

Resettlement Framework: Resettlement and Ethnic Minority Development Framework

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VIE: Basic Infrastructure for Inclusive Growth in the North Central Provinces Sector Project

CURRENCY EQUIVALENTS

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\$1.00	=	Đ 22,680

ABBREVIATIONS

ADB	Asian Development Bank
BIIG 2	Basic Infrastructure for Inclusive Growth Project in Nghe An, Ha Tinh, Quang Binh and Quang Tri Provinces Sector Project
CPC	Commune People's Committee
DPC	District People's Committee
DDR	Due diligence report
DMS	Detailed Measurement Survey
DPI	Department of Planning and Investment
DRC	District Resettlement Committee
IOL	Inventory of Losses
IPP	Indigenous peoples plan
IRP	Income restoration program
LFDC	Land Fund Development Center
LIC	Local implementation consultant
LURC	Land Use Rights Certificate
PIB	Project information booklet
PMU	Project Management Unit
PPC	Provincial People's Committee
RC	Resettlement Committee
RCS	Replacement Cost Study
REMDF	Resettlement and Ethnic Minority Development Framework
REMDP	Resettlement and Ethnic Minority Development Plan
SES	Socioeconomic studies
SPS	Safeguard Policy Statement
VRC	Village Resettlement Committee

GLOSSARY

- Affected Person (AP)/
Displaced person
(DP) - Means any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term AP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
- Compensation - Means payment in cash or in kind to replace losses of lands, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
- Cut-off date - The date of land acquisition announcement conducted by local authorities. The APs will be informed of the cut-off date for each component, and any people settled or assets created in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
- Detailed
Measurement Survey
(DMS) - Based on the approved detailed engineering design, this activity involves the finalization of subproject land acquisition and resettlement impacts, including final cost of resettlement. This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of DPs will be determined.
- Entitlements - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.
- Eligibility - Means any person/asset who/which has settled/created in the project area before the cut-off date.

Income restoration program	- A program is designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
Inventory of Losses (IOL)	- This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land they own or possess to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	- This refers to additional support provided to DPs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	- This is the physical relocation of a DP from her/his pre-project place of residence and/or business.
Replacement cost	- Means the method of valuing assets at current market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	- This includes all measures taken to mitigate any and all adverse impacts of a project on a DP's property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement Plan (RP)	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Resettlement and Ethnic Minorities Development Plan (REMDP)	- A plan for development of an ethnic minority population, combining with resettlement plan with specific ethnic minority concerns and cultural sensitivity for the specific needs of the ethnic minority groups.

- Severely Affected Household (SAH) - This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets generating income, and/or (ii) have to relocate due to the project.

- Vulnerable groups - These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the national poverty standard, (iv) children and the elderly households who are no other means of support, and (v) landless households, and (vi) ethnic minorities households.

NOTE

In this report, "\$" refers to US dollars.

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I. INTRODUCTION

A. Description of the Project

1. The Basic Infrastructure for Inclusive Growth Project in the North Central Provinces Sector Project will invest in Provincial Socio-Economic Development Plans with a focus on transport network connectivity by prioritizing the “inter” and “intra” relationships amongst the north central coastal region and the northern and southern regions of Viet Nam as a core strategy for accelerating growth. The plan target investments that utilize the subregion's comparative advantage to increase competitiveness and to attract increased private investment for the economic development of the subregion. The expected impact accelerate socio-economic development of the North Central Provinces in accordance with the Provincial Socio-Economic Development Plans. The outcome will be enhanced opportunities for increased inclusive economic growth.

B. Project components

2. The project has the following outputs: (i) improved transport infrastructure; (ii) improved infrastructure for business development; and (iii) decentralized public asset management processes established. Each province prepared a long list of proposed subprojects in accordance with the provincial socio-economic development plans. A total 35 were put forward of which 24 were proposed under output 1: Improved transport infrastructure, and 11 under output 2: Improved infrastructure for business development.

C. Project Area

3. BIIG2 is to be implemented in the north central coastal provinces of Ha Tinh, Nghe An, Quang Binh, Quang Tri.

D. Rationale of REMDF

4. This Resettlement and Ethnic Minority Development Framework (REMDF) reflects the requirements of the ADB's Safeguards Policy Statement (2009) and government policies on resettlement and ethnic minorities. Anticipated impacts for subprojects include both impacts on land acquisition, resettlement and on ethnic minorities, hence this framework has been developed to guide the preparation of resettlement and ethnic minority development plans (REMDPs). A resettlement plan will be prepared for subprojects with only land acquisition and resettlement impacts and no ethnic minority communities are presented in the subproject area.

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

A. Objective of Resettlement and Ethnic Minority Development Framework

5. This REMDF provides the procedures and key principles of involuntary resettlement and ethnic minorities that will govern the preparation and implementation of resettlement and ethnic and minority development plan in consistent with the Asian Development Bank's (ADB) policy requirements and legal framework of the Government of Viet Nam (the government) for all the subprojects/components of the project. The REMDF will be translated into Vietnamese and distributed to the central and local agencies, affected households, and other individuals responsible for project preparation and implementation. It will also be submitted to the ADB for concurrence and Prime Minister for approval, then posting on the ADB website.

B. Criteria and principles for screening and selecting the subprojects

6. The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

7. The selection of subprojects to adhere to the project objective will also need to comply with conditions regarding land acquisition and resettlement. The criteria for eligibility of a subproject under BIIG 2 is explained as below regarding social safeguard for involuntary resettlement: “Safeguards compliance with the government and ADB guidelines – subprojects should create least negative environmental impact, be located away from protected areas, and with minimal site clearance and resettlement requirement”.

8. Any subproject with significant impacts for involuntary resettlement (Category A) will be excluded from the project. A project is placed in Category A of involuntary resettlement if 200 or more persons will be physically displaced or will lose 10% or more of productive assets. Any impacts (temporary and permanent) will be minimized through sub-project design and consultation with communities in target areas and other stakeholders. As there is no major land acquisition (as defined in ADB policies) the subprojects will be categorized as B or C. The categorization given in the ADB SPS will be followed.

9. The criteria to define the significance of the probable involuntary resettlement impacts are explained as follows:

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

10. In terms of ethnic minorities, initial screening showed that some subproject areas are inhabited by ethnic minorities. Impacts of the proposed subprojects on ethnic minorities are expected to be overwhelmingly positive since the subprojects are aimed at the overall economic and social improvement of the total population. The project will not cause physical displacement from traditional or customary lands, nor negatively impact the identity, culture, or customary livelihood system of ethnic minorities.

11. Based on the above, the project is also categorized as B for indigenous peoples. A proposed project is placed in Category A, according to the ADB SPS, if it is likely to have significant impacts on indigenous peoples. An indigenous peoples plan (IPP), including assessment of social impacts, is required. If a proposed project is likely to have *limited* impacts

on indigenous peoples, it is placed in category B and again, an IPP, including assessment of social impacts, is required.

12. This REMDF reflects the requirements of the ADB SPS (2009) and government policies on resettlement and ethnic minorities. For subprojects with impacts on land acquisition, resettlement and ethnic minorities, a Resettlement and Ethnic Minority Development Plan (REMDP) will be prepared and implemented. A resettlement plan will be prepared for subprojects with only land acquisition and resettlement impacts.

C. Anticipated Involuntary Resettlement and Mitigation Measures

13. Most of the proposed subprojects involve upgrading of existing facilities within the established right-of-way. However, significant widening of some road sections will take place and land acquisition is anticipated. Preliminary design, survey and assessment work has been undertaken to date for four representative subprojects. These subprojects cause, in total, 273 affected households with 4 severely affected and 16 affected organizations. On the whole, impacts will be limited to permanent loss of small areas of land adjacent to the works, minor damage to structures, crops and trees, and temporary loss or disruption of the use of land or other assets caused by construction works and the movement of construction materials to and from the work sites. Consistent with the findings for the representative subprojects, few people will be severely affected by land acquisition. The impacts of remaining additional subprojects will be determined during project implementation. Importantly, the subproject screening criteria excludes any subproject with significant impacts for involuntary resettlement (Category A), and any impacts (temporary and permanent) will be minimized through sub-project design and consultation with communities in target areas and other stakeholders. Based on this, the project is categorized as B for involuntary resettlement.

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

- (i) road drainage structures;
- (ii) new roads, structures and road widening beyond the right of way;
- (iii) construction of reservoirs, water treatment plant, installation of water transmission and distribution pipelines.

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

- (i) construction sites;
- (ii) temporary access roads;
- (iii) borrow pits;
- (iv) disposal areas.

16. Design of sub-projects will minimize the amount of land required for construction. Some temporary impacts on land, structures and plants will inevitably affect the livelihoods of certain farmers. This will be compensated according to the entitlement matrix agreed by government and ADB that it is reflected in this REMDF. Depending on the level of negative impacts and number of APs affected the project or sub-project Involuntary Resettlement will be categorized as per ADB policy (SPS, and OM SI/BP dated March 2010).

D. Policy Framework

1. Asian Development Bank Safeguard Policy

17. The ADB Safeguard Policy Statement (2009) consolidates three existing safeguard policies: involuntary resettlement, indigenous peoples, and environment. The objectives of the involuntary resettlement safeguards are (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and, (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

18. The objectives of the indigenous peoples safeguards is to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits; (ii) do not suffer adverse impacts as a result of projects; and (iii) can participate actively in projects that affect them.

19. ADB SPS (2009) applies to all ADB-financed and/or ADB-administered sovereign and non- sovereign projects, and their components regardless of the source of financing including resettlement actions conducted by the borrower/client in anticipation of ADB support.

20. For projects/subprojects involving facilities and/or business activities that already exist or are under construction, the borrower is required to undertake an environment and/or social compliance audit¹, including on-site assessment, to identify past or present concerns related to impacts on the environment, involuntary resettlement, and indigenous peoples. The audit should determine whether actions were in accordance with ADB's safeguards principles and requirements and identify and plan appropriate measures to address outstanding compliance issues. Where noncompliance is identified, a corrective action plan agreed on by ADB and the borrower will be prepared.

21. For projects/subprojects proposed for ADB financing, ADB is required to conduct safeguard reviews, including reviews of the borrower's/client's safeguard documents, as part of its overall due diligence. Such due diligence and review involves field visits as well as desk reviews to (i) confirm that key impacts and risks have been identified; (ii) ensure effective measures to avoid/minimize/ mitigate/compensate for the adverse impacts are incorporated into the safeguard plans and project designs; (iii) ensure that the borrower understands ADB safeguard policy principles and requirements and has adequate capacity and commitment; (iv) ensure the roles of third parties are appropriately defined in the plans; and (v) ensure meaningful consultations with displaced persons have been conducted.

22. Involuntary resettlement covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary.

23. Projects financed and/or administered by ADB are expected to observe the following policy principles:

¹ Refer to paragraph 12, appendix 4 (Special Requirements for Different Finance Modalities), of ADB SPS (2009).

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with displaced persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options and ensure their participation in various stages of the project especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation, assistance at replacement value for land when the loss of land does not undermine livelihoods; (ii) prompt replacement of assets with access to assets of equal or higher value; (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored; and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to replacement land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women headed households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter negotiated settlements will maintain the same or better income and livelihood status.²
- (vii) Ensure that DPs without title to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

² ADB involuntary resettlement safeguards is applicable to negotiated settlements if expropriation would result upon the failure of negotiations. Negotiated settlement should be based on meaningful consultation with affected persons, including those without legal title to assets. In doing so, the borrower is required to offer adequate and fair price for land and/or other assets. The borrower is also required to engage an independent external party to document the negotiation and settlement processes. Refer to paragraph 25, Appendix 2 (involuntary resettlement) of ADB SPS (2009).

- (ix) Disclose both the draft and final resettlement plan in a form and language understandable to displaced persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

24. **Indigenous Peoples Safeguards.** The indigenous peoples safeguards are triggered if a project/subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories or natural or cultural resources that indigenous peoples own, use, occupy, or claim as an ancestral domain or asset. The term indigenous peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy. Projects financed and/or administered by ADB are expected to observe the following policy principles related to indigenous people:

- (i) Screen early on to determine (i) whether indigenous peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on indigenous peoples are likely.
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on indigenous peoples. Give full consideration to options the affected indigenous peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected indigenous peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on indigenous peoples.
- (iii) Undertake meaningful consultations with affected indigenous peoples communities and concerned indigenous peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or

compensate for such effects; and (ii) in tailoring project benefits for affected indigenous peoples communities in a culturally appropriate manner. To enhance indigenous peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the indigenous peoples' concerns.

- (iv) Obtain the consent of affected indigenous peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of indigenous peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of indigenous peoples.
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected indigenous peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
- (vi) Prepare IPP that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected indigenous peoples communities. The IPP includes a framework for continued consultation with the affected indigenous peoples communities during project implementation; specifies measures to ensure that indigenous peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected indigenous peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected indigenous peoples communities and other stakeholders.
- (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that indigenous peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
- (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

25. The ADB **Policy on Gender and Development** (ADB, 1998) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in and that their needs are explicitly addressed in the decision-making process for

development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. ADB's OM F2/OP requires that the findings of a gender analysis be included in the resettlement plan, and at all stages, resettlement identification, planning, and management will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights; and to ensure the restoration of their income and living standards.

26. The ADB **Public Communications Policy** (ADB, 2011) seeks to encourage the participation and understanding of people affected by and other stakeholders to ADB-assisted activities. Information on ADB-funded projects should start early in the preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected people and other stakeholders. The executing agency should, as necessary, develop a project communications plan and designate a focal point to maintain contact with affected people. With respect to land acquisition, compensation and resettlement, information should be distributed to affected persons and publicly in the following manner: (i) prior to loan appraisal, the draft resettlement plan; (ii) following completion of the final resettlement plan, the final resettlement plan; and (iii) following any revisions, the revised resettlement plan. This information can be in the form of brochures, leaflets or booklets, in the local language(s) as well as English, the working language of the ADB. When affected persons include non-literate people, other appropriate methods of communications will be used.

2. Policy of Viet Nam on land acquisition, compensation, support and resettlement

27. The Constitution of the Socialist Republic of Viet Nam (1992) and revised Constitution (2013) confirms the right of citizens to own and protect the ownership of a house. The legal framework for land acquisition, compensation, assistance and resettlement comprises the following decrees and regulations:

Reference	Date	Title	Description
02/2011/QH13	11 November 2011	Complaints Law	Regulates handling of complaints against administrative decisions or acts of state administrative agencies
75/2012/ND-CP	03 October 2012	Decree detailing a number of articles of the Law on complaints	Guides Complaint Law 02
45/2013/QH13	29 November 2013	Land Law	Comprehensive land administration law
47/2014/ND-CP	15 May 2014	Decree: Regulations on Compensation, Support and Resettlement upon Land Expropriation by the State	Specifies provisions for compensation and resettlement assistance
No.: 37/2014/TT-BTNMT	30 June 2014	Circular on detailed regulations on compensation, support, and resettlement upon land expropriation by the State	Guides Decree 47

Reference	Date	Title	Description
44/2014/ND-CP	15 May 2014	Decree: Regulations on Land Prices	Specifies methods for land pricing and land price frameworks
43/2014/ND-CP	15 May 2014	Decree Detailing a Number of Articles of the Land Law	Provides guidelines on the implementation of the Land Law
23/2014/TT-BTNMT	19 May 2014	Circular regulating Land Use Right Certificate (LURC)	Clarifies ownership rights of land and assets
36/2014/TT-BTNMT	30 June 2014	Circular on land pricing	Guides Decree 44
123/2014/QĐ-UBND	30 December 2014	Decision of Nghe An People's Committee	Promulgating price of types of land in the period of 2015-2019;
No. 13/2016/QĐ-UBND	26 January 2016	Decision of Nghe An People's Committee	Regulation on adjustment coefficient of land unit price in 2016 in Nghe An province.
58/2015/QĐ-UBND	13 October 2015	Decision of Nghe An People's Committee	Promulgating regulation on compensation, assistance and resettlement when land is acquired by the State in Nghe An province.
78/2015/QĐ-UBND	29 December 2015	Decision of Nghe An People's Committee	Promulgating the new construction price of homes and works to be the base for determining the unit price of compensation and assistance when land is acquired by the State in 2016 in Nghe An province.
64/2014/QĐ-UBND	23 September 2014	Decision of Nghe An People's Committee	Promulgating compensation unit prices for crop, livestock and relocation of tombs in Nghe An province and estimated costs of trees, which may be affected, based on market price.
51/2014/QĐ-UBND	26 December 2014	Decision of Quang Tri People's Committee	Promulgating the unit price of types of land from 01/01/2015 to 31/12/2019 in Quang Tri province
38/2014/QĐ-UBND	19 September 2014	Decision of Quang Tri People's Committee	Promulgates the compensation, assistance and resettlement when land is acquired by the State;

28. With regard to ethnic minorities, Viet Nam's constitution (1992) and revised Constitution (2013) mandates the State to "Implement a policy on equality, unity and support for all ethnic groups in the development of a civilized society, and respect benefits, traditional cultures, languages and religions of ethnic minority groups.

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

2016	Decision No.1722/QĐ-TTg approving the national target program on sustainable poverty reduction for the 2016-2020 period. Specifies targets for reduction in incidence of poverty, and refers to districts inhabited by national minorities
2015	Decision No. 1557/QĐ-TTg approving certain criteria on implementation of MDGs for ethnic minorities in association with national post-2015 sustainable development goals
2015	Decision No. 59/2015/QĐ-TTg on the issuance of the criteria and the poverty line according to the multidimensional approach applies to the period from 2016 to 2020;
2014	Resolution 76/2014/QH13 of the NA on sustainable poverty reduction until 2020;
2014	Decision 2324/2014/QĐ-TTg dated 19/12/2014 on approval of the action plan to implement Resolution 76/2014/QH13;
2014	Decision No. 311/QĐ-MOLISA dated 20/03/2014 on approving the plan to transform from uni-dimensional to multi-dimensional poverty for the period 2016-2020;
2013	Decision No. 2356/QĐ-TTg, dated 12/04/2013 issued action program to implement the Master plan on the human resource development ethnic minorities and mountainous areas toward 2020;
2012	Joint Circular No. 01/2012/TTLT-BTP-UBND of the Ministry of Justice and the Committee of Ethnic Minorities, on guiding implementation of legal assistance for EMs.
2011	Decree No. 80/2011/NQ-CP on sustainable poverty reduction, period of 2011-2020
2011	Decree No. 05/2011/NĐ-CP on the work of ethnic minority.
2010	Decree No. 82/2010/ND-CP of government, dated 20 July 2010 on teaching and learning of ethnic minority languages in schools.
2008	Resolution No. 30a/2008/NQ-CP of government, dated 27 Dec. 2008 on support program for rapid and sustainable poverty reduction for 61 poorest districts
2008	Decree No. 60/2008/NĐ-CP dated 9-May-2008 of the government on the functions, tasks, authorities and structure of the Committee for Ethnic Minorities and Mountainous Areas Affairs.
2007	Decision no. 112/2007/QĐ-TTg of the Prime Minister dated 05-March-2007 on the policy of assistance for relocation and agriculture for Ethnic Minorities from 2007 to 2010.
2007	Decision no. 33/2007/QĐ-TTg of the Prime Minister dated 20-July-2007 on the policy of assistance to improve knowledge of laws as a program of 135, phase 2.
2007	Decision no. 01/2007/QĐ-UBND dated 31-May-2007 of the Ethnic Minorities Committee on the recognition of communes, districts in the mountainous areas
2007	Decision no. 05/2007/QĐ-UBND dated 06-September-2007 of the Ethnic Minorities Committee on its acceptance for three regions of ethnic minorities and mountainous areas based on development status
2007	Circular no. 06 dated 20-September-2007 of the Ethnic Minorities Committee guidance on the assistance for services, improved livelihood of people, technical assistance for improving the knowledge on the laws according the decision 112/2007/QĐ-TTg
2007	Decision no. 06/2007/QĐ-UBND dated 12-January-2007 of the Ethnic Minorities Committee on the strategy of media for the program 135-phase 2
1998	Decree no. 59/1998/ND-CP dated 13-August-1998 of the government on the functions, tasks, authorities and structure of the committee for Ethnic Minorities and Mountainous Areas

3. Comparison of Applicable National Laws and Regulations and Safeguards Policy Statement and Measures to Fill Gaps

30. With regard to policy on indigenous peoples, a key difference is in the definition of indigenous peoples. In Viet Nam, the term “ethnic minorities” is used rather than “indigenous people” to refer to all the 53 ethnic groups other than the majority Kinh (Viet) ethnic group. In the case of development projects, there is no specific requirement under Viet Nam legislation concerning ethnic minorities particularly for: preparation of an indigenous peoples’ plan to address adverse impacts on ethnic minorities and maximize positive impacts.

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

32. A point of difference though is that ADB Policy does not consider the absence of legal rights of displaced persons on the acquired land as an impediment to receiving compensation for non-land assets and for resettlement assistance. An analysis of gaps between the policy principles set out in the ADB SPS for Resettlement and Viet Nam’s resettlement legislation, including measures to address the differences, are outlined in the table below. Importantly however, the Land Law specifically provides for adherence to the frameworks and policies of international funding organizations supporting the projects. Article 87 of the land law states that, for projects using loans from international or foreign organizations for which Vietnam has committed to a policy framework for compensation, support and resettlement, that framework policy shall apply.

Table 1: Gap Analysis between Viet Nam Regulations and ADB SPS (2009) and Project Policy: Involuntary Resettlement and Ethnic Minority

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Identification of severely impacted APs who lose productive land	Involuntary resettlement impacts deemed significant if 200 or more persons will be physically displaced from home or lose 10% or more of their productive or income-generating assets ADB Safeguard category definitions: https://www.adb.org/site/safeguards/safeguard-categories	APs losing at 30% or more of productive agriculture land are considered severely impacted and are entitled to livelihood restoration measures. <i>Decree 47/2014/ND-CP, Article 19, Item 3:</i>	HHS to be deemed severely affected if they are to experience loss of 10% or more of productive assets and/or physical displacement

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Meaningful consultations in planning and implementing resettlement programs	Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase. <i>SPS Involuntary Resettlement Safeguards Policy Principle 2</i>	Public consultation is required for the preparation of district land use plans (Land Law article 43). Notification of between 90-180 to be given to affected land users (Land Law Article 67) On approval of compensation arrangements, detailed information on arrangements to be provided to affected persons, and provision for involvement of the Fatherland Association to mediate in case of disagreements/grievances. (Land Law Article 69)	Conducting meaningful consultations with affected persons, mass organizations and civic organizations as part of REMDP preparation throughout the project cycle.

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Compensation (general)	<p>Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</p> <p><i>SPS Involuntary Resettlement Safeguards Policy Principle 3</i></p>	<p>Provision for cash at or replacement land of the same land use purpose (Land Law Article 74).</p> <p>Provision for valuation by licensed valuers (Land Law Articles 114 to 116 and Decree 44/2014/ND-CP).</p> <p>Provision with compensation for cost moving (Land Law Article 91).</p> <p>Provision of interest for compensation in case of late payment (Land Law Article 93).</p>	<p>Land and non land assets will be compensated at replacement costs. APs are to be consulted in determining arrangements whereby they receive relocation assistance, secured tenure to relocated land, with comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.</p>
Determination of compensation rates for houses and structures	<p>The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs with no deduction of salvageable materials. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments</p> <p><i>SPS Appendix 2: Safeguard Requirements for Involuntary Resettlement</i></p>	<p>Houses/structures used for living purpose will be compensated at replacement cost. (Land Law 2013, Article 89, item 1)</p> <p>Houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure. (Decree 47, article 9)</p>	<p>Full compensation at replacement cost to be paid for all structures. No deductions for salvageable materials or depreciation to be made.</p>

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Transparency, consistency and equitability in negotiated settlements	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status. <i>SPS Involuntary Resettlement Safeguards Policy Principle 6</i>	No regulation	Rents and conditions for temporary use of land or assets will be negotiated with land users. Restoration will be to equal or better condition.
Provisions for APs who do not have LURCs	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets. <i>SPS Involuntary Resettlement Safeguards Policy Principle 7</i>	For displaced households who are not eligible for compensation with residential land, but have no other place to live in project commune, provision is made for the State to sell, lease, provide rent-to-own houses or to allocate land with levy collection (Land Law Article 79). The Land Law (Article 92) permits recovery of land without compensation for lost assets in some cases.	All affected persons to be entitled to compensation in line with ADB policy and government policy depending whichever is higher.
Prepare Resettlement Plan	Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. <i>SPS Involuntary Resettlement Safeguards Policy Principle 8</i>	Requirement for preparation of plans for compensation, support and resettlement. (Land Law Article 67) according to prescribed procedures (Article 69). Contents of plans provided in Decree No. 47/2014/ND-CP, Article 28.	REMDPs to be prepared for each subproject

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Disclosure of draft resettlement plan	Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders. <i>SPS Involuntary Resettlement Safeguards Policy Principle 9</i>	Full disclosure of detailed arrangements and compensation plans to affected persons. (Land Law Article 69)	Disclose draft REMDPs for each subproject, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final RP and its updates to affected persons, and other stakeholders.
Ethnic Minorities			
Action planning	Prepare an EM Development Plan (EMDP) that is based on the social impact assessment and meaningful consultation with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected EM communities.	No provision of the government on preparation of EMDP	The EMDP shall be prepared and updated, implemented and monitored.
Recognition of customary rights	Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that EMs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.	The issues of customary rights or ancestral domains have not been fully recognized through LURC.	Full consultation with local EMs will be made to define areas with customary rights and to reflect the issues in an updated EMDP with particular actions to protect or compensate the areas.

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Third-party validation of consultation related to land donations	The borrower is required to engage an independent third party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	Not required.	In case of land donations involving marginal portions of land, the third party consultant will witness the negotiation and Settlement processes as part of the due diligence report. A voluntary donation form signed by the landowners, witnesses and village leaders will be attached in the report.
Monitoring	Monitoring indicators specified for internal and external monitoring and reporting. In case of significant or sensitive impacts, an external monitoring organization is required to conduct monitoring on RP and EMDP implementation	No monitoring indicators indicated	The IA must undertake internal monitoring according to the critical indicators. Anticipated negative impacts of the project are minor, it is no need to recruit an external monitoring organization.

4. Project Principles

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

- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options.
- (ii) All subprojects will be screened in terms of impacts related to involuntary resettlement. Safeguards due diligence for existing facilities and previous resettlement activities conducted in anticipation of the project will also be conducted and corrective action will be prepared in case of non-compliance.
- (iii) Compensation and assistance will be based on the principle of replacement cost at the time of acquisition.

- (iv) Severely affected household status applies when they are losing 10% or more of the household's productive land or other assets (generating income) or are physically displaced from housing.
- (v) Displaced persons without title or any recognizable legal rights to land are eligible for resettlement assistance and compensation for non-land assets at replacement cost.
- (vi) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to displaced persons.
- (vii) Meaningful consultation will be carried out with the displaced persons and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the displaced persons and communities will be taken into account.
- (viii) The resettlement plan and REMDP will be disclosed to displaced persons in a form and language(s) understandable to affected persons prior to submission to ADB. resettlement plan and REMDP will be disclosed on the ADB website.
- (ix) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- (x) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- (xi) Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- (xii) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- (xiii) Resettlement transition stage should be minimized. Restoration measures will be provided to displaced persons before the expected starting date of construction in the specific location.
- (xiv) Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during project implementation and by the project provinces.
- (xv) Reporting and internal monitoring should be defined clearly as part of the management system of resettlement. Internal monitoring on implementation of resettlement and ethnic minority development plan should be carried out by the PMUs. Monitoring reports will be disclosed on the ADB website.
- (xvi) The PMUs will not issue notice of possession to contractors until they have official advice in writing that (i) payment has been fully disbursed to the displaced persons and rehabilitation measures are in place (ii) already-compensated, assisted displaced persons have cleared the area in a timely manner; and (iii) the area is free from any encumbrances.
- (xvii) The cut-off date is the date of notification on land recovery for the subproject by the competent State agency. The notification is sent to every land user whose land is recovered, publicized in meetings with affected persons and posted at the offices of the commune-level Peoples Committees (PCs) and common public places.
- (xviii) All subprojects will be screened for presence of ethnic minorities in the subproject area and impacts on ethnic minorities. Subprojects with significant adverse impacts on ethnic minorities will be excluded.
- (xix) Local patriarchs will be engaged in the conduct of consultations for the preparation of the subproject. In case there are potential adverse impacts (including minor land acquisition), an REMDP will be prepared. For subproject with only positive impacts on ethnic minorities, the subproject preparation and implementation will include

measures for ensuring their participation and inclusion in subproject benefits as elaborated in the project administration manual.

E. Eligibility and Entitlements

1. Eligibility

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

35. In addition, legal rights to the land concerned determine the extent of eligibility for compensation regarding land. There are three types of displaced persons: (i) persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially; (ii) persons who lost land they occupy in its entirety or partially who do not currently possess a LURC but have a claim that is recognizable under national laws, or (iii) persons who lost land they occupy in its entirety or partially who do not have any recognizable claim to that land. Displaced persons included under (i) and (ii) above shall be compensated for the affected land and assets upon land. Displaced persons included under (iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to resettlement assistance if they have to relocate.

2. Entitlements

36. Households or individuals eligible for compensation will be compensated for affected land and other assets equivalent to the market price of such land and assets. Those who are not eligible for compensation are also assisted as described in the entitlement matrix below.

37. The unit rates or amount for allowances indicated in the entitlement matrix can be adjusted during resettlement plan and REMDP updating to reflect actual situation at the time of implementation. However, the adjusted amounts and unit rates cannot be lower than the provisions in the entitlement matrix. Table 2 below is the entitlement matrix that should be followed when preparing the resettlement plan and REMDP.

Table 2: Entitlement Matrix³

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
A. AGRICULTURAL LAND			
A.1: Temporarily Affected Agricultural Land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC; and organizations	Loss of use of the land for a period less than 1 year	No compensation for land; however, the Project will: a/ Pay cash compensation for loss of standing crops and trees at market prices (if any) (see D, below) and the rent in cash for the duration of temporary use, which will be no less than the net income that would have been derived from the affected property during disruption, b/ Restore of land before returning to the affected household to its previous or	Project is responsible to restore the borrowed land or negotiates with DPs to restore and pay restoration costs for them. Each PMU is in charge of monitoring on restoration of the affected land. Calculation of income lost is based on the highest

³ In case there are categories of impacts and displaced persons that are identified during the preparation of the resettlement plan/REMDP that are not included in this matrix, appropriate entitlements/compensation will be included in the updated REMDPs and no provision in this matrix can be lowered in the preparation of resettlement/REMDP.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month before returning land.	productivity of one crop of the last 3 years multiplied with current market price of the crop and duration of land use. The land must be restored at the pre-project conditions before returning to the Ahs
	Loss of use of land exceeds 1 year.	No compensation for land; however, the Project will: a/ Pay the rent in cash for the continued duration of temporary use, which will be no less than the net income that would have been derived from the affected property during disruption. b/ Restore of land before returning to the affected household to its previous or better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month before returning land. Or DP can ask the Project to acquire permanently entire land affected and compensate at replacement cost in case the Project can not restore the affected land to its original state.	
User with lease or temporary right	Loss of use of the land for a period less than 1 year	No compensation for land; however, the Project will: a/ Pay cash compensation for loss of standing crops and trees at market prices (if any) (see D, below) and the rent in cash for the duration of temporary use, which will be no less than the net income that would have been derived from the affected property during disruption. , b/ Restore of land before returning to the affected household to its previous or better quality OR pay full restoration costs to the land owner if it fails to restore the affected land within 1 month before returning land	Project is responsible to restore the borrowed land or negotiates with DPs to restore and pay restoration costs for them. Each PMU is in charge of monitoring on restoration of the affected land
	Loss of use of land more than 1 year.	No compensation for land if returned to original user; however, the Project will: a/ Pay cash compensation for loss of standing crops and trees at market prices (if any) (see D, below) and the rent in cash for the duration of temporary use which will be no less than the net income that would have been derived from the affected property during disruption. b/ Restoration of land to its previous or better quality OR pay full restoration costs to the land owner if not restored within 1 month before returning land. Or	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		DP entitled to compensation for the remaining value of the lease contract and the remaining investment costs in the land.	
Non-titled user		No compensation for land; however, the Project will pay cash compensation for loss of standing crops and trees at market prices (if any) (see D, below).	
A.2 Permanently affected agricultural land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Losing 10 percent or more of total productive landholding	<p>a/ As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) of same category (or productive capacity); (iii) at a location satisfactory to DP; (iv) with full title in the names of both the household head and his/her spouse; and (v) without charge for taxes, registration and land transfer charges; and</p> <p>b/ Cash compensation for standing crops at market price (if any); and</p> <p>c/ Economic rehabilitation package (see E, below);</p> <p>Or, if DP opts, or unavailable land</p> <p>a/ Cash compensation at replacement cost for land and at market price for standing crops; and</p> <p>b/ Economic rehabilitation package (see E, below); and job training/creation assistance equivalent to maximum of 5 times the value of acquired land value but must not exceed the quota of agricultural land allocation in locality.</p>	<p>If remaining land area is not economically viable i.e. is too small or unshaped to be economically cultivated, the Project will acquire the entire affected land parcel and compensate at replacement cost.</p> <p>Level of assistance for job training/creation, decided by PPC.</p> <p>Implemented by DRCs.</p> <p>Implemented by DRCs. If the household head is married, land title will be issued in the names of both the husband and the wife.</p> <p>The DPC will determine availability of replacement land.</p> <p>If the viability of the remaining land is less than the minimum viable unit size as per provincial norms, then the entire parcel of land would be acquired and compensated.</p> <p>The type of training assistance will depend upon the need and priority of the APs and will be designed in consultation with the APs</p>
	Losing less than 10 percent of total productive landholding	Cash compensation at replacement cost at current market prices for affected portion; if the remaining land is not viable cash compensation at replacement cost for entire affected land parcel; and Compensation for standing crops at market price (if any); and	AHs will be noticed about land acquisition at least 90 days before and fully receive the compensation at replacement cost before site clearing at least 01 (one) month.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		job training/creation assistance equivalent to maximum of 5 times the value of acquired land value but not exceed quota of agricultural land allocation in locality.	Level of assistance for job training/creation, decided by PPC. Implemented by DRCs
	Affected landholding is under dispute.	Compensation (for land and all non-land affected assets on the affected land and relevant assistances) held in an escrow account until land the dispute is resolved.	Implemented by DRCs
User with lease or temporary rights		No compensation for land but cash compensation for standing crops at market price (if any); and Cash compensation for the remaining value of investment in the affected land and value of the remaining contract.	Preceding note on viability of remaining (unaffected) portion of plot also applies Implemented by DRCs
Non-titled user		a/ No compensation for land but compensation for standing crops on the affected land other affected non-land assets and investments on land; and, b/ Economic rehabilitation package (see E, below).	For non-titled DPs with no other productive landholdings, local authorities will allocate replacement land with temporary or lease land rights, if land is available
Public organizations		a/ No compensation for affected land but support equivalent with not exceeding 100% of compensation value of the affected land; and b/ Cash compensation at current market prices for standing crops on the affected land, if any.	The compensation amount must be paid to account of affected commune and used for infrastructure improvement of the commune
B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g., commercial)			
B.1. Temporarily Affected Residential and/or Non-Agricultural Land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Temporary loss of use of land	No compensation for land; however, a/ The Project will pay rent to DPs during temporary use; and b/ Compensation for any demolished structures at replacement cost and when rebuilding the structure, the building permission will be at no cost to the DP; and, c/ Restore land before returning to the affected user to its previous or better.	For commercial land, rent will be not less than the amount of income foregone due to the temporary loss of this land. For residential land, rent is based on the rent market price in locality, otherwise on negotiation with the user. Each PMU is in charge of monitoring contractors on restoration of the affected land.
User with lease or temporary right	Temporary loss of use of land	No compensation for land; however, the Project will pay: a/ rent to DPs during the temporary use period or compensation for the remaining value of the contract; and	For commercial land, rent will be not less than the amount of income foregone due to the temporary loss of this land. For residential land,

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		<p>b/ Compensation for any demolished structures at replacement cost and when rebuilding the structure, the building permit will be at no cost to the DP; and,</p> <p>c/ Restore land before returning to the user to its previous or better quality.</p>	<p>rent is based on the rent market price in locality, otherwise on negotiation with the user.</p> <p>Each PMU is in charge of monitoring contractors on restoration of the affected land.</p>
B.2. Permanently Affected Residential and/or Non-Agricultural Land			
<p>Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC</p>	<p>Loss of residential and/or non-agricultural landholding without houses and structures built thereon.</p>	<p>As a priority, allocation of replacement land: (i) equal to area and same type of affected land up to a maximum of land quota in province of project at a location satisfactory to DP; (ii) with full title in the names of both the household head and his/her spouse; and (iii) without charge for taxes, registration and land transfer charges; or, if DP opts,</p> <p>Cash compensation at replacement cost for the affected land. The compensated area does not exceed the residential land quota in the locality; and</p> <p>Cash compensation for the area greater than land quota at replacement cost based on current land law</p>	<p>a/ The DRC will determine availability of replacement land and consult with APs</p> <p>b/ If affected landholding is under dispute: Compensation is put in escrow account until land dispute is resolved.</p>
	<p>Loss of residential land/or non-agricultural landholding with houses and structures built thereon.</p>	<p>DP will be entitled to one of the following options:</p> <p>(i) Stay and rebuild their houses/structures on the remaining land if viable, and cash compensation at replacement cost for the affected land area and the affected house/structures without depreciation of salvable materials, plus package of rehabilitation and relocation allowances (see E); OR</p> <p>(ii) Relocation in resettlement site with cash compensation at replacement cost for the affected house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (See E). If amount of compensation and assistance is lower than value of a standard plot or apartment in resettlement site, the difference payment is not required; OR</p> <p>(iii) Self-relocation with cash compensation at replacement cost for affected land and house/structures without depreciation of salvable</p>	<p>The resettlement sites are all close to the affected area and with completed infrastructures. PCC decides level of support for leveling for self-relocation</p> <p>If affected landholding is under dispute: Compensation is put in escrow account until land dispute is resolved.</p>

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		materials, plus package of rehabilitation and relocation allowances (see E); and relocation household is entitled to support by cash for preparation of housing foundation equal to the average investment value in infrastructure of a standard plot in resettlement site.	
User with lease or temporary use rights of public land	Loss of residential land/or non-agricultural land	a/ Cash compensation for the remaining value of contract, or support equal to 30% of affected land value, depending whichever is higher; and b/ Cash compensation at replacement cost for house/structures on affected land, and c/ Package of rehabilitation and relocation assistances (see E below).	Local authorities assist DP to find alternative land.
Non-titled user	Loss of residential land or non-agriculture land	No compensation for affected land; however, a/ Non-titled DP entitled to full compensation for affected structures at replacement cost, and b/ Package of rehabilitation and relocation allowances (see E below)	a/ In case of non-titled DP has no other residential place in affected commune/ward: Local authorities will allocate replacement residential land or house with levy collection and full title and plus package of rehabilitation allowances. b/ In case of non-titled DP has no other non-agriculture land: Local authorities should consider to allocate replacement non-agriculture land with temporary of lease land right.
Public organizations	Loss of non-agricultural land	a/ No compensation for land if land use fee is unpaid or paid by state funds, otherwise cash compensation for land at replacement cost; and b/ Cash compensation for affected structures at replacement cost and allowance of relocation if any.	
C. COMPENSATION FOR AFFECTED HOUSE AND STRUCTURE			
C.1 Main Structures (Houses and/or Shops)			
Owners of houses/ structures	House/Structure partially affected and remaining portion can be used	a/ Cash compensation at replacement cost for affected portion with no deduction for depreciation or salvageable materials; and b/ Cost for Repair (see E, below).	
Owners of house or combined	Structure totally affected OR Structure partially affected and	a/ Cash compensation at replacement cost for whole affected structure with no deduction for depreciation or salvageable materials; and	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
house/shop structures	remaining portion no longer viable	b/ Relocation and subsistence allowances (see E, below).	
Owners of shop	Structure totally affected OR Structure partially affected and remaining portion no longer viable	a/ Cash compensation at replacement cost for whole affected structure with no deduction for depreciation or salvageable materials; and b/ Relocation allowance (see E, below).	
Tenant of private owner	Structure partially affected and remaining portion viable	a/ Cash compensation to the structure owner for the affected portion at replacement cost with no deduction for depreciation or salvageable materials; and b/ Cost for repair to the structure owner (see E, below). c/ Tenant may remain with owner's agreement. If Tenant opts to move, below entitlements will be provided.	Notice to tenants by owner at least 6 months in advance or as early as possible
	Remaining structure no longer viable, OR Tenant opts to move	a/ Cash compensation to the structure owner for the whole affected structure at replacement cost with no deduction for depreciation or salvageable materials; and b/ Rent allowance equivalent to 6 months' rent or the remaining value of the rental contract (whichever is higher); and, c/ Assistance to find new, affordable rental accommodation; and d/ Relocation allowance (see E, below)	
Tenant of state owner or self-management organization	Structure partially affected and remaining portion viable	a/ Cash compensation to the structure owner for the affected portion at replacement cost with no deduction for depreciation or salvageable materials; and b/ Cost for repair to the structure owner (see E, below).	Notice to tenants by owner at least 6 months in advance or as early as possible
	Remaining structure no longer viable, OR Tenant opts to move	Tenant could select below entitlements: a/ Cash compensation to expense for upgrading the structure (if any); and b/ Arrange house/apartment for rent in resettlement sites; and c/ Relocation allowance (see E, below) OR a/ Cash compensation to expense for upgrading the structure (if any); and b/ Assistance, equal to 60% of structure value and 60% of land value; and d/ Relocation allowance (see E, below)	Notice to tenants by owner at least 6 months in advance or as early as possible Level of allowance to find new shelter decided by PPC
C.2 Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.			

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
Owners of structures	Partially or totally affected structures or other property	<p>Cash compensation at full replacement cost with no deduction for depreciation or salvageable materials; OR</p> <p>In-kind assistance to relocate affected structures or property; OR</p> <p>Cash assistance to repair of property to original or better condition.</p>	<p>Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for the structures.</p> <p>Costs for repairing the remaining house/structure should be negotiate with DP.</p>
	Graves / tombs-yard/cemetery	<p>Compensation for all costs of excavation, relocation and reburial will be reimbursed in cash to the affected family as prescribed in PPC's regulation.</p> <p>If the tombs-yard is required, the place and layout of the yard shall be decided by the affected households and the costs for the yard constructions shall be made by the Project.</p>	<p>Compensation to be paid directly to DPs.</p> <p>For ownerless affected graves / tombs, compensation will be given to Commune PC to relocate them to a new site.</p> <p>Graves to be exhumed and relocated in culturally sensitive and appropriate ways.</p> <p>The place and layout of the yard shall be consulted with communities and affected peoples.</p>
D. COMPENSATION FOR AFFECTED CROPS AND TREES			
Owners of crops and/or trees	Loss of annual crops	<p>If standing crops are ripening and cannot be harvested, cash compensation of un-harvested crops at market values based on the average production over past 3 years.</p> <p>No compensation for crops if harvested</p>	<p>A minimum of 3 months' notice to harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights</p> <p>Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years.</p>
	Loss of perennial crops, fruit and timber trees and tree fences	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	<p>Compensation must equal in value to crops that would be harvested had acquisition not occurred.</p> <p>Calculation of compensation for trees is</p>

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
			based on the age and diameter of the tree. APs have the right to use salvageable trees.
E. PACKAGE OF ECONOMIC REHABILITATION AND RELOCATION ASSISTANCE			
E. 1 Economic Rehabilitation Assistance			
Severely affected DPs (displaced from housing or losing 10% or more of their productive, income generating asset irrespective of tenure status.	Assistance to restore livelihoods and incomes following acquisition of agricultural land or other productive assets	<p>AHs directly cultivating on the affected land entitled:</p> <p>(i) Losing from 10 to 30% of agricultural land holding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area;</p> <p>(ii) Losing more than 30% to 70% of total agriculture landholding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area;</p> <p>(iii) Losing more than 70% of total agriculture landholding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND</p> <p>(iv) In-kind assistance to be decided in consultation with eligible AHs. And</p> <p>(v) Participation in income restoration programs.</p>	<p>Value of in kind assistance to be determined during RP implementation.</p> <p>If necessary, an income Restoration Programs will be designed during project implementation with the assistance of an agency specialized in livelihoods/labor or vocational assistance and with the active involvement of the AHs. Price of rice is the market price at the time of compensation. Forms of assistance may include, but are not limited to agricultural extension assistance and training for non-agricultural occupations.</p>
	Job training/Creation allowance	Support to vocational training, occupation change and job seeking to be provided according to plans developed and approved concurrently with plans for compensation, support and resettlement. Plan development to be undertaken by Provincial and District level People's Committees who shall organize consultations with, and give explanation	<p>Eligibility will be confirmed during DMS.</p> <p>Level of assistance for job training/creation decided by PPC</p>

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		<p>and assimilate opinions from, people whose land is recovered⁴.</p> <p>Cash assistance equal to maximum of 5 times of compensation value for affected land area but not exceed land quota in locality⁵.</p> <p>If DP requests for training, he/she will be entitled to a free training course</p>	
<i>E 2. Relocation assistance</i>			
All AHs that relocate	Relocation, transportation and installation	<p>a/ Transportation: Cash compensation for relocated HH based on actual transportation cost to new place;</p> <p>b/ House renting allowance: the relocated HHs shall receive the assistance in cash for renting temporarily house. The period of assistance will be as regulation of project provinces.</p> <p>c/ Cash compensation for transportation and installation of machine/equipment</p> <p>d/ Self-relocation allowance: the AHs who have to relocate to new place themselves will receive the relocation allowance in cash according to the regulation of provinces</p>	<p>Eligible AHs include owners of residential structures that are totally or partially affected and remaining portion is not viable; non- titled AHs allocated alternative residential land or housing; tenants; and, businesses and eligible land use/management organizations that relocate.</p> <p>At the time of compensation, the level of allowance will be re-evaluated to ensure the DPs have enough assistance to relocate.</p> <p>If allocation of land for relocation household is delayed, an additional allowance equal to duration of delay multiplying with monthly renting rate need to be provided.</p> <p>The resettlement sites are all close to the affected area and with completed infrastructure</p>
<i>E. 3 Special allowance for social and economically vulnerable households</i>			
Vulnerable households: (i) headed by	Assistance to poor and vulnerable households to	a) Poor households: it is proposed minimum assistance of VND 2,000,000 for insignificantly affected household;	Eligible households are those who are classed as vulnerable under relevant

⁴ Land Law (2013) Article 84.

⁵ Decree 47/2014/ND-CP (Regulations on Compensation, Support and Resettlement upon Land Expropriation by the State) Article 20.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
women with dependents, (ii) headed by persons with disability, (iii) falling under the national poverty standard, (iv) with children and elderly who have no other means of support, (v) landless, and (vi) ethnic minorities.	improve their social and economic conditions.	<p>VND 5,000,000 for adversely affected households.</p> <p>b) Other vulnerable households: assistance of minimum VND 2,000,000 per household to improve their social and economic conditions or based on regulation per province, whichever is higher</p> <p>c) All vulnerable households: participation in income restoration program regardless of severity of impact</p> <p>d) Households under two or more vulnerable criteria will only receive assistance with the highest value.</p>	definitions of MOLISA and this document.

III. SOCIO-ECONOMIC INFORMATION

A. Screening and Categorization of Impacts

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

39. Resettlement and ethnic minority issues screening will also enable the categorization of subprojects based on their level of social impacts. PMUs will screen out all involuntary resettlement or indigenous peoples Category A⁶ subprojects. If there is no resettlement impact identified, PMUs must verify and document that there is no resettlement impact by the subproject. The local implementation consultant (LIC) shall certify the scope of resettlement planning. The screening and categorization will then be prepared during the subproject preparation. Once finalized, the due diligence report (DDR) and categorization form will be included in project feasibility/design report to be submitted to ADB. Appendix 1 shows the template for the screening

⁶ A subproject is considered as Category A for involuntary resettlement if 200 or more people will experience major impacts defined as being physically displaced from housing, or losing 10% or more of their productive (income generating) assets. A subproject is considered as category A for indigenous people if it is likely to have significant on ethnic minorities.

form.

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

B. Methods of Conducting Detailed Measurement Survey (DMS), Census, and Socio-Economic Studies (SES)

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

- (i) Detailed Measurement Survey (DMS) and Census – Based on the detailed design, a DMS of all affected assets (land and structure) and census of all affected households quantifying the possible social impact in terms of loss of land, assets and income will be conducted. The DMS will include information on: (a) total and affected areas of land by type of land assets (this information is available for the representative subprojects⁷ but is yet to be determined for the additional subprojects), (b) total and affected areas of structures, by type of structure (main or secondary), (c) legal status of affected land and structure assets and duration of tenure and ownership, (d) quantity and types of affected crops and trees, quantity of other losses, and (e) quantity/area of affected common property, community or public assets by type. On the other hand, the census will cover summary data on the affected households such as ethnicity, gender of household head, household size, vulnerability status, primary and secondary income sources and their knowledge and preferences for compensation and, as required, relocation sites and rehabilitation measures.;
- (ii) Socio-Economic study will also be pursued by the survey team. The coverage of the study will include (i) 20%⁸ of total affected households (marginally affected households to be surveyed will be selected via simple random sampling) and 100% of severely affected households and vulnerable affected households. Socioeconomic information on the community and affected households should include, among others: demographic information; economic profile such as major economic and livelihood activities, ethnicity profile, number of affected household members who are gainfully employed; household health and sanitation practices/facilities and community's access to health and education facilities. A description of the availability and conditions of public infrastructure in the community should also be included.

⁷ The total number of affected households in representative subprojects is 273 of which four are severely affected and 16 affected organizations.

⁸ For subprojects with less than 100 affected households, all affected households will be covered in the socio-economic studies.

C. Methods of land Valuation and Determination of Replacement Cost of Assets

42. The province-level People's Committee is responsible for organizing compensation and associated actions (Decree 47/2014/ND-CP Article 29 Clause 2). Relevant Ministries and Departments shall be responsible for collaborating with the province-level People's Committee and organizations in charge of compensation (Decree 47/2014/ND-CP Article 29 Clause 3). An independent appraisal will be organized to value affected land and non-land assets. DPs will be compensated at replacement cost for any involuntary land acquisition. The district survey team will assess the various categories of loss envisaged in the entitlement matrix and fix prices/costs for compensation per the compensation entitlements agreed by the District's People's Committee (DPC). Disagreements over valuations and extent of land-take should be negotiated as quickly as possible in order to reduce delays to letting contracts to start of civil works. If further disagreement over the value of land or assets, the complaint may be brought to the grievance committee as explained in Section 9.

43. In case of land in the mountains with low value as per land revenue transaction statement and where very few transaction of land is effected, the land value maybe estimated as per present transaction rate but also considering an added value of five years (or more) of production to compensate the non-availability of value of present market rate.

44. Payment is to be made within 30 days of the decision on compensation being made.

D. Preparation of Resettlement Plan/Resettlement and Ethnic Minority Development Plan

45. The resettlement plan/REMDP for subproject will be prepared based on the engineering design of infrastructure, meaningful consultation with displaced persons and other stakeholders, results of the census, Inventory of loss (IOL) and SES and integrate SPS 2009 on involuntary resettlement and indigenous peoples and policies of Viet Nam on land acquisition, compensation, support, resettlement and ethnic minorities. The resettlement plan/REMDP will include measures to ensure that the socioeconomic condition, needs, and priorities of women are identified, and that the process of land acquisition will not disadvantage women, especially ethnic minority women. The PMUs will prepare resettlement plans/REMDPs for subprojects to submit to ADB for review and endorsement before project appraisal. In stage of project implementation, resettlement plan/REMDP will be updated based on detailed technical design, results of DMS, replacement cost survey and consultation with displaced persons and submitted to ADB for approval before bid awarded. Resettlement plan/REMDP is prepared in English and translated to local language and notified to the public and displaced persons.

46. The content of resettlement plan includes a statement of involuntary resettlement objective and strategy, with (i) executive summary; (ii) project description; (iii) scope of land acquisition and resettlement; (iv) socio-economic information and profile; (v) information disclosure, consultation and participation; (vi) grievance redress mechanisms; (vii) legal framework; (viii) entitlement, assistance and benefits; (ix) relocation of housing and settlements; (x) income restoration and rehabilitation; (xi) resettlement budget and financing plan; (xii) institutional arrangements; (xiii) implementation schedule; and (xiv) monitoring and reporting, showing how activities will be scheduled with time-bound actions in coordination with the civil works. The resettlement plan will establish an eligibility cut-off date.

47. The content of REMDP includes a statement of involuntary resettlement and ethnic minority development objective and strategy, with (i) executive summary; (ii) project description;

(iii) scope of land acquisition and resettlement; (iv) socio-economic information and profile, including information and profile of ethnic minority groups; (v) potential positive and negative impacts on ethnic minority plans and mitigation measures and beneficial measures; (vi) information disclosure, consultation and participation; (vii) grievance redress mechanisms; (viii) legal framework; (ix) entitlement, assistance and benefits; (x) relocation of housing and settlements; (xi) income restoration and rehabilitation; (xii) resettlement budget and financing plan; (xiii) institutional arrangements; (xiv) implementation schedule; and (xv) monitoring and reporting, showing how activities will be scheduled with time-bound actions in coordination with the civil works. The REMDP will establish an eligibility cut-off date.

48. Where subprojects involve voluntary land donation, the resettlement plan/REMDP will also include arrangements to deal with losses on a voluntary basis with appropriate safeguards. Such land donations will require a written agreement with the respective landowners. It may be in a form of memorandum of understanding between the landowner(s) and the PMU or other documentation acceptable to ADB, including a no coercion clause witnessed by an independent third party e.g., nongovernment organization. Such agreement sample is provided in Appendix 2. Voluntary land donation will only be accepted if it does not severely affect the living standards and livelihood of displaced persons and no physical relocation.

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

50. The resettlement plans/REMDPs for the subprojects will be submitted to the Provincial People's Committee (PPC) for review before submitting to PMU and ADB for review and approval. The resettlement plan/REMDP shall follow the provisions and procedures specified in this resettlement plan and ethnic minority development framework. An outline of the resettlement plan (REMDP) is attached as Appendix 3 to the REMDF.

51. In case compensation payment is delayed for more than six months, compensation rates should be reviewed to update any changes in market prices for replacement values. If rates and prices are found to be out of date, revised updated costs based on the latest market rate must be used. In case there are households that will be severely affected (physically displaced from housing or lose 10% or more of their productive land), an income restoration program (IRP) will be prepared. Displaced persons must be consulted in the preparation of the IRP. The IRP will be sent to ADB for approval and uploaded to ADB's website.

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

IV. ETHNIC MINORITY STRATEGIES

53. Although adverse impacts on households belonging to ethnic minorities are likely to be minimal, some households may be less able to restore their living conditions, livelihoods and

income levels; and therefore, they are at greater risk of impoverishment when their land and other assets are affected. Moreover, needs or conditions of ethnic minorities may not be considered in the design and operation of the upgraded facilities. To address these, the following specific actions will be conducted:

- (i) PMUs, assisted by its consultants, will undertake screening and social impact assessment of all subproject areas to determine presence of ethnic minorities, and assess potential adverse and positive impacts on them.
- (ii) The PMUs will coordinate with local/traditional patriarchs (gia lang) in the conduct of consultations, information dissemination and grievance redress involving households from ethnic minorities.
- (iii) In villages with ethnic minorities, a representative from each ethnic minority group will be included in the district/village resettlement committee.
- (iv) During the DMS, the district/village RC will ensure that both men and women, and female-headed ethnic minority households are informed and participate. They will provide translation as needed to ensure that affected households belonging to ethnic minorities understand and are in agreement with the DMS results. Adversely impacted ethnic minorities are considered vulnerable and will be entitled to support for vulnerable households.
- (v) Where ethnic minority households are required to rebuild or relocate, rehabilitation options and sites will be acceptable to the household and ensure they are able to continue their existing livelihood and lifestyle, and remain within their community (if they so choose).
- (vi) All public information and consultation meetings in ethnic minority villages will include local translation in minority languages so that information and exchange of views is facilitated for all men and women displaced persons. Village meetings will be held to raise displaced person awareness and understanding of resettlement related issues such as project timing, entitlements, compensation determination and payments, grievance process, support for relocation/ rebuilding etc., and specific women focus groups will also be held to cover the same issues.
- (vii) Rehabilitation measures for businesses will ensure that ethnic minority households and/or female headed households as well as other displaced persons are treated equitably in terms of assistance to find and/or allocation of replacement land, and in the provision of allowances (including business income loss, transition and vulnerable allowances).
- (viii) The design of livelihood restoration activities involving ethnic minorities will be done in close consultation with representatives of ethnic minorities and consider their specific conditions.
- (ix) Where ethnic minority households live within villages of another ethnicity, the district will pay special attention to their compensation and transition. LIC will also review these cases.
- (x) PMUs will ensure that ethnic minority households receive equitable treatment regarding: (a) assistance to self-relocate (find land, etc.), (b) allocation of housing and/or commercial sites (e.g., in resettlement sites); (c) village support in moving, and contractor support to improve lands; and d) provision of allowances (including business income loss, transition and vulnerability allowances).
- (xi) Monitoring of consultation and awareness generation activities, as well as displaced person rehabilitation and satisfaction will be undertaken by the PMUs using gender and ethnicity disaggregated data.

- (xii) Internal monitoring will ensure consultation incorporates translation to ethnic minority languages in minority villages and for minorities living in villages of other ethnicity.
- (xiii) Both male and female ethnic minority members will be able to participate in the jobs that are created during road upgrading and post-construction in the project area.

V. GENDER STRATEGIES

54. The subproject resettlement plans/REMDPs shall address the following issues related to gender:

- (i) Prior to the final resettlement plan/REMDP preparation, an orientation will be held with district and commune representatives to enable the DMS and survey teams to do their respective task in relation to gender issues and concerns.
- (ii) During the DMS, both men and women displaced persons will be encouraged to participate in discussions related to land acquisition/resettlement and other issues related to subproject design and preparation.
- (iii) Livelihood restoration activities for severely affected and vulnerable households will be planned with the active involvement of women displaced persons. Needs assessments for livelihood activities and skills development will be conducted separately for households headed by women. In designing livelihood activities, appropriate economic activities for women will be included in the program
- (iv) For those who have to shift elsewhere, separate discussion with women from affected households, will be held to discuss and agree on the relocation site, housing structure, and other social infrastructure.
- (v) Compensation for affected households will be given under the name of both spouses.
- (vi) Replacement land, if applicable, will be registered in the name of both husband and wife.
- (vii) Disaggregated monitoring indicators by gender of the head of affected households will be developed for monitoring on capacity development training program, livelihood program, participation, and other resettlement activities.

VI. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

55. Information disclosure is an on-going process beginning early in the project cycle and continuing throughout project preparation and implementation. The process must provide timely information to communities in order that they may meaningfully contribute to project design, decision-making and mitigation measures. Provision of timely and accurate information will avoid misinformation and inaccurate rumors from circulating in communities. During consultations particular attention will be given to vulnerable households in the community to ensure their understanding and collective input. In accordance with both ADB and government policy (contained in the Land Law (2013) Articles 678(4) and 69 (1) the PPC and DPC must ensure that public notice is given and disseminate details of the approved REMDF and draft resettlement plan and disclosed on the ADB website before project appraisal. Following the census of DPs, the final resettlement plan, as endorsed by the government and ADB, will be disseminated to the displaced persons and posted on the ADB website. Any updates or revisions to the final resettlement plan/REMDP must also be disseminated to displaced persons and posted on the ADB website.

56. The PMUs, with assistance from relevant provincial and district agencies, will conduct a series of public meetings to provide information regarding project activities and the proposed resettlement and compensation arrangements. These public meetings will be needed to: (i) inform and get feedback from the subproject beneficiaries and communities of the subproject design, construction schedule, likely impacts and mitigation measures; (ii) disseminate information on inventory and pricing results; (iii) inform the displaced persons on amounts of compensation and supports of each affected household; (iv) to listen to their feedback and suggestions; and (v), for revising or adjusting the inaccurate data, if any. It is important that displaced persons are informed well in advance, of the date, time and location of each meeting, and that reminders are also provided. It is essential that these meetings enjoy maximum participation, as this will reduce misunderstandings and potential for conflict. For removal or relocation of tombs/graveyards or other religious or cultural significant items, special consultation should take place and a record of consultation should be made available which includes: (i) nature and type of tombs; (ii) how old are the tomb and status of land where the tombs are located; (iii) new location and status of land; (iv) if the tombs are owned by ethnic minorities or not and the implications of impact on the religious and cultural sentiments of the community; (v) agreed ritual process, cost and time of removal of tombs, and other arrangements as deemed necessary.

57. In accordance with the Land Law (2013) Article 69 the posting must be recorded in official minutes and confirmed by the CPC, the Commune Fatherland Front. As per Decree the Land Law (2013) Article 69, following expiration of this period the agency in charge of compensation will summarize all opinions and comments received, including numbers of affected persons and stakeholders who agree and disagree, with the compensation and land acquisition and assistance offered in the resettlement plan. Interviews with affected persons will be conducted in order to check the adequacy of compensation prices issued by the provinces. Further public consultations will be carried out during the implementation stage with a focus on specific activities including assessment of compensation, acquisition of land, and design of rehabilitation assistance planning. These measures are undertaken to ensure that affected persons satisfy with the compensation arrangements and will not object to the disruption and that they will not suffer enduring negative impacts due to the project and be able to fully restore and further improve their livelihoods.

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

VII. INCOME RESTORATION PROGRAM

59. In the event that any households will be severely affected (i.e. be physically displaced from housing or lose 10% or more of their productive asset) by the subproject or vulnerable households are affected, the resettlement plan/REMDP will include IRP that will comprise:

- (i) Description of the measures proposed for income restoration, including compensation and special measures to help vulnerable households improve their living standards;
- (ii) Explanation of measures to provide replacement land⁹ (very unlikely);
- (iii) Description of support to be provided for host populations;
- (iv) Budget, financing, and implementation arrangements.

VIII. GRIEVANCE REDRESS MECHANISM

60. In order to ensure that all affected persons' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to affected persons to air their grievances, a well-defined grievance redress mechanism needs to be established and disclosed to displaced persons and communities. All affected persons can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Furthermore, affected persons will not be ordered to pay any fee for the grievance and complaints at any level of trial and court. Efforts will be made to resolve complaints at the commune level. If not resolved, a complaint will be referred to the district and provincial level. If still not resolved, the complaint will be referred to the court for resolution. The project will shoulder all administrative and legal fees that might be incurred in the resolution of grievance and complaints.

61. The following stages for grievance redress are established based on Complaint Law No. 02/2011/QH13, dated 11 November 2011:

62. There are three steps to address complaints received from stakeholders:

Stage 1: If a household or individual has any complaint he/she can submit a complaint in written or verbal form to the representative of the CPC-community monitoring board (usually the Deputy Chairman of the commune/town). The CPC will work with PMU to solve complaints and a representative PMU will respond in written form to the complainant. The CPC, as a whole body will meet personally with the aggrieved affected household and will have 30 days and a maximum of 60 days after the lodging of the complaint to resolve the complaint, however, depending upon whether it is a complicated case or case comes from a remote area. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

Stage 2: If after 30 days or 45 days (in remote areas) the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing, to any member of the DPC. The DPC in turn will have 30 days or a maximum of 70 days after the lodging of the complaint to resolve the case, however, depending on

⁹ This option is unlikely given the nature of impact (i.e., only marginal portions of plots are affected) and subject to the availability of comparable land.

whether the case is complicated or in remote area. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the District Resettlement Committee (DRC) of any decision made and the DRC is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure that the complainant is notified of the decision made

Stage 3: If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision made on his/her complaint, the affected household may bring the case, either in writing, to any member of the PPC. The PPC has 30 days or a maximum of 70 days to resolve the complaint to the satisfaction of all concerned. However, depending if the case is complicated or from a remote area The PPC is responsible for maintaining records of complaints received, action taken and outcomes.

Final Stage, the Court of Law Arbitrates: If after 30 days following the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a court of law for adjudication. If the court rules in favor of the complainant, then PPC will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, then the complainant will receive compensation approved by PPC.

63. The above grievance redress mechanism will be disclosed and discussed with the affected persons during the preparation of resettlement plans/REMDPs for subprojects to ensure that they understand the process. PPMU/DRCs and resettlement specialist are responsible for follow up of the grievance process. Notwithstanding the provisions of the grievance process, local laws and regulations will take precedence. Amount of compensation and allowances of the complainant should be deposited in an escrow account until his/her complaint resolved satisfactorily. Moreover, such procedures do not prevent a complainant to seek resolution of his/her complaint directly to the court at any stage of the complaint resolution process.

IX. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

64. Implementation of the resettlement plan requires the participation of relevant agencies from the central to local district, and commune level. The executing agency has the overall responsibility for implementation of the resettlement plan/REMDPs. DRCs or Center for Land Fund Development will be established at district level according to the Land Law 2013 and Decree 47/2014/NĐ-CP to implement the resettlement plan/REMDPs.

A. Central Level

65. A national project steering committee will be formed, which will meet periodically. Membership will be the four PPCs, and the Ministry of Planning and Industry, Ministry of Finance, Ministry of Transport, Ministry of Culture, Sport and Tourism and Ministry of Construction and the PMUs. The national steering committee will be charged by the heads of each of the four PPCs in rotation. The role of the national steering committee will be to provide oversight shall represent the provinces in addressing project-related coordination, negotiations, and discussions. The Ministry of Planning and Industry and Ministry of Finance distribute funds to the provinces. All technical and managerial functions are devolved to the provincial level.

B. Provincial Level

66. The executing agency will be the PPC in each province. The PPC as the organization in charge of compensation, support and resettlement (Land Law (2013) Article 69) will be responsible for issuing all decisions and approvals relating to the implementation of resettlement plans/REMDPs including those relating to its formal adoption, unit compensation costs, notices and approvals for updated resettlement plans/REMDPs, information disclosure, land acquisition and compensation payments, allocations of replacement land (if applicable) and grievance redress. The PPC will also be responsible for establishing the Land Valuation Council and allocation of responsibilities to district-based organizations.

67. PPC will authorize DPI to project owner, is responsible for:

- (i) Managing the project loan allocated for subprojects in province;
- (ii) Establishing a PMU;
- (iii) Directing PMU to implement all project activities including resettlement plans/REMDPs according to the regulations of government and ADB policies;
- (iv) Ensuring budget available for implementation of land acquisition in time;
- (v) Coordinating with relevant agencies to ensure timely redress of complaints or grievances of affected persons;
- (vi) Supervising project implementation.

68. Ethnic minority committee of PPC will direct ethnic minority department of districts and supervise on implementation of ethnic minority action plan.

69. The PMUs will oversee all activities of District Resettlement Committees (DRCs) or the Land Fund Development Center (LFDCs) in regard to the implementation of the resettlement plans/REMDPs. The PMU will also be responsible for:

- (i) Preparing, updating, and supervising resettlement plan/REMDP implementation of project components;
- (ii) Guiding DRC to implement all resettlement activities in compliance with the approved resettlement plans/REMDPs; and resolving any mistakes or shortcomings identified by internal monitoring to ensure that the objectives of the resettlement plans/REMDPs are met; and otherwise, to provide appropriate technical, financial and equipment supports to DRC and Commune-level Inventory Working Groups.
- (iii) Conducting, in combination with DRCs and CPCs, information campaigns and stakeholder consultation in accordance with established project guidelines;
- (iv) Coordinating with other line agencies to ensure delivery of restoration and rehabilitation measures to affected persons;
- (v) Implementing internal resettlement monitoring, establishing and maintaining affected person databases for each component in accordance with established project procedures and maintaining up to date project records;
- (vi) Implementing prompt corrective actions in response to internal monitoring.

70. The membership of the PMU should include the Vice-Director of DPI who will be the Head of the PMU.

C. District Level

71. The Peoples' Committees of the District will direct the organization in charge of compensation and related departments to implement the resettlement plans/REMDPs. They will direct CPCs on implementation tasks for the resettlement plans/REMDPs and will resolve complaints and grievances of affected persons.

72. DRC/LFDC in combination with PMU, CPCs and under the direction of the DPC, will carry out resettlement activities of the project, in particular:

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

73. Ethnic minority committees of PPCs will direct ethnic minority department of districts and supervise on implementation of ethnic minority action plan. Ethnic minority department of districts in combination with PMUs and other agencies is responsible to carry out:

- (i) all mitigation measures to reduce potential negative impacts of the subproject on ethnic minority people;
- (ii) programs of information propagation and technical assistance to the ethnic minority community;
- (iii) Information propagation of HIV/AIDS, women trafficking; Information dissemination on social evils and propaganda on indigenous cultural values and preservation of the values.

D. Commune Level

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

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

D. Implementation Arrangement of Resettlement Plan/REMDP

75. The implementation process is as follows:

- (i) Establishment of the DRCs. The DPC will establish DRCs for the projects, and entrust tasks to relevant agencies and entities.
- (ii) Land clearance/boundary setting for the project. After receiving the PPC and DPCs in acquired land and handing over land to the PMU for implementing the projects, PMU will cooperate with the DONRE and a specialized cadastral agency having a contract with PMU to determine the project land clearance boundary and setting out boundary at the field, handing over land to implement resettlement tasks for the displaced persons, in order to clear land for the project. Relevant Offices of Natural Resources, Environment of districts and Commune People's Committees of the project will assign their staff working as members of DRCs to implement this task.
- (iii) Information campaign before DMS. According to the Land Law (2013) Article 67, before land acquisition, within 90 days in case of agricultural land and 180 days in case of non-agricultural land, the DRCs must send written notices to affected land owners in respect of reasons for land acquisition, time and plan of displacement, resettlement options, land clearance and resettlement.
- (iv) Before census and detailed measurement survey, PMU in cooperation with local authorities of districts and communes will provide project information to residents in the project area. Information will be broadcasted via the public address system of the locality in combination with other multi-media such as radios, press, television, brochures or letters delivered to households to be open posted in public areas.
- (v) Orientation meetings will be held in the project affected commune to notify the affected community about the scope and scale of the project, impacts, policies and rights for all kinds of damages, implementation schedule, responsibilities for organization, and complaint mechanism. Brochures including (images, photos or books) related to project implementation will be prepared and delivered to all affected communes in the meetings.
- (vi) Conduct of Replacement Cost Survey by a Qualified Agency. A qualified agency will be engaged by PPC in accordance with the Circular 36/2014/TT-BTNMT (2014) on land pricing, Article 16. In determining the current market price under normal condition of land and non-land assets. If there is a significant difference between compensation price and market price as per replacement cost survey carried out by a qualified agency, PPC will update the compensation unit price according to regulations and implementation guidance of Decree No.44/2014/ND-CP.
- (vii) Detailed Measurement Survey. DMS will be undertaken once detailed design is approved. Results of the DMS will be the basis for the preparation of compensation plan and for updating of the resettlement plans/REMDPs.
- (viii) Updating resettlement plan/REMDP. The PMU will update the resettlement plan/REMDP based on the precise data obtained from the Detailed Measurement Survey and the updated costs and prices.
- (ix) Preparation of compensation plan. DRCs/LFDCs are responsible for applying prices and preparing compensation sheet for each affected commune. DPCs will appraise these in respect of prices, quantities of affected assets, rights that the displaced persons are entitled to, etc., before notifying each commune for review

and comments. All sheets of compensation price application must be checked and signed by the DPs to prove their consensus.

- (x) Submission of resettlement plan/REMDP and ADB concurrence. PMU will prepare Updated resettlement plan/REMDP, disclose key information of the Updated resettlement plan/REMDP to the displaced persons and submit the same to ADB for review and concurrence and uploading onto the ADB website once acceptable to ADB.
- (xi) Payment of compensation and allowances. Compensation and assistance will be paid directly to the displaced persons by DRC under the supervision of representatives of commune authorities and representatives of the displaced persons. Income restoration and relocation plan will be implemented in close consultation with the affected persons and concerned agencies.

76. Internal monitoring as outlined in Section 8 will be implemented by PMU. One post-resettlement evaluation will be undertaken within 6 to 12 months after completion of compensation and resettlement activities.

X. BUDGET AND FINANCING

77. Resettlement budget is required for all resettlement activities, including compensation and assistances for land acquisition, affected assets, administrative cost, monitoring, income restoration, etc. and included in the subproject cost. Estimated costs will be updated based on the DMS and RCS results following detailed designs. Budget for implementation of resettlement to be financed by counterpart fund should be provided sufficiently and timely to ensure that full payment for affected households will be made before commencing civil works.

XI. MONITORING AND REPORTING

78. The project will establish systems for internal monitoring and evaluation. The main purpose of the monitoring and evaluation program is to ensure that matters related to involuntary resettlement have been implemented in accordance with the policies and procedures set forth in the resettlement plans/REMDPs following ADB SPS 2009 and the REMDF. Monitoring will be done by the PMU (with assistance of Loan Implementation Consultant). Engagement of external experts is not required for this project because only minor involuntary resettlement impacts are anticipated in the subprojects.

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

80. The PMU will set up an internal monitoring system and prepare progress reports on all aspects of land acquisition and resettlement activities for each subproject under its jurisdiction. Internal monitoring reports of resettlement plan/REMDP implementation will be prepared by the PMU and submitted to the ADB for review and endorsement. Each PMU will conduct the internal monitoring of resettlement plan/REMDPs implementation to identify as early as possible the activities achieved and the cause(s) of problems encountered so that arrangements in

resettlement plan/REMDP implementation can be adjusted. Related information will be collected monthly from the field to assess the progress of resettlement plan/REMDP implementation and included in the project's quarterly progress reports.

81. The PMUs will submit semi-annual safeguards monitoring reports to ADB. For subprojects requiring land acquisition, compensation payments and provision of allowances related to permanent land acquisition impacts are expected to be completed within six months from the approval of the updated resettlement plan/REMDP. No objection to the commencement of civil works for the subproject will only be issued if the monitoring report can confirm that all compensation payments and allowances have been provided and that there are no pending complaints on these payments.

82. The subsequent semi-annual monitoring reports by the PMUs will update on the status of temporary land acquisition impacts during construction, status of grievances noted, and progress in the income restoration activities. The PMUs will incorporate the status of resettlement plan/REMDP implementation in the overall project progress report to ADB.

83. Internal monitoring and evaluation indicators will include but not limited to the following issues:

Table 3: Internal Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
INPUTS INDICATORS	Staffing and Equipment	<ul style="list-style-type: none"> • Number of project dedicated PMU staff • Formation of District Resettlement Committee (DRC) and Village Resettlement Committee (VRC) • Number of DRC members and job function • Adequate equipment for performing functions (including grievance recording) • Training undertaken for all implementing agencies • Construction Contractor meeting local employment targets for unskilled labor
	Finance	<ul style="list-style-type: none"> • Resettlement budgets disbursed to DRC and displaced persons (DPs) in timely manner
PROCESS INDICATORS	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> • Distribution of PIB to all DPs • Resettlement plan/ Resettlement and Ethnic Minority Development (RP/REMDP) available in all districts • Translation at ethnic minority villages and for individual minority DPs in villages of other ethnicity • Consultations and participation undertaken as scheduled in the RP/REMDP • Number of local-based organizations participating in subproject • Number of grievances received by local authorities and project management unit (PMU) (at commune level/district level/provincial level or PMU) up to monitoring period • Number of grievances solved by local authorities and PMU (at commune level/district level/provincial level or PMU) up to monitoring period • Number of complainants satisfied with the grievance redress of local authorities • The main natures of complaints and solutions • Number of commune/district/province in project area with grievance redress mechanism established

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

Appendix 1 Subproject Social Safeguards Screening Form

Province:		District(s):	
Subproject Title:			
Subproject components:			
Design stage:			

A. Introduction

1. Subprojects are assigned an involuntary resettlement category depending on the significance of the probable involuntary resettlement impacts. Subprojects are categorized as A, B or C depending on the number of persons that will experience major impacts which is defined as (i) being physically displaced from housing, or (ii) losing 10% or more of productive assets or both. Subprojects where 200 or more persons will experience major impacts are categorized as 'A' for IR and are excluded from the project.

2. Subprojects are also categorized as A, B or C with regard to ethnic minorities (EM) depending on the significance of adverse impacts to EMs. Subprojects that will cause significant adverse impacts on customary rights to land/natural resources, socioeconomic status, cultural and communal integrity, health, education, livelihood and social security of EMs are categorized as 'A' for IP and are also excluded from the project.

2 Initial screening has been conducted for the seven representative subprojects during the preparation of the Subproject Identification Proposal. None of these subprojects were found to be category A for IR or IP. Follow-up screening is required to be done at the detailed design phase when the exact boundaries of the subproject and activities have been established. This follow-up screening should be attached as appendix to the due diligence report for each subproject.

B. Instructions

(i) The checklist and categorization form is to be completed by the PMU with the assistance of Resettlement Specialists and attached to the DDR to be prepared by the LIC for the PMUs.

(ii) The social safeguard categorization of a subproject is a continuing process. If there is a change in a subproject that may result in category change, the PMUS/PMU should resubmit a categorization form for endorsement by the Project Manager and approval by ADB Project Officer and Resettlement Specialist. The previous checklist should be attached to the revised checklist for reference.

C. Screening Questions for Resettlement Categorization

Screening Questions	Yes	No	Not Known	Remarks
A. Involuntary Resettlement				
1. Does the subproject include upgrading or rehabilitation of existing physical facilities?				
2. Are there pending or unresolved land acquisition-related impacts related to the existing facility to be upgraded/expanded under the subproject?				

Screening Questions	Yes	No	Not Known	Remarks
3. Are there resettlement/land acquisition actions conducted by the PPC or DPC in the subproject prior (within 3 years) to the approval of the supplemental loan?				
4. Are there any subproject effects likely to lead to loss of housing, other assets, resource use or incomes/livelihoods?				
5. Is land acquisition likely to be necessary?				
Is the site for land acquisition known?				
6. Is the ownership status and current usage of the land known?				
6. Are there non-titled people/households who put up/established improvements/crops/trees/structures at the subproject site or within the right of way?				
7. Are there any non-titled people who live or earn their livelihood at the site or within the Right of Way?				
8. Will there be loss of housing?				
9. Will there be loss of agricultural plots?				
10. Will there be losses of crops, trees, and fixed assets?				
11. Will there be loss of businesses or enterprises?				
12. Will there be loss of incomes and livelihoods?				
13. Will there be people who will experience major resettlement impacts. i.e. be physically displaced from housing or lose 10% or more of productive land? (If yes, indicate number of DPs in the remarks column)				
14. Are there displaced persons that can be considered as vulnerable as defined under the project? (If yes, indicate number of DPs in the remarks column)				
15. Will people lose access to facilities, services, or natural resources?				
B. Ethnic Minorities				
1. Are there communes within the subproject area that are inhabited by households considered as ethnic minorities in Vietnam?				
Screening Questions	Yes	No	Not Known	Remarks

Screening Questions	Yes	No	Not Known	Remarks
2. Do the ethnic minority households in the subproject area possess the following characteristics: (i) identify themselves and by others as an ethnic minority group; (ii) attached collectively to a geographically distinct habitat or ancestral territory; (iii) have customary cultural, economic, social, or political institutions that are separate from the dominant Kinh/Viet society and culture; and (iv) have a distinct language, often different from the official language of the country or region?				
3. (If 'yes' in items 1 and 2) Will any of these EM households be adversely affected by the subproject?				
4. (If 'yes' in items 1 and 2) Will any of these EM households benefit from the proposed subproject?				

D. Involuntary Resettlement/Ethnic Minority Category

3. After reviewing the answers above, the PMUS Safeguards Officer and LIC Social Safeguard Specialist, agree on the following categorization and action for this subproject:

3.1. Project Categorization and Social Safeguards Planning Requirements

- Category A for IR and ethnic minorities, to be excluded from the project
- Category B for IR and ethnic minorities, an REMDP is required
- Category B for IR and Category C for IP, an RP is required
- Category C for IR and Category B for IP, specific action needed in subproject preparation to ensure participation, and maximum benefit for Ems

3.2. Need for Income Restoration Program (for subprojects categorized as B for IR)

- No AH can be considered severely affected or vulnerable, income restoration program not required.
- Some AHs can be considered either as severely affected or vulnerable, income restoration program is required

Prepared by: _____
LIC Safeguard Specialist
Date:

Endorsed by: _____
PMU Safeguard Specialist
Date:

Approved by: _____
PMU Director

Appendix 2
Sample Voluntary Contribution Consent Form
 (This form will be translated in Vietnamese Language for implementation purpose)

Government of Vietnam,
 Land Revenue Office,
 [INSERT NAME] District
 [INSERT NAME] Commune, Village

CERTIFICATE OF LAND TRANSFER

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

Certify that I have been previously informed by local authority of my right to entitle compensation for any loss of property (house, land and trees) that might be caused by the construction of ([INSERT NAME]) financed under Basic Infrastructure Service Service for Inclusive Growth Sector Project in North Central Provinces (BIIG 2) (hereafter called “the Project”) in [INSERT NAME] district. I confirm that I voluntarily donate the land of [INSERT AMOUNT LOSS] square meters located in [INSERT NAME] village ([INSERT NAME] district) to the Project construction. I also confirm that I do not request any compensation of loss of [INSERT OTHER LOSSES SUCH AS TREES] and would request the local authority to consider this as my contribution to the project.

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

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

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

Witnesses:

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

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

Appendix 3

Outline of Resettlement Plan/Resettlement and Ethnic Minority Development Plan

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

This section:

- (i) Discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities.
- (ii) Describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project.
- (iii) Summarizes the key effects in terms of assets acquired and displaced persons.
- (iv) Provide details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

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

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

E. Potential Positive and Negative Impacts on EMPs and Mitigative Measures and Beneficial Measures (for REMDP)

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

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

F. Information Disclosure, Consultation, and Participation

This section:

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

G. Grievance Redress Mechanisms

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

H. Legal Framework

This section:

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

I. Entitlements, Assistance and Benefits

This section:

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

J. Relocation of Housing and Settlements

This section:

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

K. Income Restoration and Rehabilitation

This section:

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

L. Resettlement Budget and Financing Plan

This section:

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

M. Institutional Arrangements

This section:

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

N. Implementation Schedule

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

O. Monitoring and Reporting

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

Appendix 4 Project Information Booklet

Question 1: how will the rehabilitation of the infrastructures affect the local population?

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

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

Question 2: What is the main objective of resettlement plan?

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

Question 3: What if my land is affected by the project?

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

Question 4: Do we need to have a land title in order to be compensated?

Answer: No, lack of formal legal rights to land does not prevent any APs from receiving compensation for non-land assets, allowances and rehabilitation assistance. Those APs who possess a land use rights certificate (LURC) or any other form of written agreement to utilize the land are entitled to compensation for the lost land as well as assets on the land. Those APs who do not have legal (or potentially legal) or temporary/lease rights for affected land will not be compensated but supported and still be compensated for the assets on the land, such as any structures, crops and trees at replacement cost.

Question 5: Is the compensation applied for affected houses and structures?

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

Question 6: What about affected crops and trees?

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

Question 7: How are compensation rates decided?

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

Question 8: Besides the compensation, how can the project help?

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

• **Severely affected households:**

AHs directly cultivate on the affected land to be entitled:

(i) Losing from 10 to 30% and above of agricultural land holding: Cash assistance equal to 30 kg of rice (valued at market price at the time of compensation) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area;

(ii) Losing more than 30% to 70% of total agriculture landholding. Cash assistance equal to 30 kg of rice (valued at market price at the time of compensation) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area;

(iii) Losing more than 70% of total agriculture landholding Cash assistance equal to 30 kg of rice (valued at market price at the time of compensation) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND

(iv) In-kind assistance to be decided in consultation with eligible APs. Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. And

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

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

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

• **Households that relocate:** Households that must relocate to new residential land will receive a transition subsistence allowance equivalent to 30kg of rice per person per month for six months for during transition; a transportation allowance of not lower than VND 5,000,000 in cash per

household; and, an incentive bonus of not lower than VND 5,000,000 if APs demolish their affected houses or structures in a timely manner.

- **Business owners that lose income while they relocate or rebuild their shops/businesses:** Households with small, unregistered businesses will receive cash compensation equal to the provincial minimum wage for six months. Owners of registered businesses will receive cash compensation equal to their monthly after-tax revenues for at least four months.
- **Employees and hired laborers who lose their jobs:** will receive cash compensation for lost salary/wages for each month they cannot work, if the loss is temporary; or, if the loss is permanent, cash compensation equivalent to the provincial minimum wage for six months or cash compensation for remaining contract period whichever is higher.
- **Poor households:** Households eligible under MOLISA definition will receive an allowance equivalent to 30kg of rice per person per month for at least thirty six months. Other vulnerable assistance of not lower than VND 2,000,000 per household.

Question 9: does that mean that anybody in our community can claim for compensation?

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

Question 10: How will APs be consulted and informed?

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

Question 11: If there are any disagreements or problems about land acquisition, compensation or other general disputes during project implementation, do APs have the right to voice their complaints?

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

Question 12: as a resident in the project area, how can I help?

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

Question 13: How will you know if the objectives of this project are met?

Answer: The PMU will ensure internal monitoring all subproject activities. Every 6 months, PMU will submit an internal report to ADB on resettlement implementation progress. A post-resettlement impact evaluation will assess whether negative impacts have been mitigated adequately and pre-project standards of living of APs have been restored as a result of resettlement and the subproject.

FOR FURTHER INFORMATION AND SUGGESTIONS –
Please contact the PPC, PMU, DRCs or CPCs where you live:

1. Provincial People’s Committee of the province.....,
Address:.....
Person in charge:.....Tel.....

2. PMU ; address:.....
Person in charge:.....Tel.....

3. District Resettlement Committee ofdistrict.;
Address:.....
Person in charge:.....Tel.....

4. Commune People’s Committee;
Address:.....
Person in charge:.....Tel.....

