

Resettlement Plan

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

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New Model University Project -
Developing New Model Universities (NMUs) in Vietnam

RESETTLEMENT PLAN
UNIVERSITY OF SCIENCE AND TECHNOLOGY of HANOI (USTH)

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Note. This is a revision by the ADB and TA Teams for NMUP of the resettlement plan submitted by Dr Bich Ha on 27th September 2010. The revision takes into account comments made on the 27th September version by RSES and by the Vietnamese Ministry of Education and Training.

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Terminology

1. **Affected people: (AP).** AP are any individuals, group of people, households or any private organization who at the cutoff date:
 - (i) Has land or housing to be revoked, used or partially/totally damaged permanently or temporarily with respect to the rights or profits of any house or land (including residential, commercial, agricultural, forest, and pasture land) or any fixed or un-fixed assets; and/or
 - (ii) Affected with respect to their business, work, living or residential area with or without having to move; and/or
 - (iii) Affected in their living standards.
2. **Compensation.** Compensation is the payment in cash or in kind for the damage caused by the Project to the land, residential area, income, and other assets.
3. **Cut off date of inventory records of the Project.** Is the date finishing population survey on the project site during the preparing resettlement plan and completing detailed investigation and measurement of the project site. The cutoff date that allows officially for calculating the compensation is the date of finishing the Inventory of Losses on site (for USTH the IOL completion date is 15 Dec 2009).
4. **Eligibility.** By the cutoff date, anyone who is at the affected area and has following conditions will be considered to be eligible for receiving the compensation: (i) being affected seriously to the living standards, (ii) having land to be revoked, used or partially/totally damaged permanently or temporarily to the rights or profits of any house or land (including residential land, commercial land, agricultural land, forestry land and pasture land) or any fixed or un-fixed assets; or (iii) being affected to the business, work, living or residential area with or without having to move.
5. **Revoking land:** is the case when affected people are forced by a state agency to transfer partially or totally the land under their ownership to that agency for using for general purposes. In return, they will receive reasonable compensation.
6. **Supervision:** is the process of formative assessment of the progress of finishing project activities and of achieving the set objectives.
7. **Recovery:** is the process of recovering the ability to generate income, production, living standards and social networks in the long run. Measures of recovery are considered to be an integral part of the rights of those entitled to them.
8. **Moving:** is the moving of affected people from the place of residence or business which they had before the Project to a new place. This consists of the building new house and works including land for production and physical infrastructure in the new place.
9. **Replacement cost:** Is the equivalent or closest price in the market plus transaction cost such as administration cost, registration fee or fee for certifying rights; replacement cost for agricultural land will be calculated based on potential production capacity and/or market price at the time of compensation. Replacement cost for house and construction works will be reasonably calculated based on market price of construction materials and price of hiring labor, deducting materials that can be reused and excluding depreciation. Replacement cost for residential land, and land for growing fruits and vegetables and other assets, will be calculated based on the market price of those assets. This ensures that affected people can rebuild house and construction works to a standard better or at least equivalent to the previous ones. If there is no market for

land, the Provincial People's Committee where the Project is to be implemented will set up a compensation mechanism for affected people to recover their living at the equivalent or better level relative to the time before their land was revoked and/or before resettlement.

10. **Affects of resettlement:** are adverse effects that resettlement causes directly including losing land, assets, opportunities to generate income and assets of cultural value.

11. **Resettlement plan:** is a plan of action within the framework of a specific time and budget. It includes a strategy, objectives, rights to receive the compensation, action and responsibility, supervision and assessment of resettlement plan.

12. **Severely affected people:** are those indentified to lose (i) from at least 10% of their agricultural land or business land area; (ii) having to move or lose more than 50% if their main housing area or/and business place or where the project activity renders the house or place of business unsafe, and/or (iii) losing more than 10% of total income.

13. **Groups of vulnerability:** groups of people liable to suffer seriously from the effects of resettlement including poor households, household that do not have land, households whose women are blacksmith, old people living in small size households or those with disabled and ethnic minority people.

ABBREVIATION

ADB	=	Asian Development Bank
AP	=	Affected people
CARB	=	Compensation, Assistance and Resettlement Board
CPC	=	Communal People's Committee
DC		To be moved/resettled
DMS	=	Detailed Measurement Survey
DPC	=	District People's Committee
HH	=	Household
HHTPMB	=	Hoa Lac Hi Tech Park Management Board
LURC		Land usage right certificate
MoET	=	Ministry of Education and Training
NGO	=	Non-government Organization
PPC	=	Provincial People's Committee
PRC	=	Provincial Resettlement Council
RP	=	Resettlement Plan
TTPC		Thach That District People's Committee
USTH		University of Science and Technology of Hanoi

Summary

Introduction

(i) The New Model University Project is implemented in Hanoi, with the loan from Asian Development Bank (ADB). Total budget to implement the project is 210 million USD, plus \$3 million for land clearance to be paid for by the Vietnamese Government. The objectives of the project are: (a) to set up and pilot a new policy framework for the governance, financing and quality assurance of new-model research universities, and (b) establish and develop USTH as a center of research and teaching excellence that create dynamic synergies between research and teaching by strengthening university-industry linkages in science and technology fields, as well as by presenting a "public-private partnership model" of higher education/research institutions. The duration for project implementation is from 2011 to 2017. The project has four outputs:

- *Output 1:* Policy and regulatory framework
- *Output 2:* Academic and research development;
- *Output 3:* Campus and facilities development;
- *Output 4:* Project management.

Within Output 3, there are land acquisition and resettlement compensation activities.

Project Location:

(ii) USTH is located within Hoa Lac High Tech Park. This site is within the area of Tan Xa commune, Thach That district, Hanoi city.

Scope of land acquisition and land clearance

- (iii) The total area of land occupied by the Project is 650,000m². Total number of affected units: 77 units, of which 68 are severely,

Of the 77 HHs 74 are individual families, comprising 332 people. Two of these individual HHs lose their homes. 65 have 10% or more of their agricultural land affected. The remaining three HHs are collective, including one communal people's committee and 2 army units, (Technical University Branch of Artillery Office and Battalion 371 under Artillery High Command). Details of the households are given in the spreadsheet attached as Appendix 1. The two Army units together occupy 73.5% of the total area of the USTH site. They account for most of the housing on the site.

The two army units will lose land and property at Hoa Lac but the livelihood of the soldiers is not affected; their training will simply take place on a new site. The ADB regards the compensation payable to the army units as a Government transaction, outside the scope of ADB resettlement policy. Accordingly the losses of army property which are noted at Appendix 1 are not included in subsequent analyses in this report, and the compensation for those losses is not included in the cost estimate for resettlement.

Compensation and Entitlement policy:

(iv) General objective of Project's compensation and entitlement policy is to ensure that all APs can maintain and improve their living standard, generating income as pre-construction by providing physical and non-physical compensation as well as rehabilitation measures. The project policies combine Government of Vietnam and ADB resettlement policies. Consistent with Vietnamese Law (Decress 131), where there is a difference between ADB and GoV policies, ADB policies will apply.

Implementation Arrangements.

(v) Overall responsibility for the execution of the Resettlement Plan rests with the Government through MoET. The Hoa Lac High Tech Park Management Board will oversee the detailed implementation of the Resettlement Plan.

Community Consultations and Information Disclosure.

(vi) A Project Information Booklet (PIB) will be distributed to affected HHs. The PIB is at Appendix 2. Community meetings will also be held at each commune. These meetings will aim to make the public aware of compensation policies; to collect feedback from affected HHs on compensation unit price of the affected assets; to inform them about the project implementation schedule and their rights, as well as the mechanism for grievance and redress.

Grievance and Redress Mechanism.

(vii) A clear grievance and redress mechanism has been established to help resolve confusion and complaints about land acquisition, compensation and resettlement in a timely and satisfactory manner. APs reserve the rights to make complaints related to every aspect of land acquisition and resettlement requirements: compensation policies, entitlements, compensation rates and payment; and all strategies as well as resettlement procedures and rehabilitation support programs. In dealing with complaints, CPCs and social organizations play the same role as communal Grievance and Redress Committees (GRC) while the CARB handles complaints at district and provincial level. A redress process comprising 4 phases is set out in the main report.

Monitoring.

(viii) A proper supervision mechanism and program needs to be established to closely monitor the implementation of RP in order to guarantee that resettlement regulations and policies are followed and project goals will be achieved. The Government through MoET will have overall responsibility for the just and timely execution of resettlement and the HHTP Management Board will oversee the implementation of activities. An external monitoring agency will be selected to be responsible for independently monitoring the implementation of the RP every six months and will also evaluate the RP implementation 6 or 12 months after the completion of space clearance.

Costs and Budget.

(ix) Total budget for the implementation of this RP is **58,925,251,580 VND (\$3,022,659)** which is financed by the Government of Vietnam. The preceding figures exclude compensation in respect of the two military units which lies outside the scope of this report. The base cost of compensation for those units is expected to be about VND 216 billion (\$11.1 million).

(x) Assurances

The Government of Vietnam through MoET has given the following assurances relating to resettlement :

- will ensure that all land acquisition and resettlement activities under the project will be conducted in accordance with (i) the resettlement plan; (ii) the relevant laws, regulations, and procedures of the Government; and (iii) ADB's Safeguard Policy Statement (2009). In case of differences between the laws, regulations, and procedures of the Beneficiary with ADB's Safeguard Policy Statement, then the ADB's Safeguard Policy Statement shall apply.
- will disclose the updated resettlement plan to the affected people and implement the approved resettlement plan to the satisfaction of ADB, including provision of adequate

counterpart funding to cover the actual costs. It will ensure that all people affected by the project are compensated, resettled, and rehabilitated in accordance with the requirements of the approved resettlement plan prior to any physical or economic displacement taking place.

- Prior to the commencement of any resettlement activities, will sign a contract with a qualified institution acceptable to ADB to conduct independent external monitoring and periodic reporting of resettlement.
- Will not award the civil works contracts until (i) the Government has updated the resettlement plan in accordance with ADB's Safeguards Policy Statement; and (ii) ADB has approved the updated resettlement plan.
- Will not commence civil works activities until (i) the updated resettlement plan has been fully implemented, which will be verified by a report prepared by the independent monitoring agency, and (ii) the implementation report prepared by the independent monitoring agency has been approved by ADB.

(xi) Implementation Schedule.

The project is expected to be implemented in six years. The Government's objective is to complete the handover of the army land for the USTH site by the end of 2011, and of the land occupied by individual households by the end of 2012. Construction of the university campus is expected to start in mid 2013. The agreements for construction contracts to commence cannot be handed over until the affected people are fully compensated, and the relocation completed, and the site clearance process has been assessed by an independent supervisor. The measures for the recovery of the situation of the affected households have to be completed in a timely manner. The implementing agenda is presented in Section 12 of the Resettlement Plan.

1. INTRODUCTION AND SCOPE OF PLAN

1.1. Project

The New Model University Project is implemented in Hanoi, with the loan from Asian Development Bank (ADB). Total budget to implement the project is 210 million USD, plus \$3 million for land clearance to be paid for by the Vietnamese Government. The objectives of the project are: (a) to set up and pilot a new policy framework for the governance, financing and quality assurance of new-model research universities, and (b) establish and develop two universities as centers of research and teaching excellence that create dynamic synergies between research and teaching by strengthening university-industry linkages in science and technology fields, as well as by presenting a "public-private partnership model" of higher education/research institutions. The tentative duration for project implementation is from 2011 to 2015. The project has four outputs:

- *Output 1:* Policy and regulatory framework: Implement specific university management arrangements for governance, financing in each university
- *Output 2:* Academic and R&D development: Establish academic systems for research and teaching excellence, quality assurance and industry engagement in each university
- *Output 3:* Campus and facilities development: Design, build and equip two new-model research universities.
- *Output 4:* Project implementation management: Manage project, coordinate project activities, and monitor performance and results.

Within Output 3, there are land acquisition and resettlement compensation activities.

1.2. Resettlement Plan

The Resettlement Plan is an activity limited within a timeframe. It includes a strategy, objectives, rights, responsibility, supervision and assessment of resettlement activities of the sub-project.

The RP of this sub-project is established based on the initial data of affected assets, through a socio-economic survey conducted with 100% of severely affected HHs and 5% of slightly effected HHs.

The RP will be updated in the DMS once the 1-2000 Master Plan is approved.

1.3. Sub-project

Hanoi University of Science and Technology is located within Hoa Lac High Tech Park in Hanoi city. This site is under the area of Tan Xa commune, Thach That district. The site is identified in an approved, bench-marked map which the PMU-USTH gave to the TA Team on 15th September 2010.

1.4. Scope of Project impacts

The total area of land allocated for USTH on the map is 650,000m². The total number of affected households (HH) is 77, of which are 74 are individual families, comprising 332 people. The remaining three are the collective HHs including one communal people's committee and 2 army units, (Technical University Branch of Artillery Office and Batallion 371 under Artillery

High Command). Details of the household impacts are given in the spreadsheet attached as Appendix 1.

1.4.1. The Army Units

The two Army units together occupy 477,467 hectares, 73.5% of the total area of the USTH site. The Government has decided to compensate the Army for the loss of training facilities at Hoa Lac and re-locate to training grounds elsewhere.

ADB resettlement policy is concerned with people who suffer loss or diminution of land, other property or income, because all or part of their land is required for the project site. The two army units will lose land and property at Hoa Lac but the livelihood of the soldiers is not affected; their training will simply take place on a new site. There are no competing claims over the Military land where some of the non-military households may also rely partially on the Military land.

The ADB regards the compensation payable to the army units as a Government transaction, outside the scope of ADB resettlement policy.

Accordingly the losses of army property which are noted at Appendix 1 are not included in subsequent analyses in this report, and the compensation for those losses is not included in the cost estimate for resettlement.

However the relocation of the Army units is critical to the availability of the site for USTH. The Government has assured the ADB that it is proposed to relocate the two military units away from Hoa Lac before the end of 2011. The ADB looks to the Government to monitor progress towards that objective, and to report any information which would materially affect its achievement to ADB as soon as it is known.

1.4.2 Individual Households

Two individual HH will lose their homes (one will move to Resettlement area and the other will be relocated on the remaining land). The total housing area affected is 150m², the other ancillary area/structures affected cover 460 m².

There are 65 HH whose agricultural land is affected. The total number of affected trees in individual households is 25,655 timber-bearing trees and 1,075 fruit trees.

Table 1.1: Summary of affected HHs classified by types of effect and district/commune

District/ commune	Total affected HHs	Total No. of residential land loss HHs			Total No. of agricultural land loss HHs			Forestry land affected HHs
		Total	Moving	Not moving	Total	≥ 10%	< 10%	
Tan Xa Commune, Thach That Dist.	74	2	1	1	71	62	9	5

2. SOCIO-ECONOMIC INFORMATION OF AFFECTED HHS

According to the socio-economic survey (SES) and the Inventory of Loss (IOL) conducted from November 10, 2009 to December 15, 2009 in the area of Tan Xa commune of Thach That Dist., Hanoi, a total of 74 individual HHs occupy the land to be acquired, as well as the two army units and the communal people's committee.

2.1. Socio-economic data of affected HHs

This baseline data provides information on social conditions of APs, including: (i) demographic characteristics, analysis of income as well as other information related to affected HH head; (ii) living standards of affected HHs; (iii) income generating resource of HH heads; and (iv) poverty condition.

This socio-economic analysis aims to identify issues related to compensation and space clearance, laying a foundation for the evaluation and monitoring of restoration capacity of living standard for affected HHs once the RP starts.

2.2. General information of affected HHs

All affected HHs are Kinh people. No ethnic minorities are found living in the project region.

2.2.1. Gender, Age

Presented in the table below.

Table 2.1: Gender of house owners and family members classified by commune

Dist./ commune	Total HHs (HH)	Sex of HH-head (person)		Sex of HH member (person)		
		Male	Female	Total	Male	Female
Tan Xa Commune, Thach That Dist...	74	62	12	332	162	170

Among the 74 affected HHs surveyed, there are 62 male HH-heads (accounting for 83,8%) and 12 female HH-heads (equivalent to 16,2%). Among 332 persons of 74 HHs surveyed, there are 162 males (accounting for 48,8%) and 170 female (51,2%). The average number of family members per HH is 4.5 persons.

The average age of HH-head is 49,3 years old. The oldest person is 76 years old and the youngest one is 30. If we classify by sex, average age of male HH-heads is 49,2 while that of female is 49,8. About 18,7% belong to old age group¹.

2.2.2. Work participation of affected HHs

Among the total members of affected HH, there are 207 workers (62,3%). (see table 2.2). The average number of workers per HH is 2,8. The number of male workers is 106 (accounting for 51,2%) while the figure for females is 101 people, equivalent to 48,8%.

Table 2.2: Worker of HHs surveyed and classified by commune and sex

Dist./ commune	Total HHs (HH)	Total HH member (person)	Worker (person)		
			Total	Male	Female
Thach That Dist.	74	332	207	106	101
Tan Xa Commune	74	332	207	106	101

¹ People from 60 years old upward.

2.3. Academic level

Table 2.3: Academic level

	Total (per)	Average	Illiteracy		Primary education		Lower secondary		Upper secondary		Professional/U niv	
			Per	%	Per	%	Per	%	Per	%	Per	%
HH head	74	5.9	1	1.4	26	35.1	42	56.7	5	6.8	0	0
HH member	332	7	14	4.2	82	24.7	147	44.3	86	25.9	3	0.9

Schooling per person

The academic level of HH-head is low. Over 91% of HH-head have education from primary level to lower secondary level while only 6.8% acquire upper secondary level and 1.4% have never been sent to school. Most of them are old age persons.

HH members have a higher education level than household heads on average. The average level of them is at grade 7th. 70.2% of HH members attain secondary education while only 0.9% have professional and university qualifications (see Table 2.3). And the percentage of primary education is 24.7 %. The rate of illiteracy counting from the age of 6 is 4.2%, however most of the illiterates are old people. The average education level of female members is at grade 6.8, a little lower than that of male member, at grade 7.2.

There is one primary school and one lower secondary school in Tan Xa Commune. Each hamlet has one nursery school, one kindergarten. 100% of children at schooling age are sent to school. The rate of illiteracy counting from the age of 6 is low, accounting for 4.2%. However, the qualifications of the local workers is still low because most of them are not provided with vocational training.

2.2.4. Occupations of HH members

Main income of affected HHs is from agriculture-based activities with rice, maize and soyabean farming and animal husbandry. The main occupation is agricultural production, accounting for 82.9% of the laborforce surveyed. Apart from that, there is a number of people working in small scale industry: woodworkers accounts for 4.7%; construction workers (4.3%); employees 4.0%), hired laborers (3.6%), and a little number of individuals running small business (0.5%).

2.2.5. HH income

Average income of affected HHs is VND 1,540,700/month. There is not much difference between income of male-headed HHs and female-headed HHs. The average income of male-headed HHs is VND 1,573,600/month while that of female-headed HHs is VND 1,400,300/month.. See Table 2.4 for details.

Table 2.4: Monthly income of AP, HH-head

Unit: VND/HH/month

Type	Male HH-head	Female HH-head	Average
HH	1,573,600	1,400,300	1,540,700
HH-head	524,300	400,400	497,500

3. SCOPE OF LAND ACQUISITION AND RESETTLEMENT IMPACTS

3.1. Effected land

i. Area of permanent loss of land:

The total area of land to be acquired by the project is 650,000 m². Table 3.1 shows its principal current uses:

Table 3.1: Summary of affected land

Ref	Types of land	Total area of land acquired (m ²)	Percentage (%)
1	Residential and garden land	25,243,4	3,9
2	Agricultural land	36.292,5	5,6
3	Forest land	72.097,6	11,1
4	Pond land	35.673,7	5,5
5	Land for specific use	480.692,8	73,9
	Total	650.000	100

Of the land for specific use the two military units occupy an area of 477,000 m².

3.2. Affected Houses and Crops

Two individual HHs need to move accommodation. The total area to be demolished is 350m², including auxiliary works of 200m², plus 260 m of fencing.

Total numbers of affected trees belonging to individual household are: 25,655 timber-bearing trees and 1075 fruit trees. There is also 11,103m² used for the cultivation of Litchi and Longan.

4. LEGAL FRAMEWORK AND ENTITLEMENTS

Policy framework and entitlements were prepared based on legal documents of Vietnamese Government, especially the Land Law issued in 2003, Decree No.181/2004/NĐ-CP dated October 29, 2004 on the implementation of the Land Law, Decree No.197/2004/NĐ-CP dated December 03, 2004 on compensation, assistance and resettlement when the State recovers the land, Circular No.116/TT-BTC of Ministry of Finance to provide instruction on the implementation of Decree. No 197, Decree No.188/2004/CP of the Government, Decree 69/2009/ND-CP dated August 13, 2009 supplementing regulation on planning and usage of land, land price, land recovery, the compensation, support and resettlement, and Decision No.108/QĐ-UBND dated 29 September 2009 issued by Hanoi People's Committee on compensation and resettlement when the State conducts land acquisition in Hanoi area.

The overriding policy for land acquisition and resettlement is the ADB Safeguard Policy Statement of 2009 (See Section 4.2 and Table 4.1 below).

4.1. Laws and Regulations regarding Land Acquisition in Vietnam

The Land Law issued in 2003 is a complete law, superseding the earlier in 1993 version. The Land Law gives people access to the land through Land Use Right Certificates, which are similar to private ownership. Some of the more important issues that are relevant to land usage, acquisition, and resettlement, are summarized as below:

- a. The State reserves the right to allocate land and determine its usage.

- b. Families and individuals who have been allocated land have the right to exchange their land for another piece; transfer their right to use land to another party; and rent, bequeath, or use their land as collateral.
- c. The People's Committees at all levels are responsible for decision making and administration of land use in their localities; the People's Committees at all levels are responsible for managing land issues in their domains.
- d. The State reserves the right to expropriate land when truly necessary, in cases of national defense or security, or national and public interest. In these cases, the land user will be compensated for loss of possessions. Of relevance to the Project's "national and public interest" is defined in the GOV's Decree No.197/2004/NĐ-CP of 03 December 1998 as including infrastructure projects. This provides the basis for right-of-way (ROW) acquisition.
- e. Before land is expropriated, the user must be informed of the reason for expropriation, time schedule and plan for resettlement.

There are a substantial number of other laws, regulations, and decrees relevant to land acquisition and resettlement. The most important of these are as follows:

- a. The Constitution of the Socialist Republic of Vietnam, 15 April 1992;
- b. The Land Law, 15 July 1993, amended on 26 November 2003;
- c. Decree No. 181/2004/NĐ-CP of 29 October 2004 on the implementation of the Land Law;
- d. Decree No.188/2004/NĐ-CP of 16 November 2004, regulations on price determination and price framework for land categories;
- e. Decree No.197/2004/NĐ-CP dated December 03, 2004 on compensation, assistance and resettlement when the State recovers the land;
- f. Circular No.116/TT-BTC dated 07 December 2004 of Ministry of Finance to provide instruction on the implementation of Decree. No 197/2004/ND-CP of 03 December 2004;
- g. Decree No.84/2007/NĐ-CP, supplementary regulations on LURC grant, land acquisition, procedures, compensation, assistance and resettlement processes when the State recovers the land and redresses grievance on land on 25 May 2007;
- h. Decree No.123/2007/CP on Amendment, Supplement to several items of Decree No. 188/2004/CP dated 16 November 2004 on measures to determine land price and price framework for land categories.

4.2. ADB Policy on Involuntary Resettlement

ADB policies on resettlement are set out in the Safeguard Policy Statement of June 2009 (SPS). The policy objective for resettlement is to minimise involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, 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. The key aspects of the SPS as they relate to this project are shown in Table 4.1 below.

4.3. Inconsistencies between the Government's Law and ADB Policy with regard to resettlement

With the promulgation of Decree No.197/2004/ND/CP (December 03, 2004), Decree No.84/2007/CP and relevant decrees stated above, the policies and practices of the Government have become more consistent with ADB's social safeguards policies. Nonetheless, there remain certain differences between the Government and ADB resettlement policies.

The key differences between Vietnamese Policy and the SPS are outlined below. The right hand column shows the policy adopted for this project. As provided for by Decree 131/2006/ND-CP (November 2006) which regulates the management and use of official development assistance, provisions and principles adopted in this Resettlement Plan will supersede the provisions of the relevant decrees currently in force in Viet Nam *wherever a gap exists*.

Table 4.1: Comparison of the Government and ADB policies

Key issues	National Law	ADB Policy	Project Policy
Users without LURCs	Land: Illegal land users (or cannot make it legalized) will not receive compensation but they may be considered to be provided with support from PPCs/city depending on the legal status of the land	Land: APs, who are not eligible to receive compensation will be assisted to restore their living standards as pre-project	Land: APs, who are not eligible to receive compensation will be supported to restore their living standards as pre-project
Houses and Structures	Houses, structures compensated at 80% replacement cost, otherwise no compensation is applied	Houses, structures compensated at replacement cost (100%)	Houses, structures compensated at replacement cost (100%)
Compensation rate	Compensation rate applied by market values, however there is big difference between the State and prevailing market price	Sufficient compensation to replace asset/income lost, i.e compensation at prevailing market values, plus any related transfer/ transaction fee	Sufficient compensation to replace asset/income lost, i.e compensation at prevailing market values, plus any related transfer/ transaction fee
Business Loss	Only APs that have legally registered to run their business can receive business support	Sufficient compensation for all loss of business income	Sufficient compensation for all loss of business income
Severely affected	Loss of more than 30% of the agricultural land possessed	Loss of $\geq 10\%$	Loss of $\geq 10\%$
RP preparation	Comprehensive compensation plan and detailed compensation and assistance plan	A comprehensive RP or summary	A comprehensive RP or summary
Independant Monitoring	No regulations	An experienced agency on social issues and resettlement will be hired by PMU to provide independant monitoring	An experienced agency on social issues and resettlement will be hired by PMU to provide independant monitoring

5. PROJECT POLICIES AND PRINCIPLES

5.1. Basic Principles

The basic principles of the Project are:

- a. Involuntary resettlement and loss of land, structures and other assets should be avoided or minimized by exploring all viable options.
- b. All HHs are entitled to be compensated for their lost assets, incomes and businesses at replacement cost and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, incomes and productive capacity.
- c. Lack of legal rights to the assets lost will not bar the affected persons from entitlement to such compensation and rehabilitation measures.
- d. Compensation for affected assets shall be provided at replacement cost.
- e. In the case of population relocation, efforts shall be made so that the existing social and cultural institutions of the people being resettled and host community should be maintained to the extent possible.
- f. Preparation of RP (as part of subproject preparation) and its implementation is to be carried out with participation and consultation of APs.
- g. Schedule and budget for resettlement planning (including socio-economic survey/census) and implementation must be incorporated into those of each subproject and the overall Project.
- h. Payment of compensation of affected assets and any resettlement to new locations must be completed prior to the implementation of sub-projects. Rehabilitation measures must also be in place, but not necessarily completed as these may be ongoing activities.
- i. Compensation for ethnic minorities, female-headed households, families with disabled, and other vulnerable families will be carried out with respect for their cultural values and specific needs.

5.2. Project Policies

For the implementation of the above principles, the following policies shall apply:

- j. Involuntary resettlement and loss of land, structures and other assets should be avoided or minimized by exploring all viable options.
- k. All HHs are entitled to be compensated for their lost assets, incomes and businesses at replacement cost and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, incomes and productive capacity.
- l. Lack of legal rights to the assets lost will not bar the affected persons from entitlement to such compensation and rehabilitation measures.
- m. Compensation for affected assets shall be provided at replacement cost.
- n. In the case of population relocation, efforts shall be made so that the existing social and cultural institutions of the people being resettled and host community should be maintained to the extent possible.

- o. Preparation of RP (as part of subproject preparation) and its implementation is to be carried out with participation and consultation of APs.
- p. Schedule and budget for resettlement planning (including socio-economic survey/census) and implementation must be incorporated into those of each subproject and the overall Project.
- q. Payment of compensation of affected assets and any resettlement to new locations must be completed prior to the implementation of sub-projects. Rehabilitation measures must also be in place, but not necessarily completed as these may be ongoing activities.
- r. Compensation for ethnic minorities, female-headed households, families with disabled, and other vulnerable families will be carried out with respect for their cultural values and specific needs.

6. ELIGIBILITY AND ENTITLEMENTS

6.1. Eligibility

The cut-off date of eligibility for entitlement is when the Inventory of Losses (IOL) survey was completed ie 15th December 2009. Persons who encroached the area after the above cut-off-date are not entitled to compensation or any other form of resettlement assistance. The Cut-off date was carried out in accordance with Vietnamese Law. Information regarding the cutoff date was documented and disseminated throughout the project area.

Lack of legal rights will not bar the affected persons from entitlement to compensation and support for the lost land, structures, secondary crops and income. All APs are entitled to receive rehabilitation if they satisfy the criteria set.

6.2. People affected by the Project

In Vietnam, types of land users include:

- (a). APs with permanent land use rights ('legal' and 'legalizable' user) losing agricultural land, including: (i) legal land users (i.e. those with the land use right certificates (LURC) and (ii) legalizable land users (i.e. those who are waiting for the LURC to be approved by the district authority but who have documents to prove as such). They are all entitled to full compensation at replacement cost and receive rehabilitation.
- (b). APs with temporary/lease land use rights losing agricultural land: Temporary land users are those who are on a leased-basis allocated to them by the commune with the written permission or signed contract. They have to pay taxes for the crops but not for using the land. The land use right can not be legalized for permanent use. Cash compensation for loss of crops at market prices: and compensation for loss of net income from the land acquisition during the lease over the remaining area.
- (c). APs with loss of crops, trees and aquacultural crops: All of these will be compensated at market price regardless of their legal or illegal land use rights.

6.3. Project compensation policies

Entitlements for each kind of AP based on types of assets and level of loss:

- (a) Loss of agricultural and aquacultural land: this category includes temporary loss (less than one year) and permanent loss. There are two levels of permanent loss: of less than

10% of total productive land and equal or more than 10% of the total productive land. The later will be compensated with rehabilitation support.

- (b) Loss of residential land: this category includes (a) loss of residential land with structures built thereon; (b) loss of residential land without structures built thereon; (c) loss and residential land and needs to be displaced.
- (c) Loss of houses or other structures: this category will be divided into partial loss and total loss because of displacement. It is defined to be total loss for the loss of more than 50% of the structure. Those APs with loss of more than 50% and/or need to be displaced are defined as significantly affected persons and will receive rehabilitation allowances.
- (d) Loss of crops, trees and aquaculture.
- (e) Loss of public structures and other assets: including power line system and other assets.
- (f) APs with loss of land request for rehabilitation help (allowances): All APs will be provided with rehabilitation support at certain levels. Severely Affected Persons and/or vulnerable APs will be received special assistance to recover income and livelihood.

Level of compensation and entitlements are detailed in the Matrix of Entitlements below.

Table 6.1: Matrix of Entitlements

Type of impact	Level of impact	Compensation receiver	Entitlement	Action proposed
1. Agricultural land				
1.a. Temporary loss of agricultural land	Loss of land-use right for a period less than one year	Users with long-term land-use right	- No compensation for land if returned to the original user; - Cash compensation for loss of standing crops and trees at market prices; - Compensation for loss of net income from the temporary use of land	Land quality must be recovered as before borrowing
1.b. 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 loss of standing crops and trees at market prices; and - Cash compensation for the part of land lost at replacement cost .	
		Users with temporary land-use right	- Compensation for the remaining value of the land transfer contract and investment value into that land - Cash compensation for loss of standing crops and trees at market prices	
	Equal or more than 10% of the total land lost	Users with long-term land-use right (legal and legalizable)	- Agricultural land compensation at the same or neighboring commune, or cash compensation for the land lost if there is no land for replacement. - Rehabilitation Package (see item 5 below)	
2. Residential land			- Cash compensation for the area lost at replacement cost/or land compensation at the same area, quality and at location acceptable to the AP. - Issuance of new LURC in case of amendment of land area.	
3. Assets,		Ownership	- Cash compensation for the affected	

Structures			assets at replacement cost, or - Compensation for asset transportation cost if removable and related damages, - The Project will provide support, apart from the proposed compensation, for the partially affected structure/asset to be repaired to its original or better status.	
4. Crops and trees, aquaculture		Ownership	- Cash compensation for loss of standing crops and trees at market prices	Compensation based on types, ages & productive values of affected crops & trees
5. Rehabilitation support	Support for Replacement	HHs that need to be displaced	Households to be moved will receive support from 3,000,000 to 5,000,000 VND	
	Support for livelihood stabilization	HHs with loss of from 10% up to 70% of total agricultural land	Support for livelihood stabilization of all family members at 30 kg of rice/person/month for a duration of 06 months	
		HHs with loss of more than 70% of total agricultural land	Support for livelihood stabilization of all family members at 30 kg of rice/person/month for a duration of 12 months	
		Affected households who have to move	Support for all family members with 30kg rice/month/person for 06 months	
		Affected households who have to both move and lose 10-70% of their agricultural land	Support for all family members with 30kg rice/month/person for 12 months	
		Affected households who have to both move and lose more than 70% of their agricultural land	Support for all family members with 30kg rice/month/person for 24 months	

	Support for training	HHs with loss of more than 10% of total agricultural land	These HHs will be provided with training support calculated based on either i) the affected land size multiplied by 3.5 the regulated price of agricultural land or ii) household needs based on consultation completed during DMS process	
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7. COMMUNITY CONSULTATION AND GRIEVANCE MECHANISM

Information dissemination to, consultation with, and participation of APs and involved agencies can help to minimize the risk of Project delays, and enable the Project to design the resettlement and the rehabilitation program as a comprehensive development program to suit the needs and priorities of the APs. The aims of information disclosure and community consultation are to:

- enable various local authority levels and APs through their representatives to participate in implementation phases of resettlement program
- share all project information with APs
- collect information on priorities of APs and their viewpoints on the proposed activities
- ensure APs have full information and participate in the decision making that have direct impact on their benefits
- ensure transparency of all compensation, land acquisition, and restoration support activities.

7.1. CONSULTATION DURING THE PREPARATION OF RP

7.1.1. Preparation and dissemination of Project profile

A Public Information Booklet (PIB) has been prepared for households affected by the project; a draft is at Appendix 2. The PMU-USTH will distribute the PIB to affected HHs to ensure APs understand the ADB resettlement process and their entitlements under the project. A Project Profile will also be used to disseminate information. The following content will be presented in the project profile:

- Brief description of the Project
- Types of impacts on assets of affected HHs, basic entitlements and policies
- Implementation schedule.

7.1.2. Consulting affected HHs

Apart from the distribution of the PIB to affected HHs and their community, meetings will also be carried out at Tan Xa commune. Participants to these meetings will be: PMU-USTH officials, representatives of CARB, communal land clearance group and all affected HHs. Besides that, there will also be the presence of social organizations such as Fatherland Front, Woman Union, Farmer Association, Youth Union, etc.

Meeting contents will focus on specific Project issues such as: publicizing compensation and support policies; consulting with affected HHs on the unit price for the affected assets, project implementation schedule, announcement of the compensation rate, rights and grievance mechanism as well as claim resolving.

7.1.3. Disclosure of RP

The PIB will be distributed to affected HHs and localities within project area through CARBs and CPCs (from one to five copies). Copies of the approved RP in Vietnamese will be held at the Commune and District offices and made available to people for review.

7.2. Grievance Mechanism

APs reserve the right to make any complaints related to land acquisition and resettlement activities: compensation policies, entitlements, compensation rate and payment; and strategies and resettlement procedures and rehabilitation programs. Claims can be made verbally or in writing, and should be addressed to the CPC. For cases of verbal complaints, CPC and social organizations will help these HHs to write appeal letter in the first meeting with such HHs. All administration fee arising will be exempted for these HHs and they will also be provided with a representative counsel free of charge.

In dealing with the address of complaints, CPCs and social organizations play the same role as communal grievance redress board while district/provincial CARB will play the role of grievance redress board at district and provincial level. Every effort would be made by CPC and social organization to handle communal grievances through community consultation; and may appeal for the participation of NGOs, as well as social and resettlement specialists if necessary. Moreover, the implementation of components should be done carefully in order that people's confusion and complaints can be minimized. It is considered to be a successful strategy when there is active participation of APs in consultations, close links established between affected community and relevant agencies, regular communication made and supervision of all activities are made transparently.

A four-stage procedure for redress of grievances is proposed as detailed below. A summary of the process is included in the PIB held at Appendix 2.

Stage 1: Complaints of APs on any aspect of compensation, relocation, or unaddressed losses shall in first instance be lodged verbally or in written form to CPC. The complaint can be discussed in an informal meeting with the AP and the CPC. It will be the responsibility of the CPC to resolve the issue within 15 days from the date the complaint was received.

Stage 2: If no understanding or amicable solution was reached or no response from the CPC within 15 days, the AP can appeal to the District People's Committee in the presence of the District CARB. The AP must lodge the complaint within 30 days of registering the original complaint and must produce documents that support his/her claim. The district compensation committee and land clearance board will provide the decision within one (1) month of registering the appeal.

Stage 3: If the AP is not satisfied with the decision of or in the absence of any response by the district CARB or its representatives, the AP can appeal to the Provincial People's Committee (PPC). The provincial CARB, together with the PPMU will provide decision on the appeal within 30 days from the day it received.

Stage 4: If the AP is still not satisfied with the decision of and in the absence of any response by the provincial CARB within the stipulated time, the AP, in his/her last resort, may submit its case to the District Court.

The procedures described in these four steps are consistent with the legal process for resolution of disputes in Vietnam. However, the system mentioned above is oriented primarily towards disputes between individuals, as opposed to between people and the government. Therefore, as a

part of the Project internal monitoring and evaluation, PPMU and the district CARB will keep a record of all grievances and complaints brought forward by HHs, as well as their final resolution.

It will be the responsibility of the independent monitoring agency (IMA) to review and record grievance procedures and redressing solutions completed. The IMA may make recommendations for measures to address the unresolved complaints.

8. IMPLEMENTATION ARRANGEMENTS

In order to implement the RP of the project, the Government, acting with the relevant local authorities, has made the following arrangements.

8.1. The Government

The Government through MoET is responsible for:

- the overall execution of this resettlement plan in accordance with the assurances quoted in Section (x) of the Introduction, and in line with the Implementation Schedule set out in Section 12 below;
- Monitoring the progress of the RP, commissioning the independent monitoring referred to in Section 10 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;
- allocating a budget through Hoa Lac High-tech Park Management Board (HHTPMB), to the local authorities to pay for the functions delegated to them under this RP.

The PMU-USTH supports the Government in the exercise of these functions.

In order to implement the RP of the project, the Government has delegated certain functions to HHTPMB, Hanoi People's Committee and Thach That District People's Committee (TTPC). These agencies have established units to operate the implementation of RP.

8.2 Hoa Lac High-tech Park Management Board

Hanoi People's Committee has assigned HHTPMB to implement ground clearance. HHTP Management Board will exercise this responsibility in accordance with directions to be issued by the Prime Minister after approval of the Project Detailed Outline. HHPTMB's functions will include:

- Giving the 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 on implementing 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 process of Detailed Measurement Survey; completing the compensation form and submitting the document to the People's Committee for approval
- Handing over the cleared site to the USTH in accordance with the implementation schedule.

8.3. Hanoi People's Committee (HPC)

The Hanoi People's Committee has promulgated Decision No.3235/QĐ-UBND dated 02 July 2010 on transferring the project investor of compensation, assistance, land clearance in the Hoa Lac High-tech Park from Industrial Parks Investment and Development Management Unit of Hanoi Industrial Center to Thach That district People's Committee, 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
- Ensuring the equality and objectiveness when considering and resolving the task of compensation, assistance and resettlement as the Government acquires the land

8.4. District level

a) Thach That People's Committee (TTPC)

- Guiding, organizing, campaigning all organizations and people about policies on compensation, assistance, resettlement and implementing to clear the site in accordance with the updated Resettlement Plan once it has been approved by the ADB.
- Guiding the Compensation, Assistance and Resettlement Board to implement the compensation, assistance, resettlement plan. Approving the updated Resettlement Plan 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.
- Hanoi People's Committee has allocated and handed over the implementation of compensation and land clearance in Hoa Lac High-tech Park to Thach That People's Committee. Thach That People's Committee must establish Compensation and Land clearance Board to implement its tasks.

b) District Board for Compensation, Assistance and Resettlement

Compensation, Assistance and Resettlement Board are responsible for:

- The President guides all members of the Board 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 Resettlement plan and in assuring the full payment for compensation and assistance; and developing the resettlement area in time
- Representatives from these affected people are responsible for expressing wishes from the affected households 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.

In general, the Board 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.

8.5. Commune People's Committee

- Organizing to consult and disseminate information on land acquisition and policies on compensation, assistance and resettlement of the project.
- Coordinating with the Compensation, Assistance and Resettlement Board to identify people whose land are affected, and to inventory properties on the land of the affected people, and
- Coordinating with Compensation, Assistance and Resettlement Board 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.

9. IMPLEMENTATION STEPS

9.1. Detailed Measurement Survey (DMS)

After the approval of the 1:2000 Master plan for the site, PMU-USTH will coordinate with Compensation, Assistance and Resettlement Board of the districts to measure the land and inventory properties inside the occupied area of the project. Members of Inventory Group are: members of PPMU, members of District Board for Compensation, Assistance and Resettlement, representatives from communes which are affected by the project. Compensation, Assistance and Resettlement Board will announce the agenda for inventorying the assets so that the landlords are present to co-witness.

After the procedure of measurement and inventory assets are finished, householders sign the inventory minutes, identifying the area of the land and other kinds of property inside the occupied area of the project. Each householder keeps one copy of this document. In case, the householders are not satisfied with the inventory results, they can complain as in accordance with the guiding instructions.

In case householders are away (despite the announcement in advance); the person who is authorized by the householder will sign the minutes of compensation inventory.

HHs who loses 10% or more of their land will be entitled to Rehabilitation Support in accordance with Section 5 of the matrix of entitlements at Table 6.1. At the time of the DMS such HHs will be asked about training needs and preferences as a basis for planning provision.

9.2. Procedure of Paying the Compensation Cost

After completing the procedure of inventorying assets for all households in the area and having the decision of Provincial People's Committee on the list of unit price applied for the project, Compensation, Assistance and Resettlement Board will coordinate with PMU-USTH to prepare the compensation price for affected households and complete the compensation plan. After the compensation plan is approved by the PPC, SPMU will send this document to PMU-USTH, and prepare the compensation expenditure to pay for affected households. When the compensation plan is approved by ADB, PMU-USTH and Compensation, Assistance and Resettlement Board can pay for the AP immediately.

9.3. Steps of Implementing Compensation Payment

Compensation, Assistance and Resettlement Board will:

- a. Announcing the compensation payment agenda for AP before at least 02 weeks and informing them about necessary documents to bring along when receiving money for compensation (certificate on the right of using land, Identity card, other confirmation papers)
- b. Preparing the list of AP and their benefits, and the total amount for compensation payment
- c. Preparing 03 resettlement files and other related documents (sent to AP, PMU-USTH and Compensation, Assessment and Resettlement Board)

These affected households are:

- d. Bringing the necessary documents as informed before
- e. If the affected households cannot appear to receive the payment in time, they have to inform the Board for Compensation and Land Clearance of the District/Commune or authorize for other person to receive it. This person has to take the authority paper.
- f. Considering carefully all documents related to them compensation and asking PPMU or Compensation, Assistance and Resettlement Board at all levels to explain if needed.
- g. If the APs are not satisfied with the compensation payment, or have complains about it, they can appeal.
- h. If the APs are satisfied with the compensation result, they will sign a paper to confirm that they receive the full payment.
- i. Each APs will receive a copy of compensation and payment file.
- j. The APs are responsible for moving from the affected area within the regulated time of the project, in order to hand over the site for construction contractors.

Land will not be acquired from APs until the RP has been updated as outlined above, and all compensation paid.

10. MONITORING AND ASSESSING

10.1. Internal Monitoring

PMU-USTH shall be responsible for the external assessment of implementing RP. PMU-USTH will supervise compensation/resettlement activities and prepare a monthly report and synthesize all the results to make the quarterly report for MOET. When discovering important issues, PMU-USTH will inform to ADB through MOET. The assessment indicators are:

- a) Payment of compensation to APs in accordance with the Project Policy;
- b) Implementation and completion of resettlement activities and commencement of civil works;
- c) Public Information dissemination and consultation procedures,
- d) Adherence to grievance procedures;
- e) Distributing necessary documents, designing new works, if any, allocating land, if any, and providing training and other necessary supports.
- f) Ensuring that all monies allocated for resettlement compensation are spent on that purpose, and completing accurate and timely financial reports of re-settlement expenditure.

10.2. Independent Monitoring

MOET, as investor, will hire an independent external agency to inspect and assess the implementation of RP. This independent agency will implement many surveillances and contacts with the affected people and need the cooperation from PMU-USTH, DRC and CRC.

The external monitor will be required to issue 6 monthly reports in accordance with the requirements of SPS. It is estimated that it would represent one month's work for a national consultant, costing \$5000 a month, for each six monthly report. The target is to complete resettlement by the end of 2012 but monitoring may need to continue for a further year, as rehabilitation support etc is delivered. Accordingly the budget for monitoring has been set at \$30,000 (VND584,850,000) to cover the three years 2011 to 2013 inclusive at \$10,000 a year.

Table 10.2 summarizes a number of indicators which are developed to ensure the achievement of RP's objectives and resettlement policy framework.

Table 10.1: Monitoring and Assessment Indicators

Type	Indicator	Examples of variables
Indicators of the process	Staff	Numbers of PPMU and PIU staff under the Project; functions and responsibilities of each member. The Resettlement Specialist will be included in the list of project specialists Numbers of staff from relevant offices who are arranged to take over the work related to the project
	Consulting, participating and resolving complaints	Numbers of consultation programs organized for relevant parties of the project Complaints are divided into different types and solutions Numbers of field trips by PPMU staff Numbers of NGO/CBO participating in the Project
	Activity procedure	Completing the general DMS and current procedure to assess/verify the amount of assets Effectiveness of the compensation payment system Numbers of conducted surveys on the remaining area, and their results Numbers of land transfer activities in reality Coordination between PPMU, PIU and other municipal/provincial function agencies
Indicators on outcomes	Land acquisition	Area of cultivated land which was seized in each project component Area of seized private land Area of seized public land (belonging to commune, district/ government)
	Buildings	Numbers, type and size of the acquired housing and other private buildings Numbers, type and size of the acquired public buildings Numbers, type and size of acquired government buildings
	Secondary crops	Amount and type of seized secondary crops which were cultivated by the AP Amount and type of seized secondary crops which were cultivated by the commune/ government Damaged secondary crops were divided base on the area, type and numbers of owner

Type	Indicator	Examples of variables
	Compensation and recovery	Numbers of affected households (land, housing, building and secondary crops) Numbers of households being compensated in accordance with the type of damage Amount of compensation payment based on types and owners Total amount of compensation payment Numbers of replaced houses and numbers of owners who are affected on construction Numbers and location of resettlement sites for the AP to move in Numbers of households require assistance in purchasing the replaced land Numbers of replaced land which are bought in reality Numbers of provided assistance types Numbers of assistance types used by the AP The conformity and consistency of assistance types with RP objectives Numbers of AP who are deeply affected, too poor or easy to be affected by other elements, receive the economic stimulus package or other subsidy Type of the applied recovery assistance and numbers of AP who receive it
Indicators impact	Income ability of each household	Employment situation of the bread –winners in each household Size and area of the cultivated land and the output in each crop Purchasing the right to use the cultivated land Changing the property 's owners – before and after the project Changes in gaining revenue activities (agriculture – non agriculture) - before and after the project Amount and income – expenditure balance

11. COMPENSATION ESTIMATION

As stated at 1.4.1 above, the compensation payable to the two army units which will relocate from the USTH site at Hoa Lac is classified as a Vietnamese Government transaction outside the scope of this project. The costs of compensation for individual HHs are shown in the spreadsheet at Appendix 1 and are summarized in the following table:

Table 11.1: Summary of the budget for implementing RP

Description	Total amount (VND)	Total amount (\$US)
Land compensation	20,288,380,500	1,040,697
Building compensation	403,660,000	20,706
Tree compensation	1,595,840,200	81,859
Rehabilitation assistance	28,367,908,500	1,455,138
Independent Monitoring	583,560,000	30,000
Contingency 15%	40,212,718,282	394,260
Total	58,925,251,580	3,022,659

Note. Conversions to USD are at the rate VND19,495 =USD 1.

12. IMPLEMENTING AGENDA

The project is expected to be implemented in six years. The Government's objective is to complete the handover of the army land for the USTH site by the end of 2011, and of the land occupied by individual households by the end of 2012. Construction of the university campus is expected to start in mid 2013.

Based on acquisition of individual land holdings by the end of 2012 and the 18 month program outlined below, it is expected that RP updating and implementation can commence by mid 2011. This will leave 6 months between loan approval and the loan effectiveness which is considered realistic.

The agreements for construction contracts to commence cannot be handed over until the affected people are fully compensated, and the relocation completed, and the site clearance process and payments have been assessed as complete by the IMA. The measures for the recovery of the situation of the affected households have to be completed in a timely manner. The implementing agenda is presented in Table 11.2.

Table 11.2: Update and Implementation Schedule of RP

	Land acquisition and resettlement activities	Starting date	Completion date	Duration (day)
I. Update and preparation Stage				
1	RP assessment has been prepared in TA, which created a database for updating information of APs.	1 st day of 1 st month	5 th day of 1 st month	5 days
2	Community consultation	6 th day of 1 st month	12 th day of 1 st month	6 days
3	Replacement cost survey	13 th day of 1 st month	30 th day of 1 st month	17 days
4	Implementation of DMS based on approval of 1-2000 Master Plan, plus survey of training needs of those HHs entitled to training support.	1 st day of 2 nd month	30 th day of 3 rd month	60 days
5	Identify and update data from RP prepared in TA	1 st day of 4 th month	6 th day of 4 th month	6 days
6	Consult APs on compensation	7 th day of 4 th month	21 st day of 4 th month	16 days
7	Draft of RP	22 nd day of 4 th month	27 th day of 4 th month	6 days
8	Make public of the draft RP and consult APs and other related parties	28 th day of 4 th month	4 th day of 5 th month	7 days
9	Finalize RP based on feedbacks collected	5 th day of 5 th month	10 th day of 5 th month	6 days
10	Submission of RP to ADB	11 th day of 5 th month	11 th day of 5 th month	1 days
11	ADB review and approval of RP	12 th day of 5 th month	26 th day of 5 th month	15 days
II After ADB approval of RP				
12	Make public the approval of RP to APs and community	1 st day of 6 th month	8 th day of 6 th month	9 days
13	Mobilize all CARBs and meet with communal/ward people's committee	1 st day of 6 th month	8 th day of 6 th month	9 days
14	Internal assessment and recruitment of external assessors	5 th day of 6 th month	12 th day of 6 th month	8 days
15	Negotiation and agreement on compensation rates for land acquisition with APs	12 th day of 6 th month	12 th day of 15 th month	270 days
16	Promulgate regulations on fully financial support for RP and approve of disbursement.	7 th day of 8 th month	17 th day of 15 th month	6 days (not continuously)
17	Disbursement for compensation	15 th day of 8 th month	25 th day of 15 th month	15 days (not continuously)
18	Submission and redress confusion and complaints ²	16 th day of 8 th month	30 th day of 15 th month	90 days (not continuously)
19	Process and grant LURC for new land transferred.	18 th day of 8 th month	18 th day of 15 th month	75 days (not continuously)
20	Consult with APs on space clearance plan, including movement if necessary	19 th day of 15 th month	19 th day of 16 th month	30 days
21	Space clearance and moving APs	20 th day of 16 th month	30 th day of 16 th month	10 days
22	External assessment agency to make evaluation on the policy obedience of the Project and submission of report to ADB.	1 st day of 17 th month	30 th day of 17 th month	30 days
23	ADB's review and approval of RP, officially issuing its "No Objection" so that civil works contract can be	1 st day of 18 th month	18 th day of 18 th month	15 days

² Claim resolving is a formative activities based on the implementation plan. It can be anticipated that there will be a lot of complaints and questions at this phase, the stage of making payment for compensation.

	Land acquisition and resettlement activities	Starting date	Completion date	Duration (day)
	awarded			
III. Pre-construction period				
24	Contract award for project suppliers	16 th day of 18 th month	25 th day of 18 th month	10 days
25	Mobilize contractors-in-charge of each component	26 th day of 18 th month	26 th day of 19 th month	30 days
26	Social impact assessment made by external assessors	180 days from the 30 th of 16 th month		

UNIVERSITY OF SCIENCE AND TECHNOLOGY OF HANOI: RESETTLEMENT COMPENSATION

Appendix 1 to the TA Team Report

No.	Full nam	Land affected						Houses, buildings and graves affected					Trees and fruits affected					
		Type of land	Area of agricultural land	Area affected	Affected area as % of the total	Unit price (VND)	Amount	Type	Unit	Quantity	Unit price	Amount (VND)	Type of trees	Unit	Quantity	Unit price	Amount (VND)	
1	1	2	3	4	5	6	7=5*6	8	9	10	11	12=10*11	13	14	15		17=15*16	
1	Kieu Trung Hung	Housing land	885.3	885.3	100	600000	531180000	Level -4 house	m2	50	1350000	67500000	Wood providi	Tree	10	40000	400000	9
		Agri. Land		1749.1		135000	236128500	Auxiliary works	m2	100	666000	66600000	Fruit tree	Tree	100	50000	5000000	
								fencing wall	m	60	521000	31260000	Farm produce	m2	1749.1	5500	9620050	
2	Nguyen Tien Dung	Housing land	1944	600	30.9	600000	360000000						Farm produce	m2	1012.4	5500	5568200	5
		Agri. land		1012.4		135000	136674000											
3	Nguyen Tien Duc	Housing land	1563.3	1200	76.8	600000	720000000	Level - 4 hous	m2	100	1350000	135000000	Fruit tree	Tree	180	50000	9000000	1,0
								Auxiliary works	m2	100	666000	66600000						
								fencing wall	m	200	521000	104200000						
4	Nguyen Huy Hinh	Agri. land	1300	640.7	49.3	135000	86494500						Farm produce	m2	640.7	5500	3523850	9
5	Do Van Sac	Agri. land	1900	517.2	27.2	135000	69822000						Farm produce	m2	517.2	5500	2844600	7
6	Pham Viet Lap	Agri. land	720	287.1	39.9	135000	38758500						Farm produce	m2	287.1	5500	1579050	4
7	Nguyen Minh Luong	Agri. land	2520	717.8	28.5	135000	96903000						Farm produce	m2	717.8	5500	3947900	10
8	Truong Ho Cung	Agri. land	5400	730.3	62.1	135000	98590500						Wood providi	Tree	200	40000	8000000	1,2
		Garden land		2620.5		420000	1100610000						Fruit tree	Tree	250	50000	12500000	
													Farm produce	m2	730.3	5500	4016650	
9	Duong Tien Chi	Agri. land	1800	390.5	21.7	135000	52717500						Farm produce	m2	390.5	5500	2147750	5
10	Nguyen Huy Quang	Agri. land	3600	281.2	7.8	135000	37962000						Farm produce	m2	281.2	5500	1546600	3
11	Nguyen Van Hong	Agri. land	2160	772.7	35.8	135000	104314500						Farm produce	m2	772.7	5500	4249850	10
12	Nguyen Huy Thinh	Agri. land	2880	228.1	7.9	135000	30793500						Farm produce	m2	228.1	5500	1254550	3
13	Nguyen Tien Kinh	Agri. land	1800	339.4	18.9	135000	45819000						Farm produce	m2	339.4	5500	1866700	4
14	Duong Tien Chuc	Agri. land	4320	624.6	14.5	135000	84321000						Farm produce	m2	624.6	5500	3435300	8
15	Bui Van Thich	Agri. land	2500	1291.1	51.6	135000	174298500						Farm produce	m2	1291.1	5500	7101050	1
16	Nguyen Dinh Van	Agri. land	2880	404.1	14.0	135000	54553500						Farm produce	m2	404.1	5500	2222550	5
17	Chu Van Ha	Agri. land	1500	142.7	9.5	135000	19264500						Farm produce	m2	142.7	5500	784850	2
18	Nguyen Dinh Tu	Agri. land	3600	969.2	26.9	135000	130842000						Farm produce	m2	969.2	5500	5330600	1
19	Nguyen Van Hau	Agri. land	5040	559.4	11.1	135000	75519000						Farm produce	m2	559.4	5500	3076700	7
20	Nguyen Tien Toan	Agri. land	5095.7	1306.8	25.6	135000	176418000						Farm produce	m2	1306.8	5500	7187400	1
21	Truong Cong Quynh	Agri. land	2560	1135.7	44.4	135000	153319500						Farm produce	m2	1135.7	5500	6246350	1
22	Nguyen Van Do	Agri. land	1270	771.6	60.8	135000	104166000						Farm produce	m2	771.6	5500	4243800	10
23	Nguyen Van Tron	Agri. land	2160	367.7	17.0	135000	49639500						Farm produce	m2	367.7	5500	2022350	5
24	Nguyen Van Tam	Agri. land	2880	295.6	10.3	135000	39906000						Farm produce	m2	295.6	5500	1625800	4

No.	Full nam	Land affected						Houses, buildings and graves affected					Trees and fruits affected				
		Type of land	Area of agricultural land	Area affected	Affected area as % of the total	Unit price (VND)	Amount	Type	Unit	Quantity	Unit price	Amount (VND)	Type of trees	Unit	Quantity	Unit price	Amount (VND)
25	Chu Van Toan	Agri. land	720	359.7	50.0	135000	48559500						Farm produce	m2	359.7	5500	1978350
26	Nguyen Thi Oanh	Agri. land	3600	594.6	16.5	135000	80271000						Farm produce	m2	594.6	5500	3270300
27	Nguyen Dinh Nghi	Agri. land	2880	312.1	10.8	135000	42133500						Farm produce	m2	312.1	5500	1716550
28	Nguyen Thi Tin	Agri. land	927.6	608.4	65.6	135000	82134000						Farm produce	m2	608.4	5500	3346200
29	Nguyen Thi Hong	Agri. land	1440	100	6.9	135000	13500000						Farm produce	m2	100	5500	550000
30	Nguyen Dinh Quang	Agri. land	4320	1585.4	36.7	135000	214029000						Farm produce	m2	1585.4	5500	8719700
31	Duong Tien Tinh	Agri. land	1440	110.5	7.7	135000	14917500						Farm produce	m2	110.5	5500	607750
32	Nguyen Dinh Tuyen	Agri. land	2880	304.4	10.6	135000	41094000						Farm produce	m2	304.4	5500	1674200
33	Duong Tien ai	Agri. land	1800	250	13.9	135000	33750000						Farm produce	m2	250	5500	1375000
34	Nguyen Tien Hoang	Agri. land	1440	218	15.1	135000	29430000						Farm produce	m2	218	5500	1199000
35	Duong Tien Thai	Agri. land	1440	520	36.1	135000	70200000						Farm produce	m2	520	5500	2860000
36	Nguyen Tien Tich	Agri. land	474.1	474.1	100.0	135000	64003500						Farm produce	m2	474.1	5500	2607550
37	Duong Tin Yen	Agri. land	1800	426.9	23.7	135000	57631500						Farm produce	m2	426.9	5500	2347950
38	Duong Tien Do	Agri. land	2000	637.8	31.9	135000	86103000						Farm produce	m2	637.8	5500	3507900
39	Duong Tien Thanh	Agri. land	2500	844.3	33.8	135000	113980500						Farm produce	m2	844.3	5500	4643650
40	Duong Tien Dong	Agri. land	6160	772.3	12.5	135000	104260500						Farm produce	m2	772.3	5500	4247650
41	Duong Tien Le	Agri. land	1440	222.7	15.5	135000	30064500						Farm produce	m2	222.7	5500	1224850
42	Duong Thi Le	Agri. land	1980	262.6	13.3	135000	35451000						Farm produce	m2	262.6	5500	1444300
43	Truong Cong Kim	Agri. land	1800	330.8	18.4	135000	44658000						Farm produce	m2	330.8	5500	1819400
44	Nguyen Thi Minh	Agri. land	1440	259.5	18.0	135000	35032500						Farm produce	m2	259.5	5500	1427250
45	Chu Van Quan	Agri. land	1440	241.3	16.8	135000	32575500						Farm produce	m2	241.3	5500	1327150
46	Truong Thi Hoi	Agri. land	3210	221.8	6.9	135000	29943000						Farm produce	m2	221.8	5500	1219900
47	Pham Thi Thu	Agri. land	1800	474.5	26.4	135000	64057500						Farm produce	m2	474.5	5500	2609750
48	Nguyen Tien Luan	Agri. land	1440	272.4	18.9	135000	36774000						Farm produce	m2	272.4	5500	1498200
49	Phung Van Sy	Agri. land	2880	287.4	10.0	135000	38799000						Farm produce	m2	287.4	5500	1580700
50	Nguyen Van Dau	Agri. land	1500	104.4	7.0	135000	14094000						Farm produce	m2	104.4	5500	574200
51	Nguyen Thi Hien	Agri. land	1800	178.2	9.9	135000	24057000						Farm produce	m2	178.2	5500	980100
52	Duong Tien Chien	Agri. land	1440	420.8	29.2	135000	56808000						Farm produce	m2	420.8	5500	2314400
53	Pham Viet Phu	Agri. land	1440	250	17.4	135000	33750000						Farm produce	m2	250	5500	1375000
54	Truong Cong An	Agri. land	7672.2	1284.5	58.1	135000	173407500						Farm produce	m2	1284.5	5500	7064750
		Forestry land		3173.5		60000	190410000						Wood providi	Tree	4000	40000	160000000
55	Nguyen Van Soan	Agri. land	1440	555.2	38.6	135000	74952000						Farm produce	m2	555.2	5500	3053600
56	Chu Van Dau	Agri. land	2520	275	10.9	135000	37125000						Farm produce	m2	275	5500	1512500
57	Chu Van Tuan	Agri. land	2520	1528.3	60.6	135000	206320500						Farm produce	m2	1528.3	5500	8405650
58	Duong Thi Soi	Agri. land	1400	292.2	20.9	135000	39447000						Farm produce	m2	292.2	5500	1607100
59	Nguyen Van Luong	Agri. land	720	298.5	41.5	135000	40297500						Farm produce	m2	298.5	5500	1641750
60	Nguyen Huy Can	Agri. land	2880	291.7	10.1	135000	39379500						Farm produce	m2	291.7	5500	1604350
61	Nguyen Thi Van	Agri. land	7200	1458.1	81.9	135000	196843500						Farm produce	m2	1458.1	5500	8019550
		Garden land		4439.7		420000	1864674000										
62	Truong Duc Toan	Garden land	1440	929.9	64.6	420000	390558000										

No.	Full nam	Land affected						Houses, buildings and graves affected					Trees and fruits affected				
		Type of land	Area of agricultural land	Area affected	Affected area as % of the total	Unit price (VND)	Amount	Type	Unit	Quantity	Unit price	Amount (VND)	Type of trees	Unit	Quantity	Unit price	Amount (VND)
63	Duong Tien Quyen	Agri. land	1800	150	8.3	135000	20250000						Farm produce	m2	150	5500	825000
64	Nguyen Tien Luc	Agri. land	1800	450	25.0	135000	60750000						Farm produce	m2	450	5500	2475000
65	Nguyen Duc Hanh	Garden land	15680	14168	90.4	420000	5950560000						Wood providi	Tree	10	40000	400000
													Fruit tree	Tree	525	50000	26250000
													banana	Tree	20	6500	130000
66	Nguyen Tien Thu	Agri. land	2217.2	1107.1	49.9	135000	149458500						Farm produce	m2	1107.1	5500	6089050
67	Nguyen Van Loc	Agri. land	1800	519.2	28.8	135000	70092000						Farm produce	m2	519.2	5500	2855600
68	Vuong Thi Long	Agri. land	1800	235.4	13.1	135000	31779000						Farm produce	m2	235.4	5500	1294700
69	Nguyen Van Mau	Forestry land	19673.3	15593.3	79.3	60000	935598000						Wood providi	Tree	6035	40000	241400000
70	Nguyen Van Luong	Agri. land	2000	500.4	25.0	135000	67554000						Farm produce	m2	500.4	5500	2752200
71	Chu Van Sang	Forestry land	43498.5	41698.5	95.9	60000	2501910000						Wood providi	Tree	12000	40000	480000000
													Fruit tree	m2	6000	30000	180000000
72	Chu Van Lang	Forestry land	11103	9632.3	86.8	60000	577938000						Wood providi	Tree	2000	40000	80000000
													Fruit tree	m2	5103	30000	153090000
73	Nguyen Van Thanh	Forestry land	18530	2000	10.8	60000	120000000						Wood providi	Tree	1400	40000	56000000
74	Nguyen Thi Yên	Garden land	774.8	400	51.6	420000	168000000										
	Total, Individual HHs, VND						20288380500					403660000					1595840200
	Total, Individual HHs, USD						1,040,697					20,706					81,859

Appendix 2 – Project Information Booklet

**University of Science and
Technology of Hanoi**

**Ministry of Education and Training
Ho Lac High Tech Park
Tan Xa Commune
Thach That District
Hanoi City People's Committee**

**Project Information Booklet
For Households Affected by the Project**

1. Where is the University of Science and Technology of Hanoi (USTH), to be constructed?

The **University of Science and Technology of Hanoi** is located within Hoa Lac High Tech Park in Hanoi City. This site is under the area of Tan Xa commune, Thach That district, Hanoi City.

2. What are the impacts of the university on affected people?

- The total area of land occupied by the Project is 650,000m².
- Total number of affected units: 77 units, of which 68 are severely affected, 4 households (HH) have to displace their houses, 65 HH experience a loss of agricultural land of more than 10%.
- Over 70% of the site by area is currently occupied by two army units who use the land mainly for military training.

3. When will construction commence?

Resettlement activities will commence in mid-2011 and construction is expected to commence in mid-2013

4. What is the objective of compensation, supports and resettlement for Affected People (APs)?

The overall objective of the compensation and resettlement for APs is that APs will be compensated and supported to at least restore their pre-project socio-economic conditions. The poorest and most vulnerable households will be assisted to improve their pre-project socio-economic conditions.

5. Who are eligible for compensation, support and resettlement policies?

All people, households, firms and private institutions that experience loss of income, land or other assets resulting from the Project, will be eligible to be compensated, supported and provided with rehabilitation measures.

6. What will happen to the people losing their agricultural land?

- Lost agricultural land will be compensated at 100 % of replacement cost in cash.

7. What will be the compensation for perennial trees, garden and field crops?

- Compensation will be provided for all losses of standing trees based on market prices. In cases where the market prices are not available, the compensation will be based on the price determined by Hanoi City People's Committee at the time of compensation.

8. How is the compensation for the loss of houses and structures upon affected land calculated?

- Houses and structures upon affected land will be compensated at replacement cost (without any depreciation).

9. What is "replacement cost" for lands?

The method of valuing assets to replace the loss at market value, or its nearest equivalent plus any transaction costs such as administrative charges, taxes, registration, and titling costs. Replacement costs are calculated as follows:

- Productive land (paddy, fishpond, garden and forest) based on market prices that reflect recent land sales, and in the absence of such recent sales, based on productive value.
- Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes.

Replacement cost is based on market value before the project or dispossession, whichever is higher. Compensation will enable affected people to restore their livelihoods to levels at least equivalent to those maintained at the time of dispossession, displacement, or restricted access.

10. How is the compensation for the loss of communal assets calculated?

All the affected infrastructure and social services will be repaired or restored at least as good as or better than their pre-project conditions.

11. What supports will APs have for livelihood and income restoration?

- Livelihood restoration will be provided in accordance with the support arrangements established by Hanoi People's Committee.
- Severely affected will benefit from a livelihood restoration program. Households will participate in the process of planning of livelihood activities; training on management of compensation money for productive activities, etc.

12. What is the tentative schedule for implementing compensation and resettlement?

- Updating of Resettlement Plan April – June 2011
- Start of compensation payment: July 2011
- Completion of compensation payments: End of 2012
- Implementation of Income Restoration Program: July 2011

13. How can an affected person or household participate in the Project?

- AP) will be fully informed and closely consulted during resettlement plan updating and implementation

- Both men and women from the affected households will participate in the ongoing consultation process. The feedback of the affected households will be addressed in planning and implementation of resettlement activities. The schedules for land acquisition and resettlement will be consulted with the affected people to keep them informed on the progress of the implementation and any change in the schedule.
- District People's Committee in association with the PMU-USTH will discuss the procedures for the grievance to the affected households so that the affected households can effectively place the institutions and timetable, and grievance issues.

14. How can the APs complain in case of having any problems?

