Nguyen Dinh Tu	Hamlet 1 - Tan Xa	Jan 3th	Survey on price of land, trees and houses
5	Nguyen Dinh Van	Hamlet 1 - Tan Xa	Jan 3th	Survey on price of land, trees and houses
6	Nguyen Van Do	Hamlet 1 - Tan Xa	Jan 3th	Survey on price of land, trees and houses
7	Tran Thi Xuan	Hamlet 1 - Tan Xa	Jan 3th	Survey on price of land, trees and houses
8	Nguyen Van Khang	Hamlet 1 - Tan Xa	Jan 3th	Survey on price of land, trees and houses
B. AGENCIES				
NO.	NAME OF AGENCY	POSITION/LOCALITY	DATE OF MEETING	CONTENT OF DISCUSSION
1	Office of Finance	Thach That district	Jan 4th	Prices of land, trees and building materials
2	Office of Natural Resources and Environment	Thach That district	Jan 4th	Land price over the province area
3	Office of Construction and Urban Management	Thach That district	Jan 4th	Price of building materials
C. OTHERS				
1				

ANNEX 3: LIST OF PERSONS MET AND INTERVIEWED DURING PUBLIC CONSULTATIONS

CỘNG HOÀ XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự Do - Hạnh phúc
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Tân Xã, Ngày.....tháng 6 năm 2013

DỰ ÁN TRƯỜNG ĐẠI HỌC KHOA HỌC VÀ CÔNG NGHỆ HÀ NỘI

**BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG VỀ CÁC CHÍNH SÁCH
TÁI ĐỊNH CƯ**

Tên dự án: Dự án trường Đại học Khoa học và Công nghệ Hà Nội
Xã Tân Xã, huyện Thạch Thất, thành phố Hà Nội

I. Thành phần tham dự

- | | | |
|--------------------------------------|--|--------------|
| - Ông/Bà..... | | Chức vụ..... |
| - Ông/Bà..... | | Chức vụ..... |
| - Ông/Bà..... | | Chức vụ..... |
| - Ông/Bà..... | | Chức vụ..... |
| - Ông/Bà..... | | Chức vụ..... |
| - Ông/Bà..... | | Chức vụ..... |
| - Ông/Bà..... | | Chức vụ..... |
| - Đại diện những người bị ảnh hưởng: |người (chi tiết xem danh sách đính kèm) | |

II. Nội dung tham vấn

Chuyên gia tái định cư trình bày về những tác động khi thu hồi đất và các tài sản trên đất, những chính sách của Chính phủ nước Cộng hoà xã hội chủ nghĩa Việt Nam và địa phương, chính sách của dự án trong vấn đề bồi thường thiệt hại khi Nhà nước thu hồi đất đai và các tài sản trên đất.

Tư vấn tiến hành trao đổi cùng các hộ dân bị ảnh hưởng về các ảnh hưởng trong quá trình thực hiện công tác bồi thường, hỗ trợ và tái định cư của dự án. Những vấn đề phát sinh trong quá trình thực hiện công tác bồi thường, hỗ trợ và tái định cư của dự án.

Tư vấn đã tiến hành thu thập các thông tin, trao đổi với người dân trong khu vực về các vấn đề có liên quan đến hiện trạng kinh tế - xã hội, các vấn đề xã hội tích cực hoặc tiêu cực sẽ phát sinh khi xây dựng dự án, ý kiến đóng góp của người dân trong quá trình thực hiện dự án.

III. Ý kiến thảo luận

III.1 Về các vấn đề thu hồi đất và các tài sản trên đất

- Diện tích đất thu hồi hầu hết là đất nông nghiệp
- Người dân chủ yếu có diện tích đất thu hồi trên 10% tổng diện tích.

III.2 Các vấn đề về giới, hộ dễ bị tổn thương và các tác động xã hội

Các vấn đề về phụ nữ:

Sự tham gia của phụ nữ và nam giới: Phụ nữ và nam giới đều tham gia vào dự án.

Vấn đề về buôn bán phụ nữ và trẻ em:

Không có buôn bán phụ nữ và trẻ em.

Vấn đề về tác động xã hội:

III.3 Về các ý kiến của người dân trong quá trình thực hiện dự án

- Mong muốn có việc làm ổn định sau khi học các khóa đào tạo nghề.
- Mong muốn được vay vốn để sản xuất kinh doanh.

IV. Kết luận

- Người dân trong khu vực mong muốn dự án sớm được triển khai để dự án sớm đi vào hoạt động.
- Người dân nhất trí ủng hộ dự án và sẵn sàng tạo mọi điều kiện hỗ trợ cho việc thực hiện công trình.

Đại diện Chủ đầu tư

Đại diện cộng đồng

Đại diện tư vấn

Đại diện UBND xã


Trưởng thôn 1. Lê Hồng Minh





CHỦ TỊCH
Lê Văn Báo

DANH SÁCH ĐẠI BIỂU THAM GIA

Số lượng:	
Ngày: 7/6/2013	

TT	Họ và tên	Địa chỉ	Chữ ký
1	Nguyễn Thị Thanh	Đội 1	Cham
2	Nguyễn Thị Hằng	Đội 1	Trang
3	Đỗ Thị Hoa	Đội 1	Hoa
4	Nguyễn Thị Huệ	Đội 1	Thuê
5	Trần Thị Hải	Đội 1	
6	Nguyễn Thị Duyên	Đội 1	
7	Nguyễn Thị Phương	Đội 1	
8	Đường Thị Hạnh	Đội 1, xã Mỹ	Hà
9	Nguyễn Thị Chuyền	Đội 1	Chuyền
10	Đỗ Thị Hồng	Đội 1 xã Mỹ	Thị
11	Nguyễn Thị Nhân	Đội 1	
12	Đỗ Thị Ngọc	Đội 1	Ngọc
13	Nguyễn Thị Tiến	Đội 1	Tiến
14	Nguyễn Thị Liên	Đội 1	
15	Nguyễn Thị Hiền	Đội 1	
16	Nguyễn Văn Hùng	Đội 1	
17	Nguyễn Thị Tuyết	Đội 1	
18			
19			
20			
21			
22			
23			
24			
25			

Ngày tháng năm 2013

Xác nhận của địa phương



CHỦ TỊCH

Lê Văn Bắc

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DANH SÁCH ĐẠI BIỂU THAM GIA

Số lượng	
Ngày	7/6/2013

TT	Họ và tên	Địa chỉ	Chữ ký
1	Nam	Đội 1	
2	Nguyễn Văn Hoàn	Đội 1	Lop 2 Huan
3	Nguyễn Văn Thịnh	Đội 1	
4	Nguyễn Văn Thanh	Đội 1	
5	Đường Văn Hòa	Đội 1	
6	Nguyễn Văn Tuấn	Đội 1	
7	Nguyễn Văn Hùng	Đội 1	Huan Đức
8	Nguyễn Văn Đức	Đội 1	
9	Nguyễn Văn Mạnh	Đội 1	
10	Kiều Văn Hùng	Đội 1 / Hộ gia đình	Lop
11	Nguyễn Văn Kiệt	Đội 1	
12	Vũ Văn Hùng	Đội 1	
13	Kiều Văn Hùng	Đội 1	
14	Lê Văn Hùng	Đội 1	
15	Nguyễn Văn Hùng	Đội 1	Tiết Phan ĐO
16	Nguyễn Văn Hùng	Đội 1 / Hộ gia đình	
17	Nguyễn Văn Hùng	Đội 1	
18	Nguyễn Văn Hùng	Đội 1	
19	Nguyễn Văn Hùng	Đội 1	
20	Nguyễn Văn Hùng	Đội 1	
21	Nguyễn Văn Hùng	Đội 1 / Hộ gia đình	
22			
23			
24			
25			

Ngày tháng năm 2013.

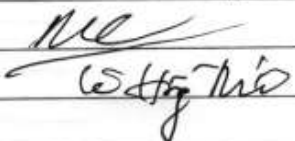
Xác nhận của địa phương



HỦ TỊCH
Lê Văn Bắc

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NO. Thôn 1. Xã Tân Xã
DATE Thôn 1. Xã Tân Xã

Họ và tên	Địa chỉ	Chức vụ
1) Đặng Thị Hoà		Hoa
2) Nguyễn Thị Sao		Sao
3) Lê Thị Phúc		phuc
4) Nguyễn Thị Hương		Hương
5) Phạm Thị Thiên		Thiên
6) Nguyễn Thị Văn		Văn
7) Vũ Thị Chính		
8) Nguyễn Thị Thanh		Thanh
9) Nguyễn Tiên Thuận		Thuận
10) Trương Công Quỳnh		Quỳnh
11) Dương Tiên Thái		Thái
12) Hoàng Thị An		An
13) Dương Tiên Ti		Ti
 Vũ Thị Hoa		

APPENDIX 4: PROJECT INFORMATION BOOKLET

QUESTION 1: WHAT IS THE USTH PROJECT?

Answer: The project will deliver four outputs: (i) an effective management and governance system for the USTH will be developed and implemented, (ii) systems to promote high-quality and relevant academic programs at the USTH will be developed and implemented, (iii) physical facilities at the USTH will be constructed and outfitted, and (iv) effective project management and implementation

QUESTION 2: HOW WILL THE USTH PROJECT AFFECT LOCAL PEOPLE?

Answer: Construction of a new USTH on a site located in Thach That District in Hanoi City will require some land acquisition. The USTH site is located on 65 ha and covers 52.7ha army relocation land which appears to be link of the project. This land will be recovered by the Thach That district and given to the HHTP; and then to USTH. In term of land acquisition and compensation, the project affected households (AHs) will properly compensated for their affected land, houses, structures, crops and/or trees, at replacement cost. Relocation and income restoration assistance will also be provided to AHs who will be severely affected by the Project. Details are included in the updated Resettlement Plan.

QUESTION 3: WHAT IS THE MAIN OBJECTIVE OF RESETTLEMENT PLAN?

Answer: The main objectives of the updated Resettlement Plan are (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihood of all displaced persons in real terms relative to the pre-project level; and (iv) to improve the standards of living of the affected poor and other vulnerable groups

QUESTION 4: WHAT IS THE SOLUTION FOR MY LAND IF IT IS AFFECTED DUE TO THE PROJECT?

Answer: Affected land could be compensated by replacement land (if possible) or by cash at replacement/market price.

QUESTION 5: TO GET COMPENSATION, WHICH LEGAL RIGHTS WE SHOULD HAVE?

Answer: The lack of legal land certificate will not prevent affected people from getting compensation, allowances and/or rehabilitation assistances. Those AHs who possess a land use rights certificate (LURC) or any other form of agreement to utilize the land are entitled to compensation for the lost land as well as assets on the land. Those AHs who do not have legal/legalizable or temporary/lease rights for land will still be compensated for the assets on the land, such as any structures, crops and trees.

Persons not covered in the census after the cut-off date are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the DMS; or (ii) they have lawfully acquired the affected assets following completion of the census and the DMS and prior to the conduct of the detailed measurement survey (DMS).

QUESTION 6: WILL OUR AFFECTED HOUSES, CONSTRUCTION STRUCTURES BE COMPENSATED OR NOT?

Answer: Yes, Houses and any construction structures such as well, livestock cages, fence, etc. which are affected because of the project will be compensated with replacement cost excluding used value depreciation as well as material cost depreciation. This will ensure that AHs are able to reconstruct houses and other structures of better or at least the same quality as before.

QUESTION 7: WHAT IS THE SOLUTION FOR OUR AFFECTED CROP AND YIELD?

Answer: Affected crops, fruit and trees will be compensated in cash at current market price. Compensation for unharnessed crops will be based on the average production in the past 3 years multiplied by current market prices. Compensation for trees will be based on the type, age and productivity of trees. A Replacement Cost Survey will be conducted during detailed design of the project to establish market prices for compensation. If there are delays in paying compensation, prices will be updated to take inflation into consideration.

QUESTION 8: HOW OUR AFFECTED PUBLIC PROPERTY WILL BE COMPENSATED?

Answer: In terms of affected public property, compensation will be provided to recover with the same or better condition and quality. If the affected public property has to be relocated, the new location will be defined after getting comments from community of affected people and other related agencies.

QUESTION 9: IN ADDITION TO COMPENSATION, HOW WILL THE PROJECT SUPPORT?

Answer: In addition to compensation for affected land and property according to replacement price, the project will provide rehabilitation assistance to eligible AHs to ensure that their standards of living is maintained or improved after the Project. Eligible AHs for rehabilitation assistance include:

- Severely affected households: Household that lose more than 10% of their total productive landholdings will receive an economic rehabilitation package consisting of (i) a life stabilization allowance based on the amount of land lost and the economic situation of the household; (ii) income restoration assistance such as agriculture extension assistance to intensify use of existing land, access to existing credit programs or project-related employment.
- Household that relocate: Affected people who must be relocated have rights to get: (1) transport allowance; (2) life stabilization allowance during transition; and (3) leasing rental calculated basing on market price. The detail allowance is regulated in Decision 108/2009/QD-UBND, dated September 29, 2009.
- Business owners that lose income while they relocation or rebuild their shops/businesses: Household with small, unregistered businesses will receive cash assistance equal to the provincial minimum wage for six months. Owners of registered business will receive cash assistance equal to their monthly after-tax revenues for six months.
- Employees and hired laborers who lose their jobs: will receive cash assistance for lost salary/wages for each month they cannot work. If the loss is temporary; or if the loss is permanent, cash assistance equivalent to the provincial minimum wage for six months or cash assistance for remaining contract period whichever is higher.

QUESTION 10: DOES EVERY PEOPLE IN THE COMMUNITY HAVE THE RIGHT TO GET COMPENSATION?

Answer: No, they don't. Entitled affected people are those persons or households that are surveyed during the Detailed Measurement Survey (DMS) activities. The AHs and local authorities will be informed of the cut-off-date (the date of DMS) for the project. Anyone moving into the project's area after the cut-off-date will not be entitled to get compensation as well as to get any assistance from the project

QUESTION 11: WHAT CAN I DO IF I AM NOT ENLISTED DURING THE SURVEY PERIOD BUT I AM ASKED TO BE REMOVED?

Answer: During the DMS, there might be some little changes. This might affect to the results of initial inventory off losses. These affected people will get the same kind of compensation as others AHs. When the location of the structure is officially determined, a DMS will be carried out with the participation of affected people for damages inventory purpose. The results of this DMS will be used as the basis for compensation.

QUESTION 12: HOW WILL AHs BE CONSULTED AND INFORMED?

Answer: A consultation and public information program will be organized in your commune to ensure AHs that they receive complete and timely information about the Project. AHs will be provided information on project components, impacts, their rights and entitlements, grievance mechanism, rights of participation and consultation, resettlement activities, responsibilities of institutions and implementation schedule. AHs will participate in resettlement planning and implementation and they will also be consulted on the following issues: a) resettlement options according to their entitlement; b) training and training preferences in current or new occupations; c) other project aspects.

QUESTION 13: IN CASE THAT DISAGREEMENT SUCH AS COMPENSATION DISPUTES APPEARS DURING PROJECT PERIOD, DO WE HAVE THE RIGHT TO COMPLAIN?

Answer: Yes, All affected people have the right of complaint. They are informed about the complaints and complaints procedures in words and in writing during the consultation period, survey period and time for compensation. The AHs can submit their complaints to the local authority and land clearance compensation council. All complaints are resolved firstly in precinct and commune levels and then in province levels. If necessary, these complaints might be submitted to Court of law in case that affected people do not satisfy with the judgment issued by lower complaint resolution levels. Affected people will be exempted from all kinds of tax, administrative charges and other fees related to legal procedures.

Efforts will be taken in order to solve problems/disputes at precinct and commune levels based on consultation of community, with the participation of environment and resettlement experts, independent supervising agencies, moderators, and assistants if necessary. All complaints and solutions will be taken notes and monitored during implementation process by the Compensation council.

QUESTION 14: WHAT CAN I DO TO HELP THE PROJECT AS AN INHABITANT IN PROJECT AREA?

Answer: We expect the full participation of all local people in public consultation meeting and other activities related to the project in order to guarantee that all people are well informed and consulted. The participation of local people in survey, designing and implementation stages will

help us to find out solutions to minimize negative impacts, as well as to discover existing and potential issues so as to create suitable solutions.

QUESTION 15: HOW CAN WE KNOW IF THE PROJECT OBJECTIVES ARE MET?

Answer: Project Management Unit (USTH PMU) will ensure internal monitor all activities of the project. USTH PMU will engage an independent monitoring consultant to conduct external monitoring of resettlement activities during Project implementation. Report on quarterly implementation process is submitted to the government and ADB. Appraisal on post-resettlement impacts will be carried out in order to assess whether negative impacts are minimized enough or not and whether resettlement option of the project assist affected households in recovering their living standard at the level before the appearance of the project or not? Internal supervising by another independent monitoring agency and ADB during the implementation period to guarantee that all proposed objectives could be achieved.

Any request or comments, please contact us at the address:

University of Science and Technology of Hanoi Development (New Model University) - Project Management Unit

Tel: +84.4.36231668

Fax: +84.4.36231668

Address: 11th Fl. Building B1 - Ha Noi University of Science and Technology - Tran Dai Nghia Str. - Hai Ba Trung District - Ha Noi - Viet Nam

Thach That District Compensation, Assistance and Resettlement Committee

Tel:

Fax:

Address: Thach That District, Ha Noi City

ANNEX 5: DETAILED MEASUREMENT SURVEY (DMS)

(See Separated Excel Files)