RESETTLEMENT POLICY FRAMEWORK (RPF)

Final Report
Project location: 10 provinces of the central region
THANH HOA, NGHE AN, HA TINH, QUANG BINH, QUANG TRI,
DA NANG, QUANG NAM, QUANG NGAI, BINH DINH AND NINH THUAN

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PREFACE

This document is called the Resettlement Policy Framework (RPF) for the Vietnam Natural Hazard Management Project (the Project). It was developed to comply with social World Bank’s safeguards requirement on Involuntary Resettlement (OP 4.12). It is also connected to other safeguard instruments namely the Environmental and Social Management Framework (ESMF), the Ethnic Minority Development Framework (EMDF), the Resettlement Action Plan (RAP), the Ethnic Minority Development Plan (EMDP), and the Environmental Management Plan (EMP) of the Project.

The RPF is prepared based on the integration of the World Bank’ Involuntary Resettlement Policy and Viet Nam’s Laws and Degrees on compensation, support and rehabilitation, results of the social assessment, and consultation with different stakeholders in the project areas. The RPF will be applied to all the subprojects and investments to be financed by the World Bank under the Project that involve land acquisition, compensation, and relocation as defined by OP 4.12.
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Abbreviations

CPC Commune People’s Committee
CPO Central Project Office
DMS Detailed Measurement Survey
DPC District People’s Committee
DPs Displaced Persons
DRC District Resettlement Committee
GOVN Government of Vietnam
IDA International Development Association
IMO Independent Monitoring Organisation
MARD Ministry of Agriculture and Rural Development
NHMP Natural Hazard Management Project
PPC Provincial People’s Committee
PPMU Provincial Project Management Unit
PRC Provincial Resettlement Committee
RAP Resettlement Action Plan
RCs Resettlement Committees
RPF Resettlement Policy Framework
DEFINITION OF TERMS

**Project impact**
means any consequence immediately related to the taking of a parcel of land or to restrictions in the use of legally designated parks or protected areas. People directly affected by land acquisition may lose their home, farmland, property, business, or other means of livelihood. In other words, they lose their ownership, occupancy, or use rights, because of land acquisition or restriction of access.

**Displaced people**
refers to individuals or businesses that are directly affected socially and economically by Bank-assisted investment project caused by the involuntary taking of land and other assets that results in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. The involuntary taking of land includes the exercise of possession when the proprietor has allowed and benefited from others' occupation of the area. In addition, displaced person is one for whom involuntary restriction of access to legally designated parks and protected areas that result in adverse impacts on livelihoods also; this category of displaced person would be unlikely in the urban area, however.

**Cut-off-date**
The date of completion of inventory of losses during preparation of the RAP. Displaced Persons and local communities will be informed of the cut-off date for each project component, and that anyone moving into the Project Area after that date will not be entitled to compensation and assistance under the Project.

**Eligibility**
means any person who at the cut-off-date was located within the area affected by the project, its sub-components, or other subproject parts thereof, and would have their: (i) standards of living adversely affected, (ii) rights, titles, or claim in any land (agricultural, grazing or forest), house or structure (be it residential, commercial permanent or temporary), or (iii) production assets such as business, occupation, place of work, residence, or habitat, or (iv) access to assets adversely affected (e.g. fishing rights). Eligibility is irrespective of: (a) formal legal rights to land, or (b) customary claim to land or asset, or (c) having no recognizable legal right or claim to the land they are occupying.

**Unit of entitlement**
is the individual, the family or household, or the community that is eligible to receive compensation or rehabilitation benefits.

**Replacement cost**
is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the
pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided.

**Resettlement**

in Bank terminology, covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to its usual meaning-physical relocation. Resettlement can, depending on the case, include (a) acquisition of land and physical structures on the land, including businesses; (b) physical relocation; and (c) economic rehabilitation of displaced persons (DPs), to improve (or at least restore) incomes and living standards.

**Vulnerable groups**

distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) women headed household (widow, disabled husband) with dependents, (ii) disable or the elderly alone, (iii) poor people (living below the state poverty threshold), (iv) the landless, and (v) ethnic minority groups.
EXECUTIVE SUMMARY

Vietnam Natural Hazard Management Project (WB5) is one of the projects invested by the Government to support the implementation of “the National strategy for Natural Disaster Prevention and Mitigation to 2020”. The project is partially funded by the World Bank's loan and carried out in 10 provinces in the central region, including Thanh Hoa, Nghe An, Ha Tinh, Quang Binh, Quang Tri, Da Nang, Quang Nam, Quang Ngai, Binh Dinh, and Ninh Thuan.

Objectives of the Project are: (i) strengthening capacity of natural disaster risk management agencies at the national, provincial, and district levels to improve plan preparation and risk mitigation; (ii) enhancing early natural disaster forecast and warning systems; (iii) building capacity at communal and village levels to support development of “Plans of safe villages and safe communes”; (iv) mitigating natural disaster risks at highly prioritized areas through arrangement of effective structural measures and investments in construction of small and medium-scale infrastructure; (v) improving capacity of project management and implementation, environmental and social management in integrated management of natural disasters.

This Resettlement Policy Framework (RPF) will apply for all subprojects in the Vietnam Natural Hazard Management project. Subproject Resettlement Action Plans (RAP) of each subproject will be prepared following directions in the RPF after the specific information of subprojects becomes available. The RPF has been developed to ensure that the potential negative impacts of the subprojects to be identified are properly assessed and mitigated.

National Laws on Land Acquisition and Resettlement: 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.

World Bank Policy on Involuntary Resettlement: Operational Policy (OP) 4.12 on Involuntary Resettlement and OP 4.10 on Indigenous Peoples (equivalent with ethnic minority peoples in Viet Nam) are triggered for this Project. The policies describe objectives and guidelines to be followed in situations involving the project impact on involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas and when indigenous peoples or ethnic minority are involved. The OP 4.12 aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. It promotes participation of displaced people in resettlement planning and implementation. Its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement. The policy prescribes compensation and other resettlement measures to achieve its objectives and requires that borrower prepares adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

For preparation and implementation of activities involving land acquisition, compensation, relocation, and restriction of resources uses, OP4.12 và OP4.10 require close consultation of the affected population and appropriate mitigation of the potential negative impacts given special attention to ethnic, gender and other vulnerable group issues. As define in the policies, the project will disclose timely project information, monitoring and evaluation,
and ensuring adequate budget and capacity of the agencies, responsible for the resettlement implementation.

**Eligibility criteria:** All Project Affected Persons (PAPs) who are identified in the project-impacted areas on the cut-off date be entitled to compensation for their affected assets and rehabilitation measures sufficient to assist them to enhance, or at least restore the livelihoods of all displaced persons in real terms relative to pre-project levels. The cut-off date will be the date of completion of inventory of losses during preparation of the RAP of each subprojects/investments. Those who encroach into the investment area or create new assets (upgrading or constructing new houses/structures, planting new trees) after the cut-off date will not be entitled to compensation or any other assistance.

**Entitlements:** Based on the types of ownership and in combination with the severity of impacts, the project will determine for each category of PAPs and their entitlements as defined in the below entitlement matrix. The DMS and social assessments will be the basis for determining actual impacts, in addition, the replacement cost surveys will be carried out to determine actual replacement costs for affected land and other assets to ensure entitlements of PAPs.

**Grievances and Redress mechanisms:** The WB's involuntary resettlement policy requires each project to establish a mechanism for grievance settlement and determines responsibilities of the stakeholders for handling grievances raised by PAPs about compensation, allowances, and resettlement. This mechanism aims to ensure that all PAPs' grievances are received and tackled with satisfactorily. At the beginning of the project implementation, Resettlement Committees need to popularize the grievance redress mechanism to PAPs for their information and introduce grievance procedures to them. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively. The PAPs, if not satisfied about the project implementation and compensation, may raise their complaints orally or in writing to responsible people/agencies as regulated in this mechanism. All costs associated with grievance handing process incurred by the claimant and /her/his representatives are to be free of charge.

**Institutional resettlement organizations at central government and project levels:** The Central Project Office (CPO) in the Ministry of Agriculture and Rural Development (MARD) has overall responsibility for resettlement and land acquisition within the project, including training on safeguard policies and implementation of RPF and RAP for PPMU, PRCs and DRCs; selecting an external monitoring agency; supervising and reporting on resettlement issues. Provincial Project Management Units (PPMUs) would be responsible for coordinating with Central Project Office (CPO), District Resettlement Committees (DRCs) and regularly internal monitoring on resettlement implementation. The Central Office Project (CPO) will supervise and monitor the implementation process at least one time per year and report annual monitoring results to the World Bank.

**Funds for implementation** of compensation and resettlement include funds for paying compensation and resettlement, developing resettlement sites (if needed), restoring livelihoods and incomes, and managing and implementing resettlement. These funds will be provided by Central Government. Exceptionally, funds for developing infrastructure at resettlement sites and implementing livelihood restoration programs might be covered by IDA funds faced by to support those of central Government and project provinces.
**Monitoring and evaluation**: Implementation of the RAPs supervised and monitored in ongoing regular basis by the CPO and PPMUs. The findings and recommendations will be recorded by the PPMUs in quarterly reports on implementation progress of compensation and resettlement to submit to the CPO and the WB for review. The subprojects RAP's compensation and resettlement implementation must be subject to external monitoring by an independent qualified consultant selected by CPO. The main objective of external monitoring is to provide an independent periodic review and assessment of: (i) achievement of resettlement objectives; (ii) changes in living standards and livelihoods; (iii) restoration and/or improvement of the economic and social base of the affected people; (iv) effectiveness and sustainability of entitlements; and (v) address further mitigation measures, as needed.

### 1. INTRODUCTION

#### 1.1 Project Overview

1. Vietnam is one of 10 countries in the world that usually suffer severe consequences of natural disasters. The common disasters include typhoons, tropical storms, floods, landslides, and droughts, of which typhoons and floods are by far the most frequent and severe. Every year, natural disasters cause significant economic, social, and environmental damages, directly hindering the country from sustainable socio-economic development. Particularly, the Central Region, which is a narrow land strip along the coastlines on the eastern side of Truong Son mountain range and has a complex terrain sloping towards the East Sea, suffers the most frequent influence of typhoons, tropical storms, and floods (counting for 65%). Storms often happen repeatedly in a short time, even two or three storms of high intensity occur in one month, and floods appears quickly and strong, resulting in serious damages.

2. Natural disasters are factors that directly impede sustainable socio-economic development and booster poverty. With profound awareness of human casualties and material losses caused by natural disasters, the Government of Vietnam has considered natural disaster management and mitigation as one of important activity of the sustainable development process. In 2007, the Government developed "National Strategies for Natural Disaster Prevention and Mitigation to 2020" which include tasks of ensuring safety for dyke systems and improving anti-storm capacity of embankment system in all provinces of the Northern region and the Central coastal region, reinforcing and enhancing sea dykes in the whole country, ensuring safety of reservoirs, particular those near dense population areas and sensitive areas in economic, politic, and cultural terms, as well as near important works relating to national security and defense.

3. Vietnam Natural Hazard Management Project (WB5) is one of the projects invested by the Government to support the implementation of the aforesaid national Strategy. The project is partially funded by the World Bank's loan and carried out in 10 provinces in the central region, including Thanh Hoa, Nghe An, Ha Tinh, Quang Binh, Quang Tri, Da Nang, Quang Nam, Quang Ngai, Binh Dinh, and Ninh Thuan.

#### 1.2 Project Objectives

4. Short-term objectives of the Project are (i) strengthening capacity of natural disaster risk management agencies at the national, provincial, and district levels to
improve plan preparation and risk mitigation; (ii) enhancing early natural disaster forecast and warning systems; (iii) building capacity at communal and village levels to support development of “Plans of safe villages and safe communes”; (iv) mitigating natural disaster risks at highly prioritized areas through arrangement of effective structural measures and investments in construction of small and medium-scale infrastructure; (v) improving capacity of project management and implementation, environmental and social management in integrated management of natural disasters.

5. Long-term objectives of the Project are (i) increasing the capacity of natural disasters prevention, response, and mitigation at the national, provincial, district, and communal levels in Vietnam; reinforcing the preparedness for community-based disaster management; improving weather forecast and early warning capacity; and mitigating negative disaster impacts on selected provinces in Vietnam; (ii) improving the Natural Disaster Management system in Vietnam in accordance with the national strategy, providing disaster mitigation measures and climate change solutions for Vietnam. Reinforcing natural disaster management capacity and institution to better meet short-term and long-term demands of the most vulnerable areas to mitigate human, economic, and financial losses when natural disasters happen. Besides, the project will focus on strengthening capacity at the national, regional, and provincial levels in early prediction and warning.

1.3 Project Components

6. The project is designed with five main components to achieve following outcomes:

- Improved institutional management of natural disasters at all levels.
- Improved early forecast and warning systems.
- Upgraded prevention and mitigation infrastructure for natural disaster damages in the project provinces.
- Promoted the community-based natural disaster management program of Vietnam.
- Enhanced project organization, management, and implementation skills.

Component 1: Institutional Strengthening

7. This component will strengthen institutional capacities for Disaster Risk Mitigation (DRM) planning at national and provincial levels. It will help prepare a national DRM database to track the progress of actions taken, strengthen the capacity of the newly formed Central of Disaster Prevention and Mitigation (CDPM); improve/extend provincial level integrated disaster risk management planning, support provincial disaster mapping and zoning, support dam safety database management, support further work on disaster-resilient building code design based on different geographical regions; strengthen disaster management communications; and build co-operation mechanisms among national/ regional/ provincial/ district/ communal Disaster Management Centers to provide effective and consistent disaster prevention and response activities.

Component 2: Strengthening Weather Forecast and Hydrometeorological-Originated Early Warning Systems

8. Main activities of this component are to provide modern hydro-meteorological observation equipment and communication facilities, develop databases, and strengthen systems for the dissemination of forecasts and early warnings to different stakeholders.
Component 3: Community-Based Disaster Risk Management

9. This component will mainly support the Community-Based Disaster Risk Management Program (CBDRM). Provincial level Centers of Disaster Prevention and Mitigation (CDPM) will be established (or strengthened where already exist) and will provide support for district- and commune-level disaster prevention and mitigation activities, encompassing planning and mitigation strategy development. Support will be provided for disaster prevention and mitigation training at community levels as well as for small-scale priority investments, especially for flood and drought mitigation. Training will be provided for communities for disaster prevention and response measures through training activities on campaigns and dissemination of knowledge about storm/flood prevention and disaster mitigation; capabilities of on-site disaster response will also be enhanced for local organizations and individuals in hazard-prone areas.

Component 4: Support for Priority Disaster Risk Mitigation Investment

10. The project will be implemented in 10 coastal provinces of the central region. Main activities of this component are to support the Government in implementing significant structural measures proposed in the Implementation Plan of the National Strategy for Natural Disaster Prevention, Response, and Mitigation to 2020. A river basin approach was used to identify and prioritize investment subprojects within the selected basins in the Central Region. The structural measures will mitigate risks posed by floods, landslides, and major storms.

11. The project provinces have proposed investment items to be implemented in the project, including reinforcing, improving, and upgrading degraded dikes, embankments, dams, and rescue paths in order to enhance the ability of preventing natural disasters, ensuring safety for production, assets, and lives of the local people in the river basins in 10 provinces of the Central Region.

Component 5: Project Management

12. This component would provide support for project management activities including preparation, implementation and monitoring of social and environmental safeguard policies, fiduciary and financial management, etc. It also will support the development of an M&E system for the project.

1.4 Project Impacts

a) Positive Impacts

13. Through the proposed investment items such as improving and upgrading reservoirs, reinforcing dams, river embankments and dikes, the project will bring about pragmatic benefits for the country and communities. Specifically: (i) strengthening disaster management and response capacity for levels, sectors, and communities; (ii) mitigating risks caused by losing safety of reservoirs and dikes; (iii) protecting approximately 900,000 people (more than 210,000 households) and nearly 50 thousand of hectares of productive land will not be exposed to annual floods and droughts; (iv) dealing with the lack of irrigative water, domestic water, and improving living standards for local people in the project areas; and (v) improving the eco-environment and local transportation, contributing to socio-economic development and creating landscapes for the project areas.

b) Negative Impacts
14. To upgrade and improve existing works such as dykes, revetments, reservoirs, dams and rescue roads which were constructed long time ago and being deteriorated seriously, land acquisition and negative impacts on production of the local households in the works sites are unavoidable. However, these impacts are marginal because selection of works and alternative technical design comply with the project requirements, aiming at minimizing land acquisition and assets of the local people. According to the preliminary assessment (conducted by the Project Preparation Team of the Ministry of Agricultural and Rural Development), approximately 3,000 rural households (equivalent to about 12,900 people) are to be affected as a result of all sub-projects to be implemented throughout the project life. Most impacts are related to loss of agricultural land, with limited physical relocation required and loss of businesses given the nature of subprojects (rehabilitation of existing structures). According to the census surveys done for six first-year subprojects, approximately 1,294 households (with about 5,525 persons) would be affected by six subprojects, of which about 3.2% of these households are severely affected as a result of loss of more than 20% (10% for poor and vulnerable households) of their agricultural land, 3 relocated HHs, 8 business HHs, and 81 female headed households. The total area of land permanently affected at these six subprojects is 26.12 ha, of which residential land is 1.8ha, agricultural land - 19.23ha, aquaculture land – 3.56 ha, forest land – 0.0 ha and garden land – 1.44ha; total temporarily affected land area is 55.89 ha, including possibly some borrow pit, quarries, disposal sites. The number of grave affected is 22, concentrated in Binh Dinh province (18 graves). There are no ethnic minority households are affected as a result of the six first-year subprojects. The exact number of PAPs and assets affected by subprojects will be identified after completion of DMS of each subproject.

1.5 Objectives of the Resettlement Policy Framework

15. This RPF is prepared in accordance with World Bank’s OP 4.12. It aims at clarifying resettlement principles and organizational arrangements, and designing standards that need to be applied to all sub-projects that have not been yet identified until the implementation of this project, including temporary impacts that might take place at borrow pits, quarries, disposal sites at subprojects.

16. The RPF specifies that the PAPs must be compensated for lost incomes and affected assets at replacement costs, provided with opportunities to get benefits from the project, and assisted if they are to moved or relocated. The RPF policies will be applied for all PAPs, regardless of the number of PAPs, severity of impacts, and whether the PAPs have legal land use right or not. The ultimate objective is to restore income generation of the PAPs in order to improve or at least restore their pre-project living conditions and standards as before project.
2. LEGAL FRAMEWORK

2.1 Vietnam Laws and Policies of Land Acquisition and Resettlement

17. The Constitution of the Socialist Republic of Vietnam (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:

(i) Land law passed by the National Assembly on 26 November 2003.


(iii) Decree 197/2004/ND-CP of the Government, dated 03 December 2004, on compensation, assistance and resettlement when the State acquires the land. This is arguably the key piece of legislation which replaces Decree 22/CP dated 24 April 1998 which previously provided the primary basis for compensation and resettlement activities.


(vii) Decree 84/2007/ND-CP, on 25th May 2007 on supplementary regulations on granting land use certificate, orders and procedures for compensation, assistance and resettlement when the State acquires land and settling complaints on land.


Ordinance 34/2007/PL-UBTVQH11 of the National Assembly, dated 20 April 2007 on implementation of democracy in communes, wards, and townships, regulating issues for public announcement, which including public announcement of “investment projects and works and priority, implementation progress, compensation plans, assistance for land clearance and resettlement relating to project and works in communes”.

18. Other laws, decrees and regulations relevant to land management, land acquisition and resettlement include the Construction Law 16/2003/QH11, dated on 26 November 2003, on construction activities, rights and obligations of organization and individual investing in civil works construction and construction activities; Decree 105/2009/ND-CP of the Government, dated 11 November 2009 on the sanctioning for administrative violations in land issues; Decree No. 12/2009/ND-CP dated 12/2/2009 on the management of construction investment projects and replacing Decree 16/2005/ND-CP and Decree 112/2006/ND-CP on management of construction investment projects; Decree 131/2006/ND-CP, on the management and use of Official Development Assistance (ODA), and Decree 70/2001/ND-CP, on detailed regulations of marriage and family Law implementation, stipulates that all documents registering family assets and land use rights must be in the names of both husband and wife; Decisions of project provinces relating to compensation and resettlement in provincial territory will be also applied for each relevant sub-project.

19. 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 lands of a minimum of 90 and 180 days, respectively.

20. Decrees relevant to protection and preservation of cultural property include Decree No. 186/2004/ND-CP 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.

21. The Central Project Office of MARD is responsible for ensuring effective implementation of the RPF in close consultation with other line agencies and the PPCs and DPCs in the project provinces and districts.

2.2 World Bank’s Policy on Involuntary resettlement

22. The WB’s social safeguard policies include the Operational Policy (OP) 4.12 on Involuntary resettlement and the OP 4.10 on Indigenous People. These policies describe objectives and guidelines to be followed in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas and when indigenous peoples or ethnic minority are involved. The OP 4.12 aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. OP 4.12 promotes participation of displaced people in

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1 The terminology “Indigenous people” in the WB’s policy is equivalent to “Ethnic minorities” in Vietnam.
Resettlement planning and implementation. Its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement. The policy also prescribes compensation and other resettlement measures to achieve its objectives and requires that borrowers to prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

23. For the preparation and implementation of project activities involving land acquisition, compensation and resettlement, the WB’s policy requires close consultation with the affected population to define the appropriate mitigation of the potential negative impacts addressing ethnic, gender, and other vulnerable group issues. The policy also specifies the need for information disclosure to the PAPs, monitoring and evaluation of compensation and resettlement implementation.

2.3 Key Differences between the Government and WB’s Policy

24. In recent years, the Government of Vietnam has issued various circulars and decrees relating to compensation and resettlement to ensure the PAPs’ rights and entitlements and to narrow gaps between the resettlement policy of Vietnam and social safeguard policies of donors such as WB and ADB. However, it is required to identify any existing gaps between Vietnam’s policy and WB’s policy and recommend solutions for resolving them during project implementation. Table 1 provides some differences between the resettlement policy of Vietnam and social safeguard policies of the WB.

Table 1. Differences between Vietnam resettlement policy and the WB’s *Involuntary Resettlement* policy (OP4.12)

<table>
<thead>
<tr>
<th>Viet Nam policy on resettlement</th>
<th>World Bank Policy on <em>Involuntary Resettlement</em></th>
<th>Policy applied for the Project</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Compensation prices:</strong> The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. If land compensation price is lower than actual transfer price at normal market conditions in locality, PPC is responsible for determining the land compensation price which is suitable to the actual price.</td>
<td>Land compensation should be based on full replacement cost at current market values. A replacement cost survey should be conducted at the time of land acquisition.</td>
<td>At the time of land acquisition implementation, District Resettlement Committees carry out replacement cost survey to ensure that compensation rates for all categories of loss will be equivalent to replacement cost at current market values.</td>
</tr>
<tr>
<td><strong>Compensation for house/structure on ineligible land:</strong> Houses and other structures on land that are not eligible for compensation as regulation of law but at the construction time, not violating planning, land use plans announced by</td>
<td>All affected houses and structures, irrespective of land tenure status, should be compensated at the full replacement cost.</td>
<td>Houses and structures on affected land that is non-eligible for compensation but at the construction time, not violating the land use planning announced by the local authorities or not</td>
</tr>
<tr>
<td>Viet Nam policy on resettlement</td>
<td>World Bank Policy on Involuntary resettlement</td>
<td>Policy applied for the Project</td>
</tr>
<tr>
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</tr>
<tr>
<td>the authorities or constructing in line with planning or land use plans and not violating the right of way will be not compensated but assisted at maximum 100% of compensation norms.</td>
<td>violating the right of way will be compensated at 100% of replacement cost of new houses and structures without any deductions for depreciation of salvageable materials.</td>
<td></td>
</tr>
<tr>
<td>Business allowance: Only registered businesses are eligible for assistance.</td>
<td>All affected businesses are eligible for assistance regardless they are registered or not.</td>
<td>All affected businesses are eligible for assistance, whether they are registered or not.</td>
</tr>
<tr>
<td>Support for severe PAPs: AP’s losing more than 30 percent of productive land (outside resident area) will be entitled to assistance in living stabilization and vocational training/job creation.</td>
<td>To households that have land-based livelihoods, when they have 20% or more of their total productive land area/ income-generated assets acquired, they are considered as being severely affected and entitled to restoration assistance.</td>
<td>PAPs losing 20% (10% for the poor and vulnerable households) or more of their total productive land area will be entitled to “land-for-land” compensation or cash compensation at replacement costs, whichever the PAPs prefer and available land fund of the commune. Apart from compensation for acquired land, assistance for subsistence and vocational training/job creation will also be provided.</td>
</tr>
<tr>
<td>No provision for external monitoring.</td>
<td>External monitoring of the resettlement process by an independent and qualified institution is required.</td>
<td>An independent monitoring agency should be recruited to monitor the resettlement and income restoration process.</td>
</tr>
</tbody>
</table>
3. PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

25. Basic principles and objectives of the involuntary resettlement policy stated in the WB's OP4.12 have been applied in combination with the policies of compensation and resettlement of the Government of Vietnam for preparation of this RPF. Such principles and objectives will be applied for all sub-projects of the Vietnam Natural Hazard Management Project although the scope and complexity of resettlement issues require a RAP or not. Specifically, the principles and objectives are as follows:

- Minimizing land acquisition and resettlement as much as possible through selecting technical design options with consideration to the PAPs’ benefits and concerns.

- Where land acquisition and resettlement are unavoidable, resettlement activities will be developed and implemented as sustainable development programs based on consultation with PAPs, providing the PAPs with opportunities to share the project benefits. Moreover, the PAPs need to be supported, together with their own efforts, to improve or at least restore their pre-project livelihoods and living standards.

- This policy is applicable to all the PAPs, regardless of the number of PAPs, severity of impacts, and whether the PAPs have legal land use right or not. Due attention should be paid to vulnerable groups, particularly the poor, the elderly, women and children, and ethnic minority groups affected by the project.

- Lack of legal land (or asset) use right will not hinder the PAPs from accessing to compensation, supporting measures, and resettlement to obtain the aims stated in the RPF.

26. The Central Project Office (CPO) will provide general guidance on preparing plans of the compensation and resettlement process to ensure co-operation among the project stakeholders and monitor the implementation. When each sub-project is commenced, the stakeholders will be consulted to establish planning principles, arrange activities to identify and mitigate social impacts caused by the sub-projects. Compensation payment for the PAPs should be carried out prior to construction commencement in each sub-project. The WB will not approve any civil works contracts if compensation payment has not been done satisfactorily.
4. PREPARATION AND APPROVAL PROCEDURES
FOR RESETTLEMENT ACTION PLANS

4.1 RAP Preparation

27. When a subproject affects local peoples, involving acquisition of land – either
permanently or temporarily, a RAP for the subproject needs to be prepared in accordance
with the guidance and principles set forth in this RPF. Typically, a RAP needs to have the
following information:

• Description of the sub-project;
• AP’s socio-economic survey
• Detailed Measurement Survey results (EMS)
• Resettlement legal framework;
• Categories of the PAPs and their eligibility standards;
• Procedures of price determination and compensation for losses and damages;
• Resettlement measures
• Selection of resettlement sites, preparation of resettlement sites, and movement;
• Houses, infrastructure, and social services at resettlement sites;
• Environmental management and protection at proposed resettlement sites;
• Mechanism of community participation and consultation;
• Measures for displaced people integrating into receiving communities;
• Grievance mechanism;
• Responsibilities of organization and implementation;
• Resettlement implementation plans;
• Costs and budget allocation;
• Monitoring and evaluation.

28. These above information could be presented using the suggested outline in the
Annex 1 of this RPF. Please note, however, when the impact of the project is minor,
indicating through the fact that (i) no people are physically displaced and less than 20%
(10 percent for the poor and vulnerable group) of their productive assets are lost, or (ii)
less than 200 people are affected; an abbreviated RAP will be prepared. The abbreviated
RAP requires less information as compared to the RAP mentioned above, and the
information required in an abbreviated RAP typically consists of the following:

• A survey of the PAPs and determination of affected assets;
• Description of compensation and other resettlement assistance that will be
  provided for the PAPs;
• Consultation with the PAPs for acceptably alternative measures;
• Responsibilities for organization and implementation and grievance settlement
  procedures;
• Arrangements for implementation and monitoring; and
• Time frame and implementation budget.

For instructions on how to prepare important tasks to complete a RAP, please refer to Annex 1 in this RPF.

4.2 RAP Approval

29. Once RAP preparation is completed as suggested above, it needs to be submitted to the WB for prior review and approval (before any compensation and resettlement activities are implemented). RAP is subjected to revision as requested by the WB to comply with the guidance/requirements set forth in this RPF.
5. ELIGIBILITY CRITERIA
FOR DETERMINATION OF AFFECTED PEOPLE

5.1 Criteria for determination of PAPs by land (asset) use right

30. A person affected by the project can be an individual, a household, or an organization (generally called an affected person) that are determined as having resided in the project areas before the cut-off date. The PAPs that reside in the project areas after this date are considered as ineligible and are not entitled to compensation rights.

31. According to the WB’s involuntary resettlement policy (OP4.12), the PAPs can be categorized into three types:

(i) The PAPs that have legal land use right (including traditional rights and customary claim recognized by laws);

(ii) The PAPs that do not have legal land use right certificate at the time of social assessment yet have requested to be granted with land/asset use right certificate in accordance with regulations of laws.

(iii) The PAPs whose land use right is illegal or unlegalizable.

32. These criteria will be used to classify PAPs for Viet Nam natural hazard management project. The results of social impact assessment indicate that more than 90% of the surveyed PAPs have been granted with land use right certificates (LURCs), the remaining is waiting for issuance of such certificates or cannot be granted with LURCs. Under the Vietnam Natural Hazard Management Project, the PAPs whose land use right is legal or can be legalized will get compensation for land and on-land assets at replacement costs. The PAPs that use land illegally will not entitle to compensation for land, yet compensation for on-land assets, and possibly the PPC’s assistance, depending on specific cases.

5.2 Eligibility criteria for determination of PAPs in the project

33. For the VN-Haz project, eligibility criteria for determination of PAPs in the project are as follows:

(i) The PAPs with legal land use right (according to Land Law 2003, Decree 197/2004/ND-CP, Decree 84/2007/ND-CP), including traditional rights and customary claim recognized by laws;

(ii) The PAPs without legal land use right certificate at the time of compensation and resettlement implementation, but have requested to be granted with land/asset use right certificate in accordance with regulations of laws;

(iii) The PAPs with illegal or unlegalizable land use right but non-infringe of planning at the time of compensation and resettlement implementation;

(iv) The PAPs settled or using the land of the project area before the cut-off date.
6. COMPENSATION AND RESETTLEMENT POLICY

6.1 General Principles

34. In general, the Land Law 2003 and Decree 197/2004/ND-CP, Decree 17/2006/ND-CP amending and supplementing some articles of Decree 181/2004/ND-CP and Decree 197/2004/ND-CP, Decree 84/2007/ND-CP orders and procedures of compensation implementation, and Decree 69/2009/ND-CP providing additional guidelines on land use, compensation, support and resettlement satisfy most of principles and objectives of the World Bank's Policy on Involuntary resettlement. To ensure a fair compensation and adequate relocation, rehabilitation of the PAPs, the Government of Vietnam will approve and disclose the RPF for the project before project appraisal by the WB and will prepare RAPs for the next project cycle following the RPF guidance. The project resettlement policy needs to comply with following principles and objectives:

a. Acquisition of land and other assets will be minimized as much as possible.

b. A full RAP will be prepared for subproject with more than 200 PAPs and losing than 20% (10% for the poor and vulnerable households) of the total productive land holding/ income-generated assets or having to relocate based on technical guidelines in this RPF. On the contrary, an abbreviated RAP will be prepared in line with technical guidelines in this RPF.

c. All affected people and assets are identified in the project impacted areas as of the cut-off date will be entitled to compensation and restoration measures, those claimed after the cut-off date will not be entitled to compensation. Lack of legal rights to the assets lost will not bar the PAP from entitlement and rehabilitation measures.

d. Compensation and rehabilitation measures to be provided are: (1) cash compensation at replacements costs for lost assets; (2) agricultural land for land of equal productive capacity with full title and acceptable to the PAPs. In case of no land fund available, cash compensation at replacement costs will be provided; (3) replacement of residential and commercial land of equal size with full title and acceptable to the PAPs. In case of no land available, cash compensation at replacement costs will be provided; and (4) subsistence and livelihood restoration allowances.

e. Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the PAPs to meet their demands.

f. The compensation and rehabilitation activities will be satisfactorily completed before awarding of contract of civil works under each sub-project.

g. Compensation with “land for land” will be implemented in places where public land funds are available, if not, compensation will be made with cash at replacement costs. Sources of funds for compensation and restoration of the PAPs’ lives will be covered by the project counterpart fund.
h. RAP implementation will be monitored by the project executing agencies on going basis and periodically by the independent monitoring agency to ensure that design work, planning, consultation, and compensation are implemented effectively.

i. Land acquisition, compensation and relocation of PAPs cannot commence until the RAP has been reviewed and approved by the World Bank. All resettlement activities will be coordinated with the civil works schedule.

j. Compensation and rehabilitation assistance must be provided to each PAPs at least 30 days prior to the taking of assets for those who are not to be relocated and 60 days for those who will be relocated. Exceptions should be made in the case of vulnerable groups who may need more time.

k. Strategies will be adopted to engage women’s active participation in the planning and implementation of the resettlement program as well as other programs. The resettlement committees, resettlement specialists will be directly involved in all aspects of the development and implementation of the gender strategy (see the Annex), to ensure that these measures are adequately implemented.

6.2 Rights and Entitlements to Compensation

35. Rights: All PAPs who are identified in the project-impacted areas on the cut-off date of the Project will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to enhance, or at least restore, living standards, incomes and production capacity relative to pre-project levels. The cut-off date will be the final day of the detailed measurement survey (DMS) in each subprojects/investments. Those who encroach into the investment area after the cut-off date will not be entitled to compensation or any other assistance, if being affected.

36. Entitlements: Based on types of impacts, category of the PAPs and their entitlements, the RPF sets up specific entitlements to each type of PAPs satisfactorily in the entitlement matrix below. The Matrix will be applied for all subprojects under the VN-Haz project and for all PAPs, including households affected by land acquisition for construction of resettlement sites. DMS and social impact assessment will identify actual impacts and replacement cost surveys will be conducted to determine compensation rates to form the basis for preparing compensation plans for the PAPs.

Table 1. Entitlement Matrix

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Implementation Issue</th>
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</thead>
<tbody>
<tr>
<td>Entitlement to compensation</td>
<td></td>
<td></td>
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<tr>
<td>Type of Loss</td>
<td>Entitled Person</td>
<td>Entitlement</td>
<td>Implementation Issue</td>
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<tr>
<td>Permanent loss of productive Land</td>
<td>Users with Land User Rights Certificate (LURC), users eligible to acquire LURC</td>
<td>- Losing less than 20% (10% for the poor and vulnerable households) of total landholding: Cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, administration fees)</td>
<td>DRCs inform the PAPs at least 3 months prior to land acquisition.</td>
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<td></td>
<td>- Losing 20% or more (10% for the poor and vulnerable households) of total area of productive land holding: as a priority, a replacement land nearby with equal productive capacity acceptable to the PAPs would be provided with land title or land use certificate without any fees, OR cash compensation at replacement cost in case replacement land is unavailable or at the request of PAP; AND entitlement to receiving rehabilitation and allowance package as defined below for severely affected PAPs.</td>
<td>If the remaining land is not economically viable(^2), at the request of PAPs, the Project will acquire the entire remaining land and compensate for entire area at replacement cost.</td>
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</table>

\(^2\) PAPs cannot continuously cultivate on the remaining land due to insufficient conditions for cultivation.
<table>
<thead>
<tr>
<th>Type of Loss</th>
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<th>Implementation Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Users without LURC or</td>
<td>Users without LURC or ineligible users</td>
<td>• Compensation for land at replacement cost if there are no disputes, and no</td>
<td>DRCs should work with CPCs and affected communities to identify origins of affected land and the starting point of land use to determine compensation or not.</td>
</tr>
<tr>
<td>temporary or lease rights to</td>
<td></td>
<td>violation with announced planning.</td>
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<tr>
<td>use public land</td>
<td></td>
<td>• If not meet conditions for compensation, PPC considers for support by</td>
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<td></td>
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<td>specific cases.</td>
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<td></td>
<td></td>
<td>• Cash compensation for crops/assets on the land at replacement costs, and</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Cash compensation for the amount of the remained investment put on the land</td>
<td></td>
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<td></td>
<td></td>
<td>or the remained value of the land rental contract.</td>
<td></td>
</tr>
<tr>
<td>Type of Loss</td>
<td>Entitled Person</td>
<td>Entitlement</td>
<td>Implementation Issue</td>
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</tbody>
</table>
| Permanent loss of residential land                                         | Users with LURC, or eligible to acquire LURC.        | • With the remained land sufficient to reorganize and/or rebuild houses/structures complying to planning of locality:  
  (i) Cash compensation at replacement cost for acquired land area, (ii) cash for improvement of remained residential land (e.g. filling and leveling) so that PAPs can move back and build house on the remained land, and (iii) provision of sufficient allowance and housing rental allowance.  
• Without remained land sufficient to reorganize and/or rebuild houses/structures:  
  (i) Replacement land compensation in resettlement sites or in commune, with the category and equal to quota of local residential land, without any charge for taxes, registration and land transfer fee, and land title or land use certificate. In the case that compensation land area is narrower than the acquired area, the difference will be compensated with cash at replacement costs; if the compensation area is larger than the acquired one, the PAPs do not have to pay for the difference; and full allowance package for relocated households, OR  
  (ii) cash compensation at replacement cost which is equivalent to the current market value of land of similar category, free from transaction costs (taxes, administration fees), plus  
• DRCs inform the PAPs at least 6 months before land acquisition.  
• Compensation must be provided at least 30 days prior to the time of land acquisition for non-relocated HHs and 60 days for relocated HHs.  
• Resettlement sites must be developed with full infrastructure and based on consultation with relocated PAPs. |
<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Implementation Issue</th>
</tr>
</thead>
</table>
|                               | Users without legal or unlawful land use right                                   | • Compensation for affected land through either replacement land or cash payment at replacement cost if no encroachment, no dispute and no violation with announced planning and certified by the CPC, otherwise no compensation for land but only compensation for on-land assets at replacement costs.  
• If the PAPs have no other residence, PPCs consider to allocate residential land or house and rehabilitation and allowance package for the PAPs. | DRCs in combination with CPCs and affected communities identify the eligibility of land for compensation |
| Compensation to loss of rental status | Renters of Project affected houses and land                                     | • Compensation for all on-land assets at replacement costs, and  
• A transportation allowance provided to tenants. | DRCs in combination with PPCs and affected land owners determine eligibility of land and assets for compensation.  
Support renter to find a new rental house if required |
|                              | Renters of State or organization's houses                                         | • Provided with new apartment for rent if possible, OR  
• Assisted at 60% of value of the rented land or house at replacement cost. |                                                                                     |
<table>
<thead>
<tr>
<th>Type of Loss</th>
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</tr>
</thead>
</table>
| Temporary loss of land | Legal users or occupants      | • For agricultural land: (i) cash compensation at market prices for trees and crops on land affected and net incomes lost during the period of temporary use of land by the project; and (ii) restoration of the temporarily used land to its original status within one month after completion of construction. For residential land: (i) cash compensation at replacement costs for fixed assets affected by the project (e.g. works, structures); and (ii) restoration of the temporarily used land to its original status before handing back to the land owners. If the project could not restore the temporarily used land, DRCs would negotiate to PAPs and pay for costs for themselves restoring.  
• In case of contractors use temporary land for camping or putting materials, they should negotiate to PAPs about compensation and restoration after use. | The construction supervision consultant and IMO will be responsible for monitoring reinstatement.                                                                                                                                                                                                 |
<p>| illegal users or occupants |                               | • For agricultural land: compensation at market price for current affected crops.                                                                                                                                                                                                                                                                                                                                   |
|                   |                               | • For residential land: compensation for assets on the affected land and provision of transportation allowance.                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                          |</p>
<table>
<thead>
<tr>
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<th>Entitled Person</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Totally affected houses/shops, and secondary structures (kitchen, rice bins) or partially affected but no longer viable</td>
<td>Owners of affected houses/shops regardless status of land use rights.</td>
<td>• Cash compensation at replacement cost for the new houses/shops, structure with no deduction for depreciation of the structure or salvageable materials; and rehabilitation and allowance package for PAP as defined below for severely affected PAPs, including allowance of housing rent during construction of new house.</td>
<td>Adequate time provided for PAPs to rebuild/repair their structures.</td>
</tr>
<tr>
<td>Partially affected houses/shops and secondary structures but remaining part is viable</td>
<td>Owners of affected houses/shops regardless status of land use rights.</td>
<td>• Cash compensation at replacement cost for the affected part and cost for repairing the remained part without depreciation of salvageable materials.</td>
<td>Reparation cost should be negotiated with PAPs by DRCs.</td>
</tr>
<tr>
<td>Loss of business income due to land acquired</td>
<td>Owners of shops with registration</td>
<td>• Cash compensation for affected shops at replacement cost, plus all costs for dismantling, transporting, and installing assets (if any). • If business is cancelled permanently, the PAPs will be assisted with amounts equivalent to monthly net income for at least 6 months.</td>
<td>Monthly net income is verified through tax agencies. If business households have to be relocated, then a priority to provide a replacement business site accessible to customers.</td>
</tr>
<tr>
<td>Loss of business income due to land acquired</td>
<td>Owner of shop without business registration</td>
<td>• Support by cash equal to average monthly income of the HH for at least 3 months.</td>
<td>The average monthly income will be determined through interviews with the PAPs to obtain an estimation of monthly net profits.</td>
</tr>
<tr>
<td>Crops and trees</td>
<td>Owner of crops and trees whether or not land is owned</td>
<td>• If standing annual crops are ripening, cash compensation at market price equivalent to the highest production of crop</td>
<td></td>
</tr>
<tr>
<td>DRCs should inform to PAPs at least 3 months before land acquisition.</td>
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<tr>
<td>Type of Loss</td>
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<td>Entitlement</td>
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</tr>
<tr>
<td>Affected public structures</td>
<td>Structure users</td>
<td>• Compensation at replacement costs to build new structures of equivalent technical standards.</td>
<td>&lt;ul&gt;&lt;li&gt;Avoiding displace of graves through design options or selection of replacement locations. If it is unavoidable, Executing agency should consult with them on their customs of the grave relocation.&lt;/li&gt;&lt;/ul&gt;</td>
</tr>
<tr>
<td>Displacing affected graves</td>
<td>Owners of graves</td>
<td>Compensation to removal of graves will be paid directly to PAPs, including costs of excavation, relocation, reburial, purchasing/obtaining land for relocation of graves at replacement cost and construction materials (in case of constructed graves) at market price, and all other reasonable costs in accordance with local rituals.</td>
<td>&lt;ul&gt;&lt;li&gt;Paying one time for PAPs at the compensation payment time.&lt;/li&gt;&lt;/ul&gt;</td>
</tr>
<tr>
<td>Entitlements to allowances</td>
<td>Legal PAPs</td>
<td>Apart from compensation at replacement costs for the acquired land, cash allowance will be provided, equivalent to from 20% to 50% of the average residential land price in the areas yet not exceeding 5 times of norms of residential land in the localities. PPCs decide the percentage of allowance for application in the provinces.</td>
<td>&lt;ul&gt;&lt;li&gt;Paying one time for PAPs at the compensation payment time.&lt;/li&gt;&lt;/ul&gt;</td>
</tr>
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<tr>
<td>Allowance for affected gardens/ponds that are not considered as residential land</td>
<td>PAPs having their garden/pond acquired in the same land plot where there are residential land, yet garden/ponds are not considered as residential land</td>
<td>Apart from compensation for acquired land at replacement costs, PAPs will be provided with cash allowance, equivalent to from 30% to 70% of prices of nearby residential land. PPCs decide the reasonable percentage of allowances.</td>
<td>Paying one time for PAPs at the compensation payment time.</td>
</tr>
<tr>
<td>Allowance for differences of residential land/houses</td>
<td>Displaced people</td>
<td>The displaced people who receive residential land, houses at resettlement sites yet the compensation and allowance amounts are less than the value of one standard resettlement land plot will be provided with allowances for such differences; in case of not receiving residential land plot or houses at resettlement sites, cash will be provided with amounts equivalent to such differences.</td>
<td></td>
</tr>
<tr>
<td>Allowance for base leveling</td>
<td>Displaced people have to relocate themselves</td>
<td>The displaced people who have to relocate themselves will be provided with an amount in cash equivalent to the investment amount for infrastructure for a household at resettlement sites.</td>
<td>If relocating HHs receive allowance for differences of residential land/houses, they are not entitled to the allowance for base leveling</td>
</tr>
<tr>
<td>Allowance for job changing/job creation</td>
<td>Legal PAPs with direct production activities on acquired land areas</td>
<td>Apart from compensation for acquired agricultural land at replacement costs, PAPs will also be provided with allowances with one of the two following options: (i) allowance for vocational training/job creation in cash, equivalent to from 1.5 to 5 times of compensation amounts for all areas of</td>
<td>Paying one time for PAPs at the compensation payment time.</td>
</tr>
<tr>
<td>Type of Loss</td>
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<td></td>
<td></td>
<td>acquired land yet not exceeding the norms of agricultural land assignment in the localities; OR (ii) allocating one residential land plot or an apartment or a commercial land plot, if the local land funds are available. PPCs decide the allowance amounts for application in the provinces. If PAPs’ members in the working age have demands of vocational training, they will be provided with one free course of vocational training.</td>
<td></td>
</tr>
<tr>
<td>Transition subsistence allowance</td>
<td>Relocating households – relocating on residual land or to other sites</td>
<td>Relocating PAPs will be provided with cash or in-kind assistance equivalent to 30 kilogram (kg) of rice per person per month at current market value for 6 months.</td>
<td></td>
</tr>
<tr>
<td>Type of Loss</td>
<td>Entitled Person</td>
<td>Entitlement</td>
<td>Implementation Issue</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------</td>
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<td>----------------------</td>
</tr>
</tbody>
</table>
| Severely affected PAPs losing 20% (10% for poor and vulnerable households) or more of their productive land/income-generated assets | PAPs directly cultivating on affected land and losing:  
• From 20% (10% for poor and vulnerable households) to 30% of their productive land/income-generated assets will be provided with cash or in-kind assistance equivalent to 30 kg of rice (at current market price) per person per month for 3 months if no relocation, 6 months if relocation, and 12 months if relocation to sites with harsh socioeconomic conditions.  
• More than 30% to 70% of their productive land/income-generated assets will be provided with cash or in-kind assistance equivalent to 30 kg of rice (at current market price) per HH member per month for 6 months if no relocation, 12 months if relocation, and 24 months if relocation to sites with harsh socio-economic conditions.  
• More than 70% of their productive land/income-generated assets will be provided with cash or in-kind assistance equivalent to 30 kg of rice (at current market price) per HH member per month for 12 months if no relocation, 24 months if relocation, and 36 months if relocation to sites. | | |
<p>| Transportation allowance | Relocating households to other sites | Support for transfer all old and new building materials and personal possessions by cash with an amount not less than VND 2,000,000 per | |</p>
<table>
<thead>
<tr>
<th><strong>Type of Loss</strong></th>
<th><strong>Entitled Person</strong></th>
<th><strong>Entitlement</strong></th>
<th><strong>Implementation Issue</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowance for housing rent</td>
<td>Relocating households (including on-site relocating)</td>
<td>Support for renting house during construction of new house, for minimum of 6 months per household. PPC decides the rent but not less than VND 600,000 per month in rural and 1 (one) million in urban area.</td>
<td>The support should be provided at the time of compensation.</td>
</tr>
</tbody>
</table>
| Allowance for people of the vulnerable group | People of the affected vulnerable group, e.g. the poor (according to the MOLISA criteria), or households headed by women, the elderly, or disabled, people without land or ethnic groups | Apart from the aforesaid allowances, PAPs are entitled to:  
- An allowance of 30kg of rice (at current market price) per person per month for 3 months for the non-poor household.  
- An allowance of 30kg of rice (at current market price) per person per month for the poor household for not less than 3 years. PPCs decide reasonable numbers of supported years.  
- Entitlement to participation in agriculture extension programs, credit.  
- The contractors will make all reasonable efforts to recruit severely affected and vulnerable PAPs as laborers for suitable jobs in the project. | The poor households will be those meeting the current poverty criteria as set by MOLISA. The allowance should be paid one time at the same time with compensation payment. |
| Bonus for timely relocation | Relocating households | Apart from all above entitlements, cash bonus not less than amount of VND 5,000,000/HH for relocating households that dismantle structures from affected land in a timely fashion. | Payment to be made directly to households immediately upon removal. |
6.3 Relocation and Income Restoration Strategy

37. Households that have to relocate will participate in identifying and selecting options to relocate on their existing plots (if possible for residence as per local regulations), or to move to plots provided by the district or to receive cash compensation and to make their own arrangements for relocation. In the case that any businesses have to relocate, they will be assisted to find viable new sites. Severely PAPs that lose 20% (10% for the poor and vulnerable group) or more of total productive landholding will be provided with replacement land or cash compensation, depending on their preference. Also, severely PAPs will be provided with allowances for life and production stabilization (Table 4). Appropriate livelihood restoration programs will be designed and implemented during project implementation in consultation with PAPs during the project implementation process. PAPs will not be displaced until they are allocated land/houses in resettlement sites.

Table 2. Options of entitlements for severely PAPs

<table>
<thead>
<tr>
<th>Percentage of acquisition by total current landholding</th>
<th>Replacement land, OR</th>
<th>Cash compensation, AND</th>
<th>Restoration allowance package, PLUS</th>
<th>Acquiring the remaining land</th>
</tr>
</thead>
<tbody>
<tr>
<td>The remaining part is economically viable</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 20% (10% for the poor and vulnerable group)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>More than 20% (10% for the poor and vulnerable group)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>More than 70%</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>The remaining part is not economically viable</td>
<td>Other percentages</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other percentages</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

6.4 Vulnerable Group, Gender, and Ethnic Minorities

38. Results of PAPs survey show that there are social groups that have limited possibilities to restore their living conditions, livelihoods, and income levels, for example, the female-headed HH group, the ethnic minority group, and the elderly group. Therefore, the Project has integrated these issues in project preparation and implementation activities
through application of PAPs-participated planning and decision making. Women will be empowered to become active members in community activities as well as in supporting project implementation and monitoring.

39. During the implementation process, the Project will pay special attention to the women and female-headed HH group as well as the ethnic minority group. In addition to special allowances as listed in the Entitlement Matrix for these groups, women will participate equally in the whole process of project implementation to enhance the project sustainability. Active participation of women and the ethnic minority group will ensure that design of restoration measures suits their specific needs or concerns.
7. ORGANIZATIONAL PROCEDURES

7.1 Resettlement and Compensation Organization Framework

The central level:

40. The Ministry of Agriculture and Rural Development (MARD), on behalf of the Government, is the project owner, has overall responsibility for the whole project. The Ministry of Natural Resources and Environment (MONRE) and the PPCs of the project provinces are the Employers of the sub-projects, has responsibility for investment decisions under sub-projects managed by the Ministry and the provinces. A Project Steering Committee (PSC) will be established, including representatives of the MARD, the MONRE, relevant Ministries and sectors, the PPCs of the project provinces, to be responsible for frequent monitoring and managing the Project during its implementation process.

41. The Central Project Office (CPO) in the MARD that is assigned by the Ministry to be the Project Owner will have overall responsibility for resettlement and land acquisition within the project, including:
   - Co-operating with the PPCs to direct implementation of compensation and land clearance in compliance with the RPF requirements and in line with the construction progress.
   - Training and strengthening capacity of the project executing agencies (the Provincial Project Management Units (PPMUs) and the District Resettlement Committees (DRCs)) on RPF and RAP implementation procedures.
   - Co-operating with the PPMUs to carry out internal monitoring of compensation and resettlement within the whole project.
   - Recruiting and co-ordinating the independent resettlement monitoring agency for the whole project.
   - Reporting periodically on resettlement issues to the MARD and the WB.

At provincial level:

Province People’s Committees (PPC):

42. PPCs bear overall responsibility for compensation, land clearance, and resettlement within the province. The PPCs are responsible for:
   - Inform or give DPCs a mandate to inform about land acquisition after subproject location selected.
   - Give decision on land acquisition of organizations.
   - Approve RAPs of their respective sub-projects
   - Approve compensation plans of subprojects which cover more than 2 districts/cities under province. In special cases where the PPC approval is needed for compensation plans, the PPC establishes an appraisal committee at provincial
level to appraise the compensation plans submitted by the DRCs so that advice will be provided for the PPC’s approval of such plans in accordance with the Government’s regulations on compensation, allowances and resettlement, and the WB’s involuntary resettlement policy (OP4.12).

- Approving overall plan of land acquisition.
- Directing DPCs to implement compensation, resettlement, and land clearance.
- Providing adequate funds for compensation in a timely manner.
- Settling complaints and grievances of the PAPs timely and satisfactorily.

43. **Provincial Resettlement Committees:** Since the scope and level of the project impacts are insignificant, establishment of provincial resettlement committees is not needed.

44. **Provincial Project Management Units (PPMUs) are responsible for implementing civil works components of the project:** PPMUs will manage compensation and land clearance of their respective sub-projects, encompassing:

- Submit subproject RAPs to PPC and the WB for approval before making compensation payment.
- Co-operating closely with Departments, agencies, sectors, and the project DPCs in implementing resettlement and land clearance to ensure that the implementation of resettlement and land clearance is in line with the construction schedules.
- Monitoring internally implementation of compensation and resettlement of the sub-projects, preparing quarterly reports on implementation progress of compensation and resettlement of the sub-projects to CPO.

**At the district level:**

45. **District People’s Committees (DPCs) are responsible for:**

- DPCs directly guide DRCs, District Land Fund Development Centers and PCs of affected communes to implement compensation, resettlement, and land clearance.
- Approving compensation plans submitted by DRCs as per assignment by the PPCs.
- Settling complaints and grievances of the PAPs.

46. **District Resettlement Committees (DRCs) bear responsibility for implementation of compensation and land clearance for works located in their respective districts,** including:

- Conducting replacement cost surveys in their districts with technical support of CPO.
- Co-operating with the CPCs to disseminate information and consult affected communities.
- Inventorying affected assets, preparing compensation plans to submit to DPCs/PPCs for approval.
- Co-operating with PPMUs and CPCs of affected communes to implement compensation and land clearance.
- Responding to PAPs’ queries and advise DPCs in settling PAPs’ grievances.

**At the commune level:**

47. **Commune People’s Committees (CPCs) are responsible for:**
• Providing cadastral maps for Resettlement Committees and mobilizing their staff to be members of DMS teams.

• Co-operating with DRCs in delivering information and organizing community consultation.

• Verifying origins of affected land and assets of PAPs.

• Settling PAPs’ queries relating to inventory of their assets.

• Assisting PAPs in restoring their livelihoods, incomes, and stabilizing their lives.

**Community level:**

48. Affected communes appoint their representatives participating in DMS teams to monitor the implementation process and sign in DMS minutes of affected households.

**7.2 Resettlement Implementation Plan of the Project**
Among 6 subprojects implemented in the first year, 4 subprojects have land acquisition with full RAPs prepared.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible party</th>
<th>Implementation plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Preparation for implementation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approving safeguard policy frameworks (RPF and EMPF) and RAPs of 4 sub-projects(^4) that are implemented in the first year.</td>
<td>The WB and the GOV</td>
<td>Quarter 1/2012</td>
</tr>
<tr>
<td>Publishing the Safeguard Policy Framework and RAPs on the GOV and the WB’s websites</td>
<td>CPO</td>
<td>Quarter 1/2012</td>
</tr>
<tr>
<td>Training on safeguard policy frameworks for the project officers and the DRCs</td>
<td>CPO and Resettlement Consultant</td>
<td>Quarter 1/2012</td>
</tr>
<tr>
<td>Recruiting the independent monitoring agency</td>
<td>CPO</td>
<td>Quarter 2/2012</td>
</tr>
<tr>
<td>Updating RAPs of the 4 sub-projects implemented in the first year</td>
<td>CPO and Resettlement Consultant</td>
<td>Quarter 3/2012</td>
</tr>
<tr>
<td>PPMUs sign contracts with DRCs for RAPs implementation</td>
<td>PPMUs and DRCs</td>
<td>Quarter 3/2012</td>
</tr>
<tr>
<td><strong>Implementation of RAPs of 4 sub-projects in the first year</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disseminating project information to PAPs</td>
<td>DRCs and CPCs</td>
<td>Quarter 3/2012</td>
</tr>
<tr>
<td>Inventorying affected assets and preparing compensation plans</td>
<td>DRCs and CPCs</td>
<td>Quarter 3/2012</td>
</tr>
<tr>
<td>Paying compensation and clearing sites</td>
<td>PPMUs, DRCs, and CPCs</td>
<td>Quarter 4/2012</td>
</tr>
<tr>
<td>Monitoring resettlement internally every month and preparing quarterly reports</td>
<td>PPMUs</td>
<td>Quarter 2/2012</td>
</tr>
<tr>
<td>Monitoring resettlement externally every six months and preparing monitoring reports</td>
<td>Independent monitoring agency</td>
<td>Quarter 3/2012</td>
</tr>
<tr>
<td><strong>RAPs preparation for the remaining sub-projects</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedures of RAP preparation for the remaining sub-projects should comply with guidelines stated in Annex 1 and resettlement policies described in this RPF.</td>
<td>CPO and RAP preparation consultant</td>
<td>Quarter 1/2013</td>
</tr>
<tr>
<td>Approval of RAPs for the remaining sub-projects.</td>
<td>PPCs and the WB</td>
<td>Quarter 2/2013</td>
</tr>
</tbody>
</table>

\(^4\) Among 6 subprojects implemented in the first year, 4 subprojects have land acquisition with full RAPs prepared.
8. IMPLEMENTATION PROCEDURES AND CONNECTION BETWEEN RESETTLEMENT AND CIVIL WORKS

8.1 Implementation Procedures

49. Procedures of compensation and resettlement implementation must comply with regulations and procedures stipulated in Decree 69/2009/ND-CP of the Government and regulations in the RPF. Specific steps and procedures are as follows:

1. Basing on detailed technical design of works, PPMUs hand over benchmarks of land clearance to DRCs to determine PAPs and carry out DMS of affected assets.
2. Holding meetings with PAPs to disseminate information and compensation policies, including the project objectives and benefits, positive and negative impacts of the project, mitigation measures, methods used to evaluate prices of affected assets, amounts for compensation, allowances and restoration, and grievance settlement mechanism.
3. Conducting surveys of PAPs and inventory of their affected assets to collect information on PAPs, identifying quantities of affected assets, entitlements to compensation, resettlement, and restoration allowances for PAPs. Consulting PAPs about mitigation measures for the project impacts and assistance measures for livelihood restoration.
4. Carrying out replacement cost survey and preparing report to submit to PPC for approval,
5. Preparing compensation plans, announcing compensation plans in public to obtain PAPs' comments, finalizing compensation plans and submitting to DPCs for approval.
6. Paying compensation and restoration allowances
7. Implementing resettlement (if any) and handing over sites for construction
8. Internal and external monitoring activities will be implemented right from beginning of information dissemination and during the whole process of compensation and resettlement implementation to ensure that the implementation of compensation and resettlement complies with the RPF.

8.2 Co-operation between resettlement implementation and civil works

50. To sub-projects where land acquisition is applied, implementation of compensation and resettlement needs to be in line with construction schedules. Therefore, an implementation time frame for compensation and resettlement integrated with construction schedules should be established and monitored closely to ensure that all PAPs are provided with compensation satisfactorily at least one month before any construction activities commences. Compensation payment and resettlement for PAPs must be completed as one condition for land acquisition and construction commencement. The WB is not going to approve any civil works contracts when compensation payment for PAPs has not been made satisfactorily.
51. If sub-projects cause resettlement impacts, consultation needs to be made with displaced people about various relocation options, such as receiving cash and self-relocating or relocating at resettlement sites. In the former case, Resettlement Committees and local authorities need to support the displaced people in finding new living places. In the later case, DPCs need to develop resettlement sites with full infrastructure (electricity, roads, water supply, drainage, etc.) that are near the former living places and acceptable to PAPs. Relocation of PAPs to resettlement sites is only carried out after infrastructure of resettlement sites is completely constructed and ensures proper living conditions.

52. To implement resettlement activities in line with construction schedules and ensure that no PAPs have to relocate before compensation payment and commencement of construction activities, the CPO and the PPMUs need to develop a project implementation plan, including specific milestones:

- Dates of civil works commencement and completion,
- Tables of time indicating hand-over of completed resettlement sites to PAPs (handing over dates must be at least one month before construction commencement),
- Dates of handing over land to the project by the PAPs (so that the PAPs can prepare plans of dismantling their houses and handing over land at the required time to receive bonus for timely relocation).
9. GRIEVANCE REDRESS MECHANISM

9.1 World Bank’s Requirements

53. The WB’s involuntary resettlement policy requires each project to establish a mechanism for grievance settlement and determines responsibilities of the stakeholders for handling grievances raised by PAPs about compensation, allowances, and resettlement. This mechanism aims to ensure that all PAPs’ grievances are received and tackled with satisfactorily. Key principles of the grievance mechanism must ensure that:

(i) The basic rights and interests of PAPs are protected

(ii) PAPs have the rights to lodge grievances and get their grievances settled for free of charge.

(iii) The grievance procedure will be an important part of the conflict resolution mechanism that is community-based, involving ethnic minorities and representatives of other vulnerable groups.

54. At the beginning of the project implementation, Resettlement Committees need to popularize the grievance redress mechanism to PAPs for their information and introduce grievance procedures to them. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively. The PAPs, if not satisfied about the project implementation and compensation, may raise their complaints orally or in writing to responsible people/agencies as regulated in this mechanism.

55. All PAPs’ complaints and grievances will be documented and stored at commune/district/provincial people’s committees where they are lodged to. Grievance documents and reports will be made public accessible. All costs associated with grievance handing process incurred by the claimant and/her/his representatives are to be free of charge.

9.2 Project Grievance Redress Mechanism

56. Grievances related to any aspect of the Project will be handled through negotiation aimed at achieving consensus. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort. PPMUs will shoulder all administrative and legal fees that might be incurred in the resolution of grievances and complaints.

57. First stage, at Commune People’s Committee. An aggrieved affected household may bring his/her complaint before the receiving department of the Commune People’s Committee to be received and guided for necessary procedures. The CPC will meet personally with the aggrieved affected household and will have 5 days following the lodging of the complaint to resolve it (Note: in remote and mountainous areas, the complaint should be resolved within 15 days. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
58. Upon issuance of decision of CPC, the complainants can make an appeal within 30 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the DPC.

59. **Second stage, at the district level:** Upon receipt of complaint from the household, the DPC will have 15 days following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles.

60. Upon issuance of decision of DPC, the complainants can make an appeal within 30 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the PPC.

61. **Third Stage, at the provincial level:** Upon receipt of complaint from the household, the PPC will have 30 days (or 45 days in remote and mountainous areas) following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping file of all complaints.

62. Upon issuance of decision of PPC, the household can make an appeal within 45 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the court within 45 days.

63. **Fourth stage, the Court of Law Arbitrates:** Should the complainant file his/her case to the court and the court rule in favor of the complainant, then Provincial government agency will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, the complainant will have to receive compensation as described in the approved compensation plan and obey all requirements of land clearance.

64. To assure that the mechanism described above is pragmatic and acceptable to PAPs, consultation with local authorities and affected communities about this mechanism is needed, particularly consultation with vulnerable groups.
10. participation and consultation process

10.1 The WB’s Information Disclosure Policy (OP17.50)

65. The World Bank’s Public Consultation and Information Disclosure Policy (OP 17.50) defines the requirements for giving public access to project information and documentation. It requires that during the planning and preparatory process, project beneficiaries and affected groups and local NGOs shall be consulted and the environment and social aspects of the project should be presented. This is critical for successful planning and implementation of the Project. The consultation throughout the design and implementation of investments must also be compliant with all other applicable safeguard policies of the Government of Vietnam and the World Bank. The policy also requires that relevant documents such as Environmental Studies, Social Assessment, Resettlement Policy Framework, Resettlement Action Plans, and Ethnic Minority Development Framework must be disclosed to PAPs and kept in places where interested people can access to easily.

10.2 Participation and Consultation Mechanism

66. Community participation and consultation will provide the beneficiaries and PAPs with a chance to contribute to the project. Community consultation is a frequent activity, implemented throughout the whole project process, from the beginning of project preparation to the implementation of compensation and resettlement, and post-project supporting activities will be carried out for communities.

67. Community participation and consultation is implemented through community meetings, local broadcasting and television programs, delivery of brochures, finalization of forms of request/ questionnaires. Vulnerable groups need to be provided with favorable conditions to participate and be consulted during the whole project process. Specially, ethnic minority groups need to be provided with free consultation, prior consultation, and informed consultation. Results of social assessment indicate that the ethnic minorities groups in the project areas have a good proficiency of Vietnamese; hence, translation of project documents to their languages is not necessary.
11. FUNDS SOURCES FOR RESETTLEMENT

11.1 Fund Sources

68. Funds for implementation of compensation and resettlement and ethnic minority development plans (EMDP) include funds for paying compensation and resettlement, developing resettlement sites (if needed), restoring livelihoods and incomes, managing and implementing resettlement, support EM groups. These funds will be covered by the counterpart fund from the Government. Exceptionally, funds for developing infrastructure at resettlement sites and implementing livelihood restoration programs can be covered by IDA funds to lessen difficulties in terms of counterpart fund for the Government and the project provinces.

11.2 Management and Allocation of Funds

69. At the RPF preparing time, as some sub-projects have not been identified, it is impossible to estimate the total budget for compensation, allowances, and resettlement under the project. Therefore, on the basis of demands and implementation progress of each sub-project in every year, the PPMUs will prepare budget plans for implementation of compensation and resettlement and submit to authorized agency for approval and allocation. Allocation of budgets for compensation and resettlement needs to be timely and adequately. After the compensation plans are approved by DPCs, the PPMUs will withdraw funds from the State Treasury and co-operate with DRCs to pay compensation to PAPs. In the case that the PAPs reject the compensation for some reason, such amounts should be deposited in the State Treasury, not kept by the PPMUs, the Resettlement Committees or any individuals.
12. MONITORING AND EVALUATION

12.1 Internal Monitoring

70. Implementation of the RAPs will be regularly supervised and monitored by the CPO and PPMUs. The findings and recommendations will be recorded by the PPMUs in quarterly reports on implementation progress of compensation and resettlement to submit to the CPO and the WB for review. Internal monitoring aims to:

a. ensure payment of compensation to project affected people are provided based on DMS results and replacement costs of affected assets at the market prices at the compensation time.

b. ensure resettlement activities are conducted according to the compensation policies as per agreed RPF and RAP for each sub-project.

c. Determine if the required transition and income restoration measures are provided on time.

d. assess if income and livelihood restoration measures have been provided properly for income restoration of PAPs and propose remedial measures if objectives of restoring income of households have not been met.

e. Implementation of information disclosure and community consultation

f. determine if complaint procedures are followed and propose solutions if there are pending issues.

g. give priority to displaced persons’ concerns and needs, specially the poor and vulnerable households.

h. conformity between relocation and land clearance and construction commencement to ensure that PAPs have been provided with compensation, allowance, and relocation satisfactorily before construction commencement.

Specific monitoring indicators are presented in Annex 3.

12.2 External Monitoring

71. The independent monitoring on compensation and resettlement implementation for the whole project will be conducted by a qualified independent consultant organization selected by CPO. Independent monitoring will be required for full RAP and will not be applied for abbreviated RAPs in which internal monitoring is maintained. The independent monitoring consultant should be recruited under regulations of recruiting the Consultant by the WB with a terms of reference that specify frequency of monitoring, methods of monitoring, monitoring indicators, and reporting requirements. Monitoring reports will be submitted to the CPO, the MARD and the WB after finishing site monitoring.

72. Independent monitoring of RAP implementation will be based on desk review and field visits, meetings with relevant agencies, local officials, and PAPs. Separate meetings with women and vulnerable households will be held. The main objective of external monitoring is to provide an independent periodic review and assessment of (i) achievement of
resettlement objectives; (ii) changes in living standards and livelihoods; (iii) restoration and/or improvement of the economic and social base of the affected people; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures. Monitoring and evaluation indicators are presented in Annex 3.

73. The external monitoring will address specific issues as follows:

a. Public consultation and awareness of resettlement policy and entitlements of PAPs;
b. DMS of affected assets and compensation payment as per policies in approved RAPs;
c. Coordination of resettlement activities with construction schedules;
d. Land acquisition and transfer procedures;
e. Construction/rebuilding of replacement houses and structures on residual land or to new relocation sites;
f. Level of satisfaction of PAPs with the provisions and implementation of the RAPs;
g. Grievance redress mechanism (documentation, process, resolution);
h. Effectiveness and sustainability of entitlements and income rehabilitation measures for PAPs;
i. Gender impacts and strategy;
j. Capacity of PAPs to restore/re-establish livelihoods and living standards. Special attention provided or to be provided to severely affected and vulnerable households;
k. Resettlement impacts caused during construction activities;
l. Participation of PAPs in RAP planning, updating and implementation;
m. Institutional capacity, internal monitoring and reporting; and
n. Channeling of government funds for compensation payment and allowances for severely PAPs or displaced PAPs.
ANNEX 1: GUIDANCE FOR PREPARATION OF RESETTLEMENT ACTION PLAN (RAP)

RAP preparation Procedures:

If resettlement impacts are unavoidable and preparation of a resettlement action plan (RAP) is therefore required, the following procedures will be applied:

(i) Undertake a socioeconomic survey and census of all identified PAPs.

(ii) Undertake Estimate of Losses (EOL) of all losses of all PAPs. At the same time, inform potential PAPs of the investment, its likely impacts, and principles and entitlements as per the RPF.

(iii) Undertake a socioeconomic survey (SES) of at least 10% of all PAPs, 20% of severely affected PAPs and ethnic group population.

(iv) Undertake a replacement cost survey for various types of affected assets as a basis for determining compensation rates at replacement cost for affected assets.

(v) Provide project and resettlement information to all persons affected in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including relocation sites and livelihood rehabilitation.

(vi) Prepare the draft RAP with contents as described in the RPF.

(vii) Finalize the RAP and translate into English to submit to the WB for approval.

(viii) Disclose the draft and final RAP in accordance with World Bank’s policy OP 17.50 on public disclosure to the affected communities and on World Bank’s Infoshop. The draft RAP will be disclosed to PPAPs prior to submission to World Bank for approval. The final RAP will be disclosed after approval.

Table 1. Survey guideline for RAP preparation

<table>
<thead>
<tr>
<th>Estimate of Losses (EOL)</th>
<th>The census and Estimate of Losses (EOL) of assets will collect data on the affected assets from 100% of PPAPs following detailed engineering design. The data collected during the EOL will constitute the formal basis for determining PAP entitlements and levels of compensation. For each PAP, the scope of the data will include:</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>• Total and affected areas of land, by type of land assets;</td>
</tr>
<tr>
<td></td>
<td>• Total and affected areas of structures, by type of structure (main or secondary);</td>
</tr>
<tr>
<td></td>
<td>• Legal status of affected land and structure assets, and duration of tenure and ownership;</td>
</tr>
<tr>
<td></td>
<td>• Quantity and types of affected crops and trees;</td>
</tr>
<tr>
<td></td>
<td>• Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops;</td>
</tr>
</tbody>
</table>
| Socioeconomic Survey (SES) | At a minimum, the socioeconomic survey (SES) will collect information from a sample of 10% of affected people and 20% of severely affected PPAPs, disaggregated by gender and ethnicity. The purpose of the socioeconomic survey is to provide baseline data on PPAPs to assess resettlement impacts, and to be sure proposed entitlements are appropriate. The scope of data to be collected includes:

- Household head: name, sex, age, livelihood or occupation, income, education and ethnicity;
- Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender;
- Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and
- Access to basic services and facilities. |

| Replacement Cost Survey (RCS) | The replacement cost survey (RCS) will be done in parallel with DMS by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, construction contractors), and from both those affected and those not affected. Compensation rates needs to be done between provincial rates and RCS rates to arrive the proposed compensation rate for each type of assets being affected by the subprojects. The provincial rates will be adjusted, as necessary, based on the findings of a RCS to ensure that PAPs receive compensation at replacement cost at the time of compensation implementation. |

A TEMPLATE OF RAP:

Executive summary

I. INTRODUCTION

1.1 Introduction of project and subproject
1.2 Mitigation measures of adverse impacts
1.3 Purpose of resettlement action plan

II. IMPACTS OF SUB-PROJECT
  2.1 Procedures and methods of Estimation of Loss
  2.2 Project impacts

III. RESULTS OF SOCIO-ECONOMIC SURVEY
  3.1 Socio-economic survey in the affected sub-project area
  3.2 Demographic characteristics of affected HHs
  3.3 Gender issues

IV. POLICY FRAMEWORK AND ENTITLEMENT
  4.1 Legal documents on land acquisition and resettlement
  4.2 Compensation policy
  4.3 Compensation procedures

V. INCOME RESTORATION MEASURES

VI. RESETTLEMENT ARRANGEMENT

VII. INFORMATION DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION.
  7.1 Information disclosure
  7.2 Public consultation
  7.3 Grievance Mechanism

VIII. GRIEVANCE REDRESS MECHANISM

IX. INSTITUTIONAL ARRANGEMENT
  8.1 Central level
  8.2 Responsibility of People Committees (provincial, district and communal levels)
  8.3 Responsibility of resettlement committees

X. MONITORING AND EVALUATION
  10.1 Internal monitoring
  10.2 External monitoring

XI. BUDGET SOURCE AND COST ESTIMATE
  11.1 Financial sources for all resettlement activities
  11.2 Compensation and allowance cost estimate
  11.3 Contingencies

XII. TIMETABLE OF RESETTLEMENT IMPLEMENTATION
ANNEX 2: COMMUNITY CONSULTATION AND PARTICIPATION

A framework for participation and consultation for the project is presented in Table 2 which defines roles of beneficiaries and PAPs and the reasons for their participation in all stages of community action and resettlement activities.

Table 2. Framework for Community Consultation and Participation Process

<table>
<thead>
<tr>
<th>Stage</th>
<th>Subject of Consultation</th>
<th>Role of Target Communities and Affected Persons/Households</th>
<th>Reasons for Community Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparation Stage</td>
<td>• Consultation and focused group discussions/meetings</td>
<td>• Participate in community consultation</td>
<td>• Ensure that target beneficiaries and PAPs fully understand the proposed investment and its benefits.</td>
</tr>
<tr>
<td></td>
<td>• Planning for investments</td>
<td>• Establish monitoring committees with at least 25-50 percent of the members is composed of women.</td>
<td>• Promote an informed and collective-decision making.</td>
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<tr>
<td></td>
<td>• Formulating compensation matrix and entitlement packages for PAPs.</td>
<td>• Approve investment design and plans.</td>
<td>• Collect issues and concerns of communities to integrate in investment proposals.</td>
</tr>
<tr>
<td></td>
<td>• Consultation on proposed investments before submission.</td>
<td>• Approve packages of compensation and entitlements for PAPs.</td>
<td>• Lessen conflicts of interests.</td>
</tr>
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<td></td>
<td></td>
<td>• Review and concur the contents of proposed investments.</td>
<td>• Promote an informed and collective planning among beneficiaries and PAPs.</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>• Information of transparence thanks to comments/suggestion of the beneficiaries and PAPs are incorporated in the proposed investments.</td>
</tr>
<tr>
<td>Implementation Stage</td>
<td>• Consultation on the implementation of investment implementation</td>
<td>• Orderly dismantling and reconstruction of affected structures, if</td>
<td>• Ensure that the impacts of disruption are mitigated.</td>
</tr>
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<td></td>
</tr>
<tr>
<td>Stage</td>
<td>Subject of Consultation</td>
<td>Role of Target Communities and Affected Persons/Households</td>
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</tr>
<tr>
<td>-------</td>
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<td>----------------------------------------------------------</td>
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<tr>
<td></td>
<td>investments and provision for and transfer or relocation, if any.</td>
<td>any.</td>
<td>It will also enable the implementing agency to determine the budgets for food and transport of PAPs/PAPs</td>
</tr>
<tr>
<td></td>
<td>• Consultation with PPAPs concerning affected land and/or structures, livelihood, etc.</td>
<td>• Inform PPAPs for the scheduling of transfer.</td>
<td>Participation in plot marking in the presence of designated staff/facilitator will avoid misunderstanding among PAPs and beneficiaries.</td>
</tr>
<tr>
<td></td>
<td>• Engagement in livelihood undertakings</td>
<td>• Mark the affected lot boundaries as determined by land surveyors consistent with the assigned area and plans.</td>
<td>Enable the implementing agency to estimate budgets for PAPs’ entitlements.</td>
</tr>
<tr>
<td></td>
<td>• Employment of beneficiaries for the project.</td>
<td>• Provide information on the actual negative and positive impact to PAPs.</td>
<td>Women are known to have skills in livelihood management which could enhance family income.</td>
</tr>
<tr>
<td></td>
<td>• Grievance and redress.</td>
<td>• Involvement of women in livelihood development.</td>
<td>Employment with the project will also provide additional or enhance their income.</td>
</tr>
<tr>
<td></td>
<td>• External Monitoring</td>
<td>• Beneficiaries or any of their household members will be employed as laborer during the construction of investments.</td>
<td>Ensure that problems are address within reasonable time.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Provide background of the issues.</td>
<td>The information from PAPs and beneficiaries will assist the PMU to assess the level of compliance in every stage of investment implementation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Provide inputs and status for implementation on investments.</td>
<td>Provide lessons learned in shaping up future policies on resettlement for the project.</td>
</tr>
</tbody>
</table>
ANNEX 3: INTERNAL AND EXTERNAL MONITORING INDICATORS

Table 3a: Internal monitoring indicators

<table>
<thead>
<tr>
<th>Type of monitoring</th>
<th>Basis for indicators</th>
</tr>
</thead>
</table>
| Budget and time            | • Have the personnel for compensation and resettlement implementation been arranged sufficiently as per plans?  
                                • Have resettlement activities been carried out as per agreed plans?  
                                • Have budgets for resettlement been allocated for resettlement executing agencies timely and adequately?  
                                • Has compensation been paid as per RAP?  
                                • Has land been acquired and handed over timely for construction?  
| Delivery of PAPs’ entitlements | • Have all PAPs received their entitlements fully for quantities and types of damages as stipulated in the matrix of entitlements?  
                                • Have the PAPs received their payments on time?  
                                • Have the PAPs with temporary lose of land been compensated for?  
                                • Have all PAPs been provided with transportation, transfer, and livelihood and income restoration allowances as per plans?  
                                • Have resettlement houses/land been assigned? Has the legal land use right been granted to PAPs?  
                                • How many PAPs having been granted with land use right?  
                                • Do resettlement sites/houses meet the agreed standards?  
                                • Have supporting measures been implemented as per plans for the receiving communities?  
                                • Can relocated PAPs access to schools, medical care services, socio-cultural places and activities?  
                                • Have livelihood and income restoration activities been implemented as per agreed the RPF and RAPs? For example, numbers of PAPs that have been provided with vocational training and jobs, small-scale credits, income-supporting activities?  
                                • Have affected business been granted with their entitlements, regardless of being registered or not? |
<table>
<thead>
<tr>
<th>Consultation, Grievance, and Special Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Has community consultation been carried out as plans? Have brochures of project information and entitlements of compensation and resettlement been delivered?</td>
</tr>
<tr>
<td>• How many PAPs know about their entitlements? How many PAPs receive such entitlements?</td>
</tr>
<tr>
<td>• Do PAPs know about and use grievance mechanism as set up in the RPF? What are the outcomes?</td>
</tr>
<tr>
<td>• Numbers of grievances and types of grievances (by genders, vulnerable groups)?</td>
</tr>
<tr>
<td>• Numbers of settled grievances (by genders, vulnerable groups)?</td>
</tr>
<tr>
<td>• Levels of awareness of resettlement procedures</td>
</tr>
<tr>
<td>• Levels of satisfaction on resettlement procedures</td>
</tr>
<tr>
<td>• Levels of awareness on entitlements</td>
</tr>
<tr>
<td>• Levels of satisfaction on entitlements</td>
</tr>
<tr>
<td>• Levels of awareness on grievance mechanism</td>
</tr>
<tr>
<td>• Levels of satisfaction on grievance mechanism</td>
</tr>
</tbody>
</table>
Table 3b. External monitoring indicators

<table>
<thead>
<tr>
<th>Type of monitoring</th>
<th>Basis for indicators</th>
</tr>
</thead>
</table>
| Some basic information of PAPs         | • Locations  
• The average size of households, the average age range, the average education attainment  
• Genders of the PAPs’ heads  
• Ethnicity  
• Levels of access to health and education services, utilities, and other social services.  
• Types of houses  
• Types of land and legal status of land use  
• Types of occupations and jobs  
• Sources and levels of incomes |
| Restoration of living standards        | • Have depreciation, fees or transaction fees been included in compensation amounts for houses for PAPs?  
• Have PAPs accepted options of resettlement sites/houses?  
• Have main environmental, cultural, and social conditions of PAPs been restored?  
• Have lives of PAPs, particularly of the displaced people and the vulnerable group, been stable? |
| Livelihood restoration                 | • Have compensation amounts been sufficient for replacement of lost assets?  
• Has compensation land been enough according to suitable standards?  
• Have transportation and subsistence allowances been enough?  
• Have business allowances been enough to re-establish enterprises and production?  
• Have vulnerable groups are provided with chances of incomes? Are such chances been effective and sustainable?  
• Do new jobs restore pre-project income levels and living standards? |
| Levels of PAPs’ Satisfaction           | • Have PAPs agreed with compensation prices?  
• To what extent do PAPs know about resettlement procedures, their rights and entitlements?  
• Do they know whether their entitlements are provided or not?  
• To what extent do PAPs self-evaluate their restored living standards and livelihoods?  
• To what extent do PAPs know about grievance and grievance redress procedures?  
• Have their grievances been received, settled timely and satisfactorily as per the mechanism in the RPF? |
| Additional impacts                     | • Are there any unexpected environmental impacts?  
• Are there any unexpected impacts on jobs or incomes?  
• If any, how have such issues been resolved? |
We might need to be simplified this section with measurable and more simple indicators (values)
ANNEX 4: GUIDANCE FOR REPLACEMENT COST SURVEY

Methods of replacement cost survey:

Document review: collecting and reviewing all documents relating to land/house transactions in project areas. These documents are often restored at CPC’s office, DONREs.

Interview: carrying out interviews with some affected and non-affected persons, sellers and buyers who have successful land/house transactions in project areas, construction contractors, owners of construction materials shops,... If no land/house transactions in the subproject areas, the interviewees will be ask about land/house prices that they are willing to sell or buy.

Results of the replacement cost survey will be compared with those prices of province to proposed compensation prices which are mostly profitable for the subproject and submitted to the PPC for approval.