

# Resettlement and Ethnic Minority Development Framework

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September 2020

Viet Nam: Climate Resilient Inclusive Infrastructure  
for Ethnic Minorities Project I

Binh Dinh Province, Viet Nam

## CURRENCY EQUIVALENTS

(As of 2 September 2020)

Currency unit	–	dong (D)
D1.00	=	\$0.000043
\$1.00	=	D23,166

## ABBREVIATIONS

ADB	Asian Development Bank
AH	Affected Household
AP	Affected Person/People
CPC	Commune People's Committee
CRIEM	Climate Resilient Infrastructure for Ethnic Minorities
DD	Due Diligence
DDR	Due Diligence Report
DP	Displaced Person/People
DPC	District People's Committee
DMS	Detailed Measurement Survey
DPI	Department of Planning and Investment
DRC	District Resettlement Committee
EA	Executing Agency
EMC	Ethnic Minorities Community
EMA	External Monitoring Agency
GoV	Government of Viet Nam
HH	Household
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
NGO	Non-Government Organization
PIB	Project information booklet
PPMU	Provincial Project Management Unit
PPC	Provincial People's Committee
RC	Resettlement Committee
RE MDF	Resettlement and Ethnic Minority Development Framework
REMDP	Resettlement and Ethnic Minority Development Plan
RP	Resettlement Plan
RoW	Right of Way
SAH	Severely Affected Household
SCCP	South Central Coastal Provinces
SEDP	Social Economic Development Plan
SES	Socio-Economic studies
SPS	ADB Safeguard Policy Statement of 2009
VRC	Village Resettlement Committee

## GLOSSARY

Affected Person(s) – (AP)	Any person, household, firm or private institution who, on account of changes resulting from the project, or any of its phases, will have its (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, salt mining, and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected with or without displacement. In the case of affected household, it 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
Broad Community Support	Ascertain the consent of affected EMCs to the project activities where EMCs are deemed to be particularly vulnerable
Compensation	Payment in kind or in cash to replace losses of lands, housing, income and/or 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
Consent of Affected EMCs	For the purpose of policy application, this refers to a collective expression by the affected EMCs, through individuals and/or their recognized representatives, of broad community support for the project activities. Such broad community support may exist even if some individuals or groups object to the project activities. The consent from the affected EMCs will include the formal agreements reached with EMCs and/or ethnic minorities organizations.
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)	With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IoL), severity of impacts, and list of Aps earlier done during REMDP preparation. The final cost of resettlement can be determined following completion of the DMS

Displaced Person(s) – (DP)	In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (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
Eligibility	Any person/asset who/which has settled/created in the project area before the cut-off date
Entitlement	The range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc., which are due the APs, depending on the type and severity of their losses, to restore their economic and social base.
Ethnic minorities communities (EMCs)	People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society with the following characteristics: (i) self-identification as members of 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 habitat and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant and culture; and (iv) a distinct language, often different from the official language of the country or region.
Income restoration	The re-establishment of sources of income and livelihood of the affected households.
Income restoration program	A program designed with various activities that aim to support APs to recover their income/livelihood to pre-project levels. The program is designed to address the specific needs of the APs based on the socioeconomic survey and consultations.
Inventory of losses (IOL)	Process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the subproject right-of-way (subproject area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact on the affected assets and the severity of impact on the livelihood and productive capacity of APs will be determined.

Land acquisition	Process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land they own or possess to the ownership and possession of that agency for public purposes in return for compensation at replacement costs
Meaningful Consultation	A process that (i) begins early in the project preparation stage and is carried out on an on-going basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
Rehabilitation	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
Replacement	This is the physical relocation of a DP from her/his pre-project place of residence and/or business
Replacement cost	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	Process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	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 and Ethnic Minorities Development Plan (REMDP)	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
Resettlement Plan (RP) (Also referred to REMDP)	Time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation. In this REMDF an RP is equivalent to REMDP.

Severely Affected Household (SAH)	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 (VG)	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, 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 United States dollars.

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## I. INTRODUCTION

### A. Description of the Project

1. The Climate Resilient Inclusive Infrastructure for Ethnic Minorities Project I (the project) will improve service delivery in Binh Dinh and Quang Nam provinces (BDP, QNP). It will accelerate socioeconomic development of South Central Coastal Provinces in accordance with the Provincial Socioeconomic Development Plans through 2020, with a vision to 2030 (the Provincial SEDP) and the Master Plan on Socioeconomic Development of Viet Nam's South Central Coastal Region through to 2020 (the Master Plan).

2. The project investment targets 9 of 29 districts within Binh Dinh and Quang Nam provinces with the highest proportion of EMCs. These mostly remote western districts have very low population density meaning that most local inhabitants face extended travel times to access services and markets compared with high density areas where schools and health clinics are able to be provided closer. The impact of the project will be increased economic opportunities and service delivery for EMCs with the project outcome being service delivery and economic opportunities in the Central Coastal Provinces increased.

3. The project is being implemented under the ADB sector modality and as such the ADB TRTA design process uses two representative subprojects for which the TRTA consultants provide the input to the environmental assessment. The remaining 9 subprojects are prepared as part of the requirement for the Government Investment Proposal and Subproject Feasibility Studies prior to Project approval. All environmental assessments will be updated based on the final designs during Project Implementation.

4. A total of 11 proposed subprojects (see attachment 1) conforming with the above criteria have been put forward out of which 7 are proposed under output 1 improved transport connectivity and mobility; and 4 subprojects under output 2 water resources infrastructure upgraded. Output 3 will support installation of information systems that enable prediction and monitoring extreme climate events to inform infrastructure planning, investment and management. Such systems will include advanced hydro-meteorological and remote sensing stations and upgrading of supporting data management systems. The systems will allow improved design decision based on more reliable local data that is adjusted for projected climate change impacts on hydrological determinants and inputs into detailed engineering designs.

### B. Project Outputs

5. The project is aligned with the following impact: inclusive socioeconomic development of Binh Dinh and Quang Nam provinces accelerated.<sup>1</sup> The project will have the following outcome: social and economic status, and inclusiveness of ethnic minorities communities improved.<sup>2</sup>

6. The project outcome will be achieved through the following outputs:

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<sup>1</sup> Government of Viet Nam. 2011. *Decision No. 1600/QD-TTg Issuing the List of the National Target Programs—Phase 2016–2020*. Hanoi; Government of Viet Nam. 2013. *Decision No.2622/2013//QD-TTG dated 31 December 2013 approving the socio-economic development master plan of Quang Nam province through 2020, with vision to 2030*. Hanoi; and Government of Viet Nam. 2009. *Decision No. 54/2009/QD-TTG dated 14 April 2009 approving the socio-economic development master plan of Binh Dinh province through 2020*. Hanoi.

<sup>2</sup> The design and monitoring framework is in Appendix 1.

7. **Output 1: Transport infrastructure improved.** The project will upgrade seven district and commune roads totaling about 121.8 kilometers (km), which will improve connectivity and mobility of EMCs within the seven districts with a total population of 206,700 of which an average of 48% belong to EMCs. The climate-resilient transport links will integrate remote rural production into market chains and processing facilities. Freight movement of acacia and high value crops will be improved. The effort of EMCs to dependably reach essential services including health, education, and markets will be reduced. The overall transport network will be much more efficient, reducing travel time for road users and especially improving access to health, education, and market services especially for women who already suffer from time poverty.

8. In support of the strategy of the Government of Vietnam and the CCPs to increase service delivery and economic opportunities the focus of output 1 is on improving mobility of selected road sections to save time and costs of moving rural freight – linked to smallholder managed acacia production forests, cassava production and high value fruit crops. As part of the mobility improvement there are several instances where co-benefits will include significant improvement in increasing the proximity of services and markets to local communities. These social and economic benefits derive from completing network linkages, ensuring that roads continue to support the full range of transport operators through both wet and dry seasons, and addressing seasonal disconnections due to flooding. The combination of building improved mobility and increased social and economic proximity with greater reliability will provide a significant contribution to the inclusiveness of targeted beneficiaries from ethnic groups.

9. A total of 7 road sections are proposed for inclusion in the project covering 121km (including one representative subproject). The components include upgraded road sections (including rural categories B and A roads and category V and VI rural roads) to existing and new acacia plantation areas, completion of provincial, inter-district and commune connections, upgrades of existing road sections and bridges to improve mobility and mitigate against flood and climate change impacts for district roads (generally category IV to VI).

10. **Output 2: Water resource infrastructure improved.** This output will construct, upgrade, rehabilitate, or stabilize: (i) RDWSs to provide water to approximately 18,600 people through 115 km of piped networks; (ii) an existing reservoir to support 117 hectares of irrigation command area with more reliable and efficient water supply; and (iii) cultural tourism infrastructure including one river defense - 3.6 km of embankment, visitor car parking and solid waste collection in district's communities with a total population of 17,700 of which 94% are from EMCs. Activities under this output will benefit about 36,300 people and improve communities' health by reducing the risk of water borne diseases and will particularly benefit women by reducing their time for water collection.

11. This output will support a range of water resource infrastructure investments ranging from (i) 1 small town and 11 rural commune water supplies including water supply for resettled communities, pumping and treatment stations and increased household piped connections, (ii) 1 river bank protection for 3.6km that protects residential and urban infrastructure and bridge structures and (iv) 1 irrigation schemes involving 117ha of command area upgrades with new and upgraded canals.

12. Whilst output 1 delivers inclusiveness for remote target EMCs output 2 supports risk reduction for mostly ethnic groups where (i) prolonged dry seasons affect their crops and access to safe water, (ii) the increased density of residential lifestyles creates risks to dug well-water quality and quantity, (iii) access to water through communal tanks limits access to water supply and sanitation at households and institutions such as schools with commensurate costs

associated with time required to access water, economic loss from health, and education participation losses from poor sanitation and access to clean water, and (iv) from increased dam safety thereby reducing risk to downstream households and economic infrastructure.

13. Output 2 is to be prioritized for districts with the highest rates of EMCs as a proportion of district population based on Government population data. A total of 4 subprojects are proposed for inclusion in the project (including one representative subproject).

14. **Output 3: Data systems for climate risk management updated.** This output will provide improved access to reliable weather and climate data, in a timely and cost-effective manner. These data will inform a wide range of decisions including design of climate resilient infrastructure, strengthened early warning systems, and improved disaster response.<sup>3</sup> High level online technology will be employed to improve the capacity of the provincial government, to manage, collect, archive, and share existing data through client interfaces.

15. This output provides climate change resilience and high technology innovation to the project. It will improve climate surveillance data and data interpretation that can be accessed in a timely and consistent manner to inform accurate risk assessments for early warning systems and for the design of climate resilience in infrastructure for each Province.

16. Proposed inputs under output 3 include (i) Binh Dinh a client data interface with data archive and linked user interfaces that captures and makes accessible provincial and regional hydromet data to the range of existing model applications, (ii) modernized data surveillance that feeds into the existing client data interface for high intensity rainfall, flood flow levels and agrometereology.

17. Criteria used in subproject selection for output 1 and 2 to be financed by ADB OCR funds included the following:

- (i) For roads - adequate subproject data including (i) start and end points; (ii) Provincial People's Committee (PPC) approval of any new alignment sections; (iii) traffic counts and forecasts to 2035, (iv) PCU ratings for 2017 and 2035; (v) confirmed prioritization within Provincial Socio-economic Development Plans (SEDP) with proposed road category consistent with 2035 PCU forecast;
- (ii) For water supply - adequate subproject data including: (i) Clear registered and legal status of asset owner and operator; (ii) Water supply data and demand projections for a minimum of 25 years,
- (iii) including demographic projection, migration factors; (iii) as appropriate, summary of the profit and loss statements for 5 years, tariff levels and collection details;
- (iv) Subproject are included within provincial SEDP and medium-term investment plans;
- (v) Commitment by executing agency (EA) to prepare feasibility study with technical engineering designs;
- (vi) Commitment by EA to advance actions to prepare detailed designs and tender documents for representative subprojects;
- (vii) Simple, logical designs;

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<sup>3</sup> The extent and type of investment vary significantly between the two provinces, reflecting the ongoing investments into Quang Nam Province financed by the World Bank through the Dam Rehabilitation and Safety Project and ADB through the Developing and Implementation of Flood Forecasting and Warning System for Hoi An and Vu Gia-Thu Bon River Basin contract, Urban Environment and Climate Change Adaptation Project.

- (viii) Maximum of 2 civil works packages per subproject;
- (ix) Investment amount for roads subprojects of between: \$3-20 million;
- (x) Investment amount for other subprojects of between \$1 to \$5 million;
- (xi) No overlapping investments
- (xii) All ADB safeguard categories B or C; and
- (xiii) Formal government commitment to (a) funding O&M, (b) counterpart funding, and (c) all land acquisition and compensation costs prior to works contracting.

18. A total of 11 proposed subprojects (see attachment 1) conforming with the above criteria have been put forward out of which 7 are proposed under output 1 improved transport connectivity and mobility; and 4 subprojects under output 2 water resources infrastructure upgraded. Output 3 will support installation of information systems that enable prediction and monitoring extreme climate events to inform infrastructure planning, investment and management. Such systems will include advanced hydro-meteorological and remote sensing stations and upgrading of supporting data management systems. The systems will allow improved design decision based on more reliable local data that is adjusted for projected climate change impacts on hydrological determinants and inputs into detailed engineering designs. A summary of the 11 subprojects is shown in Table 1. The full list of proposed subprojects can be seen in Appendix 1.

**Table 1: Summary of subprojects**

	Executing Provinces		Total
	QN	BD	CRIEM
<b>Output 1: Improved Transport Connectivity and Mobility</b>			
Number of Subproject	3.00	4.00	7.00
Total ADB Investment (US \$mill)	20,417	27,74	46,74
Km of Road	44,5	76,9	121,75
No: Commune	6	8	14
Tot population	93,000	70,200	163,200
<b>Output 2: Water Resource Infrastructure Upgraded</b>			
Number of Subproject	2	2	4
Total Investment (US \$mill)	8,583	3.1	12.1
Number of Commune	3	8	11
Total Population	44,000	24,900	68,900
<b>Total Output 1 and 2 - ADB OCR Funded Subprojects</b>			
Number of subproject	5	6	11
Total Investment (US \$mill)	29	28	56
Number of Commune	9	16	25
Total Population	137,000	95,100	232,100

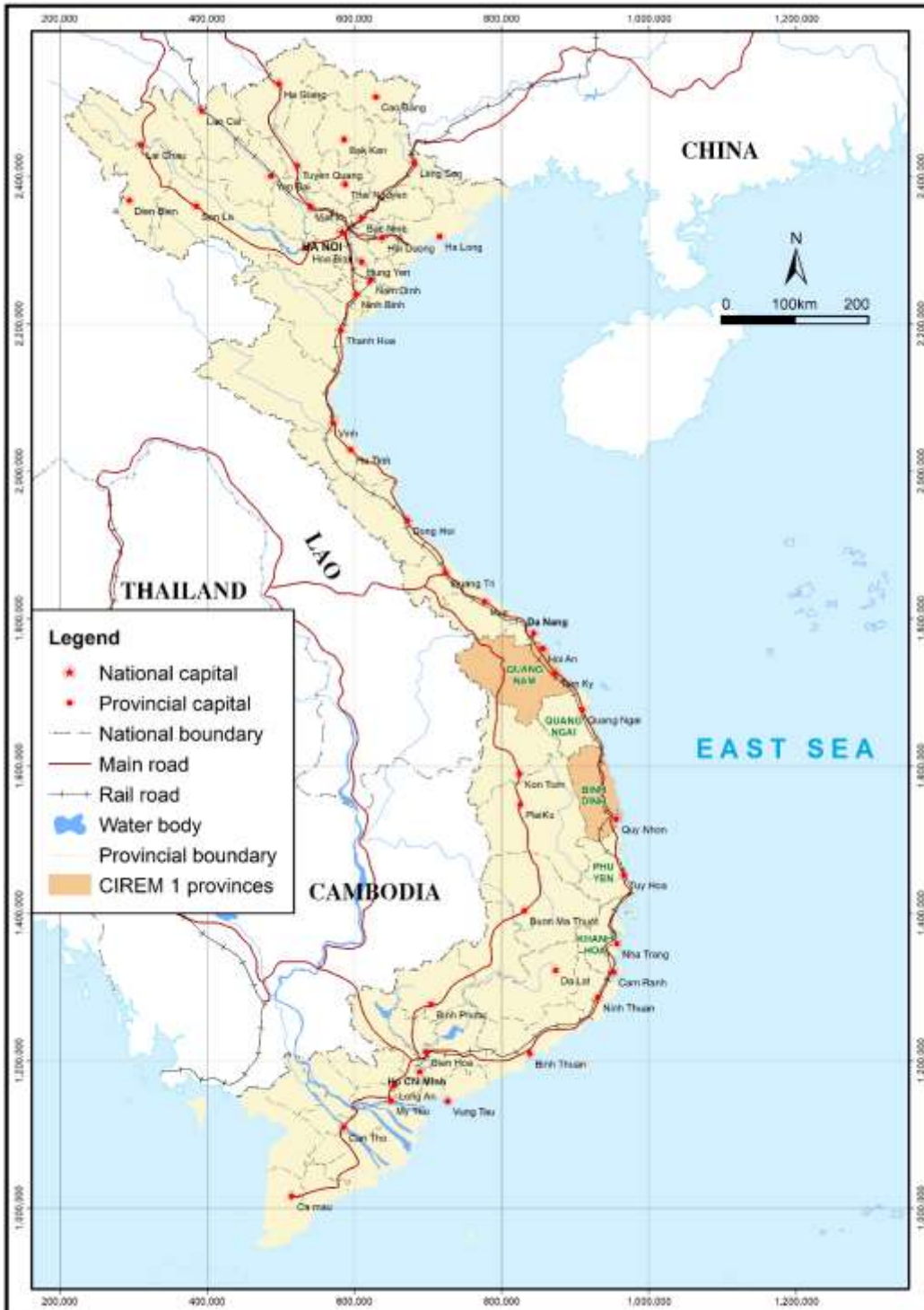
19. Limited social impacts are expected from the subprojects such that the CRIEM Project has been categorized as 'B' for social safeguards in accordance with the Safeguard Policy Statement (SPS, 2009) of the Asian Development Bank (ADB). This resettlement and ethnic minorities development (REMDF) is prepared to guide the processing and approval of additional subprojects through guidance on screening of subprojects, detailing of institutional arrangements

including the responsibilities and procedures in relation to social safeguards and monitoring, and define resettlement and ethnic minorities requirements complying with the applicable laws and regulations of the Government and with ADB's Safeguard Policy Statement (SPS 2009). Any subprojects that are category A for social safeguards and / or category A for ethnic minorities are not eligible for inclusion in the Project.

**C. Project Area**

20. CRIEM is to be implemented in Binh Dinh and Quang Nam Provinces – see Figure 1

Figure 1: Map of the Project Area



#### **D. Rationale of REMDF**

21. During project preparation for CRIEM 1, a separate Resettlement and Ethnic Minority Development Framework (REMDF) for each province is prepared. The REMDF is prepared for Binh Dinh province, it will reflect the requirements of the Asian Development Bank's (ADB) Safeguards Policy Statement (2009, SPS) and government/provincial policies on resettlement and ethnic minorities (EM). The framework provides the procedures and key principles of involuntary resettlement and ethnic minorities development that will guide the preparation and implementation of subprojects resettlement and ethnic minorities development plans (REMDPs) consistent with ADB's policy requirements and legal framework of the Government of Viet Nam (GoV)/Binh Dinh province for all subprojects to be supported by CRIEM 1 in Binh Dinh province.

#### **E. REMDF Objective**

22. This REMDF provides the procedures and key principles of involuntary resettlement and EM development that will govern the preparation and implementation of resettlement and ethnic and minority development plans to ensure these are consistent with ADB's policy requirements (ADB SPS 2009) and legal framework of the GoV for all the subprojects/components of the project. This REMDF will be updated as required. The REMDF will be translated into Vietnamese and distributed to the Provincial EA, IA's and their provincial, district and commune level agencies, and other individuals responsible for project preparation and implementation. It will also be submitted to the ADB for concurrence and PPC for approval, before posting on the ADB website.

23. The framework details entitlements and modes of compensation, participation and consultation procedures, and grievance redress mechanisms, that will be employed to compensate affected persons and/or assist them through the process of resettlement, as well as provide assistance and support to EMCs in project areas, enabling them to attain an equivalent or better living standard than they had before the project. The implementation of CRIEM 1 will be bound by the principles and conditions stated in this REMDF once approved by the ADB and Binh Dinh PPC.

#### **F. Criteria for screening subprojects**

24. 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.

25. Any subproject with significant impacts for involuntary resettlement (Category A) is ineligible for inclusion. A subproject is placed in Category A of involuntary resettlement if 200 or more persons will be physically displaced or will lose 10% or more of their total 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 expected major land acquisition (as defined in ADB policies) the subprojects will be categorized as B or C. Where the categorization between Government and ADB may differ the subproject categorization will be based on ADB SPS (2009).

26. 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. An REMDP, 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. An REMDP, 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. A due diligence report 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. This will not be the case within CRIEM.

27. 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, forest enterprises, shopkeepers or other local residents. This will be compensated according to the entitlement matrix agreed by PPC 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 Operations Manual Section F1//BP dated October 2013).

28. In terms of EMCs, initial screening sought to target investment into areas with the highest proportion of EMCs within the District population. Impacts of the proposed subprojects on EMCs are expected to be overwhelmingly positive since the subprojects are aimed at the overall economic and social improvement of these districts and seek to build increased economic inclusiveness for their residents. The project will not cause physical displacement from traditional or customary lands, nor negatively impact the identity, culture, or customary livelihood system of EMCs. As such and according to the ADB SPS (2009) guidance the IPP/EM plan requirements are fully integrated into the Project design including the REMDP/ REMDF as described in this framework.

29. Subprojects are also categorized with regard to EMCs depending on the significance of adverse impacts to EMCs. 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 EMCs are categorized as 'A' for IP and are also excluded from the project.

30. Initial screening has been conducted for the representative subprojects during the preparation of the Subproject Identification Proposal. None of these subprojects were found to be category A for IR or category A for 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. The categorization for both RP and IP is confirmed as Category B with subprojects categorized as either C or B eligible for funding.

31. A screening form for subproject social safeguards can be found in Appendix 2.



## **II. OBJECTIVES, POLICY, AND ENTITLEMENT**

### **A. Asian Development Bank Safeguard Policy**

32. The ADB Safeguard Policy Statement (SPS) 2009 consolidates three existing safeguard policies: involuntary resettlement, IP (EMCs), 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 (DP) in real terms relative to pre- project levels; and, (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

33. The objectives of the IP (EMCs) safeguards is to design and implement projects in a way that fosters full respect for EMCs identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the IP (EMCs) 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.

34. ADB SPS 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.

35. 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 audit<sup>4</sup>, including on-site assessment, to identify past or present concerns related to impacts on the environment, involuntary resettlement, and IP (EMCs). 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.

36. 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 (DD). Such DD 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 DP have been conducted.

#### **1. Involuntary resettlement safeguards.**

37. 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

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

regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary.

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

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of DPs, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with DPs, host communities, and concerned nongovernment organizations. Inform all DPs 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 DP's concerns. Support the social and cultural institutions of DP and their host population.
- (iii) Improve, or at least restore, the livelihoods of all DPs 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 DPs 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<sup>5</sup>.
- (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.
- (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 an REMDP elaborating on DP's entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose both the draft and final REMDP in a form and language understandable to DPs and other stakeholders.

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<sup>5</sup> 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.

- (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 REMDP under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the REMDP have been achieved by considering the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

## **2. Indigenous Peoples Safeguards<sup>6</sup>**

39. The EMCs safeguards are triggered if a project/subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of EMCs or affects the territories or natural or cultural resources that EMCs own, use, occupy, or claim as an ancestral domain or asset. The term EMCs 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 EMCs are present in, or have collective attachment to, the project area; and (ii) whether project impacts on EMCs 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 EMCs. 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 EMCs that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on EMCs.
- (iii) Undertake meaningful consultations with affected EMCs and concerned ethnic minorities 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 EMCs communities in a culturally appropriate manner. To enhance EMCs' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a

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<sup>6</sup> In the Viet Nam context, the term 'Ethnic Minority' is used here, rather than the term 'Indigenous People'.

- culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the EMCs' concerns.
- (iv) Obtain the consent of affected EMCs to the following project activities: (i) commercial development of the cultural resources and knowledge of EMCs; (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 EMCs.
  - (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 EMCs 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 REMDP 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 EMCs. The REMDP includes a framework for continued consultation with the affected EMCs during project implementation; specifies measures to ensure that EMCs 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 REMDP, 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 EMCs and other stakeholders. The final REMDP and its updates will also be disclosed to the affected EMCs 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 EMCs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
  - (ix) Monitor implementation of the REMDP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the REMDP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of REMDP monitoring. Disclose monitoring reports.

### **3. ADB Policy on Gender and Development**

40. 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 Operations Manual F2/OP requires that the findings of a gender analysis be included in the REMDP, 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.

#### 4. ADB Access to Information

41. The **ADB Access to Information Policy (ADB, 2018)** seeks to provide (i) clear, timely and appropriate disclosure of information to enhance stakeholder ability to meaningfully engage with ADB and to promote good governance outcomes, (ii) provides a policy presumption in favor of disclosure where ever possible and appropriate, with (iii) limited exceptions at the discretion of ADB, and a principle of proactive actions in the disclosure of information.

42. The Project Information will accordingly be disclosed early from the preparation phase and continue throughout all stages of project development, in order to engage with stakeholders. The executing agencies will, 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 REMDP; (ii) following completion of the final RP; and (iii) following any revisions, the revised REMDP. 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.

#### B. Policy of Viet Nam

##### 5. Land Acquisition, compensation, support and resettlement

43. 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 laws, decrees and regulations are presented in Table 2.

**Table 2: Government/ Provincial Policy on Land Acquisition, Support and Resettlement**

Reference	Date	Title	Description
Decree 56/2020/ND-CP dated 25 May 2020 replacing Decree 132 and 16	➤ 1/10/2018	Amendment of Decree 132 and 16 for the Management and Use of ODA funds	Specification changes for Decree 16 roles with increased requirement for capital expenditure ceilings and the role of the Project owner
Decree 16/2016/ND-CP	➤ 16/03/2016	Management and Use of ODA Funds	Describes the systems and requirement for the eligibility and use of ODA, responsibilities for the management of ODA funds. Specifically the Project Owner becomes responsible for all land acquisition and compensation financing
02/2011/QH13	11/11/2011	Complaints Law	Regulates handling of complaints against administrative decisions or acts of

Reference	Date	Title	Description
			state administrative agencies
75/2012/ND- CP	03/10/2012	Decree detailing a number of articles of the Law on complaints	Guides Complaint Law 02
45/2013/QH13	29 /11/2013	Land Law	Comprehensive land administration law
Decree 01/2017/NĐ-CP	06/01/2017	Amendment decree on the implementation Land Law	This decree amends some provision of Decree 43/2014/NĐ-CP dated May 15, 2014 detailing a number of articles of the Land Law, Decree 44/2014/NĐ-CP dated May 15, 2014 regulations on land price and Decree 47/2014/NĐ-CP dated May 15, 2014 regulations on compensation, support, resettlement upon land expropriation by the State.
Decision 63/2015/QĐ-TTg	10/12/2015	Assistance in vocational training and job search for workers whose land is withdrawn	This decision regulates policy on assistance in vocational training and job search for workers whose land is withdrawn as regulated at Clause 20 and Clause 21 Decree 47/2014/NĐ-CP dated May 15, 2014 of the Government about regulations on compensation, support, resettlement upon land expropriation by the State (hereafter called Decree 47/2014/NĐ-CP).
47/2014/ND- CP	15/05/2014	Decree: Regulations on Compensation, Support and Resettlement upon Land Expropriation by the State	Specifies some provisions of the land law 2013 for compensation, assistance and resettlement
No.: 37/2014/TT-BTNMT	30/06/2014	Circular on detailed regulations on compensation, support, and resettlement upon	Guides Decree 47

Reference	Date	Title	Description
		land expropriation by the State	
44/2014/ND- CP	15/05/2014	Decree: Regulations on Land Prices	Specifies methods for land pricing and land price frameworks
43/2014/ND- CP	15/05/2014	Decree Detailing a Number of Articles of the Land Law	Provides guidelines on the implementation of the Land Law
23/2014/TT- BTNMT	19/05/2014	Circular regulating Land Use Right Certificate (LURC)	Clarifies ownership rights of land and assets
36/2014/TT- BTNMT	30/06/2014	Circular on land pricing	Guides Decree 44
Circular 33/2017/TT- BTNMT	29/9/2017	Detailing Decree <a href="#">01/2017/ND-CP</a> dated January 6, 2017 of the Government on amending and supplementing the Circulars guiding the implementation of the Law on land	Detailing Decree <a href="#">01/2017/ND-CP</a>
Decision No 4/2019/QĐ- UBND	14/2/2019	Decision of Binh Dinh People's Committee	Regulations on compensation, support, resettlement upon land expropriation by the State in Binh Dinh Province
Decision No 21/2019/QĐ- UBND	28/5/2019	Decision of Binh Dinh People's Committee	Amendment and supplementation of some articles regulated accompanied with Decision 4/2019/QĐ- UBND. Binh Dinh Province
Decision No.61/2019/QĐ- UBND	16/12/2019	Decision of Binh Dinh People's Committee	Promulgating price for compensation of houses, structural works and affected assets when the State recovers land in Binh Dinh province
Decision No.21/2017/QĐ- UBND	19/5/2017	Decision of Binh Dinh People's Committee	Promulgating the prices of trees, crops, animal, density of trees, assistance for compensation calculation when land is acquired by the State in Binh Dinh province
No 02/2019/QĐ- UBND	14/1/2019	Decision of Binh Dinh People's Committee	This decree amends some provision of Decision No

Reference	Date	Title	Description
			21/2017/QĐ-UBND on Promulgating the prices of trees, crops, animal, density of trees, assistance for compensation calculation

## 6. Ethnic minorities communities

44. With regard to EMCs, Viet Nam's constitution of the years 1946, 1959, 1980, 1992, 2003 and 2013 regulates that "The State implements policy of equality, solidarity, mutual assistance among ethnic groups, creating conditions for the groups to develop mandates the State [to] develop in a civilized society, and respect for the interests, culture, traditions, language and customs practices of the groups". Related to this, a ministerial-level government body, Committee for Ethnic Minority and Mountainous Areas Affairs (CEMA) is tasked for developing and overseeing policies and programs to promote the welfare of EMs.

45. The General Objective of the Strategy on EMCs is "to develop socio-economic fields in a comprehensive, fast and sustainable manner so as to accelerate poverty reduction in EMCs areas and narrow the development gap among ethnic groups, to gradually reduce areas with special difficulties, to step by step form economic, cultural and scientific enters in EMCs areas to develop human resources in EMCs areas, to increase the quantity and quality of EMCs cadres, to consolidate the grassroots political system, and to firmly maintain the great national unity bloc and ensure stability, defense and security".<sup>7</sup>

46. The Viet Nam Ethnic Minority institutional arrangement was updated in 2016 with the addition of several documents – see table 3, relating to works of EMCs and legal policies to strengthen the legal awareness of EMCs especially within districts classified as poor.

47. Programs that target EMCs 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. In Table 3 the key regulations involving EMCs in Viet Nam are presented, however whilst specified many remain loosely applied and or enforced.

**Table 3: Legal Documents of the Vietnamese Government for Ethnic Minorities**

Year of issue	Reference number and content of text
2018	Decision No. 474 / QĐ-UBND dated 2018 on the Ethnic Minority Policy Review Program for the period 2016-2020, policy orientations for the period 2021-2025 promulgated by the Minister-Chairman of the National Committee for Ethnic Minorities.
2018	Decision No. 12/2018/QĐ-TTg dated March 6, 2018 of PM about criteria to select and recognize reputational people and policy for the reputational people on EMCs

<sup>7</sup> The Government's Decree No. 05/2011/ND-CP dated January 14, 2011 on ethnic activities; The Prime Minister's Decision No 449/QĐ-TTg dated March 12, 2013 on the approval of the strategy for ethnic activities towards 2020; The Prime Minister's Decision No 449/QĐ-TTg of March 12, 2012 approving the Ethnic Minority Affairs Strategy through 2020.



Year of issue	Reference number and content of text
2017	Decision No. 1163 / QĐ-TTg of August 8, 2017 approving the project "Promote law dissemination and education and advocacy for ethnic minority and mountainous areas in 2017-2021 period
2017	Circular No. 02/2017/TT-UBND by CEMA to instruct the implementation of Decision No. 2085/QĐ-TTg dated October 31, 2016 of PM
2016	Decision No.2086/QĐ-TTg of October 31, 2016 approving the project of economic-social development for EMCs with sparse population from 2016 to 2025
2016	Decision No. 2085 / QĐ-TTg dated 31 October 2016 of the Prime Minister on specific policies to support the socio-economic development of ethnic minority and mountainous areas in the period 2017-2020
2016	Decision No. 1722 / QĐ-TTg dated 02/09/2016 approving the National Targeted Program for Sustainable Poverty Reduction 2016-2020
2016	Decision No. 2085 / QĐ-TTg of October 31, 2016 approving the specific policy on support for socio-economic development of ethnic minority and mountainous areas in the 2017-2020 period
2016	Resolution No. 52 / NQ-CP dated 15/6/2016 of the Government on accelerating the development of human resources for ethnic minorities in the period 2016-2020, with orientation to 2030;
2013	Decision No. 2356 / QĐ-TTg on the Action Plan for Implementation of the Ethnic Minorities Strategy to 2020 issued by the Prime Minister
2013	Decision No. 755/QĐ-TTg, dated 20/5/2013 about Policy on supporting land, production land and water for ethnic minority households in extremely poor communes and villages
2013	Decision No. 2356/QĐ-TTg dated 04/12/2013 of the Prime Minister on issuing the Action Plan implementing the strategy of ethnic minority work until 2020.
2013	Decision No. 449/QĐ-TTg dated 03/12/2013 of the Prime Minister on approving the strategy of ethnic minority work until 2020.
2013	Decision No. 551 / QĐ-TTg, dated 04/04/2013 Program No. 135 about investment in infrastructure, supporting production development for extremely poor communes, border communes, extremely poor villages.
2013	Decision No. 1489/QĐ-TTg dated 08/10/2012: Approve the national target program for sustainable Poverty Reduction 2012-2015
2013	Decision No. 2214/QĐ-TTg, dated 18/11/2013: Approve Scheme To enhance international cooperation to support economic and social development in ethnic minority area.
2012	776 / QĐ-TTg, dated 21/11/2012: Approve the residential distribution in the areas which are facing natural disasters, extremely poor difficulties, border, island and free migration, special use forest in the period 2013 - 2015 and vision to 2020
2012	Decree No. 59/2012/QĐ-TTg, dated 24/12/2012 of Prime Minister about issuing legal support policy for the poor, poor ethnic minority groups in period 2013-2020
2012	Decree No. 1212/QĐ-TTg, dated 05/9/2012: The national target program on provide information for mountainous, remote, border and island areas in the period 2012-2015
2011	Decree No. 1270/2011/QĐ-TTg, dated 27/7/2011: On approval of the project "Conservation and development of ethnic culture in Vietnam until 2020"
2011	Decree No. 05/2011/ND-CP on the works of ethnic minorities. This decree describes the activities of ethnic minority works to ensure and promote equality, unity and mutual assistance for mutual development and respect and preserves the characters of ethnic minorities living within the territory of Socialist Republic of Vietnam.
2011	Decision No. 05 / QĐ-TTg on approving the Ethnic Minorities Strategy up to 2020

Year of issue	Reference number and content of text
2010	Decree No. 75/2010/QĐ-TTg, dated 29/11/2010: The policy for the organization, the units employing ethnic minorities residing legally in Central Highland provinces
2010	Decision No. 52/2010/QĐ-TTg of the Government on the legal aid policy to increase awareness and understanding about laws on poor ethnic minorities in the poor districts in the period of 2011-2020.
2008	Decision No. 289/QĐ-TTg dated 18/3/2008: The decision on the issuance of the policies to support ethnic minorities, social policies, poverty, nearly-poor households and fishermen
2008	Resolution No. 30a/2008/NQ-CP dated 27/12/2008: Resolution on the Program support poverty reduction quickly and sustainably for 61 poor districts.
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	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.
2007	Decision No. 112/2007/QĐ-TTg dated on 20/7/2007 on policies of supporting services, improving and increase people's living standards, legal assistance to improve legal awareness in the program 135, phase II.
2006	Decision No. 82/2006/QĐ-TTg, dated 14/4/2006 about adjustment of scholarship policies to ethnic minority pupils and students at ethnic boarding schools and pre-university schools

### **C. Reconciliation of national laws and regulations and safeguards policy statement and measures to fill gaps**

48. 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 EMCs particularly for: preparation of an EMCs’ plan to address adverse impacts on EMCs and maximize positive impacts.

49. 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.

50. A point of difference though is that ADB Policy does not consider the absence of legal rights of DPs 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 Table 4 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 Viet Nam has committed to a policy framework for compensation, support and resettlement, that framework policy shall apply.

**Table 4: 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: <a href="https://www.adb.org/site/safeguards/safeguard-categories">https://www.adb.org/site/safeguards/safeguard-categories</a>	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
Meaningful consultations in planning and implementing resettlement programs	Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all DPs 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 DPs 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 days 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.
Compensation (general)	Improve, or at least restore, the livelihoods of all DPs 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. <i>SPS Involuntary Resettlement Safeguards Policy Principle 3</i>	Provision for cash at or replacement land of the same land use purpose (Land Law Article 74).  Provision for valuation by licensed valuers (Land Law Articles 114 to 116 and Decree 44/2014/ND- CP).  Provision with compensation for cost moving (Land Law Article 91)  Provision of interest for compensation in case of late payment (Land Law Article 93).	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.

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Determination of compensation rates for houses and structures	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 <i>SPS Appendix 2: Safeguard Requirements for Involuntary Resettlement</i>	Houses/structures used for living purpose will be compensated at replacement cost. (Land Law 2013, Article 89, item 1)  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 not exceed value of the new house/structure (Decree 47, Article 9)	Full compensation at replacement cost to be paid for all structures. No deductions for salvageable materials or depreciation to be made.
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 AP how are ineligible for compensation due to not holding LURCs but have the legal basis to be awarded an LURC	Ensure that DPs 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.
Provisions for ineligible/illegal structures	For those persons who have ineligible/illegal structures, the borrower/client will compensate them for the loss of assets other than land, such as dwellings, and also for other improvements to the land, at full replacement cost. The entitlements of those are given only if they occupied the land or structures in the project area prior to the cutoff date for eligibility for resettlement assistance.  <i>SPS Appendix 2: Safeguard Requirements for Involuntary Resettlement, paragraph No.7&amp;8.</i>	Assets attached to land to be created in contravention of law provisions or created after the day of announcement of the land acquisition will not be entitled to compensation.  <i>(The Land Law, Article 92)</i>	Full compensation at replacement cost to be paid for all structures if they created before the cutoff date regardless of the legal status of the land.
Prepare Resettlement Plan	Prepare a resettlement plan elaborating on DP's entitlements, the income and livelihood restoration	Requirement for preparation of plans for compensation, support and resettlement. (Land Law	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
	strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. <i>SPS Involuntary Resettlement Safeguards Policy Principle 8</i>	Article 67) according to prescribed procedures (Article 69). Contents of plans provided in Decree No. 47/2014/NĐ-CP, Article 28.	
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.
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. EMCs households are not eligible for land donation	Not required.	Land donation is not allowed in CRIEM 1
<b>Ethnic Minorities</b>			
<b>Meaningful consultation with EMCs</b>			
Meaningful consultation with EMCs People	The borrower/client will undertake meaningful consultation with affected Indigenous Peoples to ensure their informed participation in (i) designing, implementing, and monitoring measures to avoid adverse impacts on them or, when avoidance is not possible, to minimize, mitigate, and compensate for such effects; and (ii) tailoring project benefits that accrue to them in a culturally appropriate manner.	Building a diversified information system and providing a number of essential means to ensure access to information of ethnic minorities. Improving the quality of ethnic language use on mass media. Ethnic minorities are entitled to free legal aid services in accordance with the law. <i>(Article 17 and 18, Decree No. 05/2011/ND-CP dated 14/1/2011 on Ethnic Minorities works.)</i> Reputational people (in the EMCs) are provided information on the State's guidelines, policies and laws; the situation and tasks of socio-economic development; ensuring national defense and security and the results of implementation of ethnic programs, projects and policies being implemented in localities; <i>(Article 5, Decision No. 12/2018 / QĐ-TTg dated March 6, 2018 )</i>	The Preparation of REMDPs will include a consultation process linked to the SIA that will provide EMCs HH and community leaders the opportunity to identify needs, concerns and priorities both during design and implementation. The borrower/client will pay special attention to the concerns of indigenous women and youth.
Action planning	Prepare an EMCs 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	No provision of the government on preparation of EMDP	The REMDP shall be prepared and updated, implemented and monitored.

Issue	ADB SPS requirement	Provision in Viet Nam Land law 2013, Decree 47/2014/ND-CP, 44/2014/ND-CP	Project Policy
Recognition of customary rights	<p>knowledge and participation by the affected EMCs.</p> <p>Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves</p> <p>(i) activities that are contingent on establishing legally recognized rights to lands and territories that EMCs have traditionally owned or customarily used or occupied, or</p> <p>(ii) involuntary acquisition of such lands.</p>	The issues of customary rights or ancestral domains have not been fully recognized through LURC.	Full consultation with local EMCs 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.
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.

## D. Project Principles

### 1. Anticipated Scope and Nature of Impact

51. Subprojects generally involve a range of infrastructure upgrades and construction activities. Under output one existing roads and alignments are upgraded to meet current and future traffic demands which may result in widening or small realignment issues that can impact on private and public land and associated assets including residences, trees and other structures. Under output 2 the impacts are generally linked to land and associated assets for the installation of flood embankments, irrigation canals or mainlines for water supply. Design criteria require mainlines to be retained within road right of ways to the fullest extent possible however short sections may require passage under private land which will also require temporary construction access, other water treatment, pumping and storage facilities may require limited land acquisition.

52. For both outputs the number of severely affected or affected households is expected to be relatively few. The expected impacts may involve the permanent loss of small areas of land; 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 plant and materials to and from work sites.

53. For each subproject, the type and nature of impacts are similar for all affected households – see table 9, and additional negative impacts directly to ethnic minority households are not anticipated. Consequently, the ethnic minority framework is fully integrated within the land acquisition and resettlement framework i.e., this REMDF.

**Table 5: Anticipated Impacts**

<b>Output / Activity</b>	<b>Negative Impact</b>	<b>Positive Impact</b>
Output 1: Transport Infrastructure strengthened	Acquisition of thin strips of land for extended right of ways with loss of trees and minor structures	Year round increased mobility, proximity and connectivity of production areas, local households to markets and services
<b>Output 2:</b> Water Resource Infrastructure Improved	Temporary construction impacts, loss of limited land areas, and associated structures	24 hr. connection to safe potable and reliable water, reliable year round irrigation of crops, reduced risk from dam failure and loss of households and land from river bank loss.
<b>Output 3:</b> Data for Climate Risk Management Updated	None anticipated	Reduced risk to infrastructure, increased resilience and reliability of water and transport services, improved early warning systems

54. The purpose of this REMDF is to ensure that the following objectives are met:

- (i) Adverse social and physical impacts of sub-projects are avoided, minimized, and or mitigated;
- (ii) All AHs with adverse impacts are provided with appropriate compensation and assistance for lost assets which will contribute to an improvement of, or at least maintain, their pre-project quality of life;
- (iii) Nobody will be disadvantaged because of the Project;



- (iv) Improve, or at least restore, the livelihoods of severely affected persons with adverse impacts, and all vulnerable AHHs living in the project area and being dependent on the productive land in the impacted area for their livelihoods;
- (v) Design alignments will avoid impacting on land of poor or vulnerable HHs;
- (vi) Assistance is provided to vulnerable groups in order that they will reach national minimum standards on poverty level.

## 2. Land Acquisition

55. In the project the expected subprojects may have road right of ways, irrigation canals, associated access roads passing through individual household lands. Where land must be acquired, it will be done on the basis of negotiated settlement. Public information on the land value rates based on replacement value calculated as indicated in ADB SPS should be provided at village meetings. A negotiated settlement will offer an adequate and fair price for land and/or other assets. The PPMU will monitor the negotiation and settlement processes in order to ensure that any negotiations are transparent, open and fair and indeed based on new replacement value.

**Table 6: Criteria and Guidance Notes on Land Release**

Criteria	Guidance Notes
The AHHs are aware of compensation entitlements for involuntary land acquisition and GRM	<ul style="list-style-type: none"> <li>• Communities are advised of the ADB and Govt policies for resettlement and land acquisition in regards to compensation, negotiated settlement.</li> <li>• Consultation are undertaken with AHHs on estimated compensation amounts based on DMS and current provincial compensation rates for the land and assets to be released.</li> <li>• Communities made aware of the GRM and how it is triggered.</li> </ul>
Impacts do not result in displacement of households or cause loss of household's incomes and livelihood	<ul style="list-style-type: none"> <li>• Only secondary structures are affected; there is no physical relocation of household due to the project and land release.</li> <li>• The land released does not result in uncompensated permanent non-land assets outside the command area</li> <li>• HH that release land and assets will not lose any further land or assets above what they have voluntarily already released.</li> <li>• Impact is adverse when (i) canal associated infrastructure such as access roads where the total width of right of way exceed 5m cases and/or (ii) where the loss of land exceeds 10% of the total productive assets of the household.</li> </ul>
Land released is free from any dispute on ownership or any other encumbrances	<ul style="list-style-type: none"> <li>• The affected household has recognized legal tenure.</li> <li>• The land is not being occupied and/or used by any other party.</li> <li>• The land is not in dispute for its ownership.</li> </ul>
Consultations with the affected households is conducted in a free and transparent manner	<ul style="list-style-type: none"> <li>• The affected households are informed that they have the right to refuse land and assets release to the project.</li> <li>• The affected household receives clear and adequate information on the project, and participates in the project planning.</li> </ul>
Land transactions are supported by transfer of titles and use rights	<ul style="list-style-type: none"> <li>• Official land ownership document is updated free-of-charge to the household.</li> </ul>



Criteria	Guidance Notes
Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained	<ul style="list-style-type: none"> <li>• Agreement is properly documented with signatures of affected person, PMU and witnesses (Land release form).</li> <li>• Consultation meetings, grievances and actions taken to address such grievances are properly recorded.</li> </ul>
Vulnerable households are not disadvantaged through exclusion from project benefits through not providing access and/or rights to the irrigation water	<ul style="list-style-type: none"> <li>• Ensure vulnerable households are identified and not disadvantaged from the loss of income generating assets while not excluded from the project benefits.</li> <li>• Vulnerable households identified with no access or rights to the water from the canals will trigger safeguards as per ADB SPS.</li> <li>• Vulnerable HHs in the command area are provided additional training, preference in technology demonstrations, and seeds and materials for first dry season cropping free-of-charge</li> </ul>

56. Where negotiated settlement fails, the compensation principles outlined in this REMDF will be followed. Where compensation for land, structures or assets is required, compensation will be based upon full replacement cost and current market prices. 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, if any. Where market conditions are absent or in a formative stage, the borrower/client will consult with the displaced persons and host populations to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information.

57. Where land is compensated, the PPMU will ensure any existing land titles or land use rights involving such land will be adjusted accordingly.

58. This REMDF recognizes the consultation processes, policies, and laws of Govt. of Viet Nam that are applicable to land acquisition and compensation transactions and ADB SPS (2009) requirements such as asset value calculation basis, third party validation, proper record keeping, and overall transparency.

**3. Compensation Principles**

59. Where compensation and livelihood rehabilitation measures are to be provided, the following principles are to be applied:

- (i) Involuntary resettlement and impacts on land, structures and relevant and other fixed assets will be avoided or minimized wherever 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 (SAH) 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 (DPs) 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 DPs.
- (vii) Meaningful consultation will be carried out with the DPs and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the DPs and communities will be taken into account.
- (viii) The RP/REMDP will be disclosed to DPs in a form and language(s) understandable to affected persons prior to submission to ADB. RPs/REMDPs 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 DPs 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 DPs and rehabilitation measures are in place (ii) already-compensated, assisted DPs 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 APs and posted at the offices of the commune-level PCs and common public places.
- (xviii) All subprojects will be screened for presence of ethnic minorities in the subproject area and impacts on EMCs. Subprojects with significant adverse impacts on EMCs will be excluded.

- (xix) Local patriarchs (zia lang) 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.

#### 4. Eligibility for Entitlement

60. Eligibility will be determined with regard to the cut-off date. The DPs 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.

61. 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.

#### 5. Entitlements

62. 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.

63. The unit rates or amount for allowances indicated in the entitlement matrix can be adjusted during 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 (see Table 7) will be used when preparing a subproject REMDP.

**Table 7: Entitlement matrix<sup>8</sup>**

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<b>A: Agricultural land</b>			

<sup>8</sup> Currently, the entitlement matrix is prepared based on some key decisions Binh Dinh PPC: Decision No 4/2019/QĐ-UBND dated 14 February 2019 on Regulations on compensation, support, resettlement upon land expropriation by the State in Binh Dinh Province and Decision No 21/2019/QĐ-UBND dated 28 May 2019 on amendment and supplementation of some articles regulated accompanied with Decision 4/2019/QĐ-UBND in Binh Dinh Province, decision No.61/2019/QĐ-UBND dated 16 December 2019 on promulgating the unit price for compensation of houses, structural works and affected assets when the State recovers land in Binh Dinh province and decision No.21/2017/QĐ-UBND dated 19 May 2017 on Promulgating the prices of trees, crops, animal, density of trees, assistance for compensation calculation when land is acquired by the State in Binh Dinh province and Decision No 02/2019/QĐ-

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<b>A.1: Temporarily Affected Agricultural Land</b>			
<p>Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC; and organizations</p>	<p>Loss of use of the land for a period less than 1 year</p>	<p>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</p>	<p>Project is responsible to restore the borrowed land or negotiates with DPs to restore and pay restoration costs for them.</p> <p>Each PPMU is in charge of monitoring on restoration of the affected land. Calculation of income lost is based on the highest 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</p>
	<p>Loss of use of land exceeds 1 year.</p>	<p>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 DPs can ask the Project to acquire permanently entire land affected and compensate at</p>	

UBND dated 14 January 2019 on amendment some provision of Decision No 21/2017/QĐ-UBND on Promulgating the prices of trees, crops, animal, density of trees, assistance for compensation calculation.

The unit rates or amount for allowances indicated in the entitlement matrix can be adjusted during 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 this entitlement matrix.

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.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		replacement cost in case the Project <b>cannot</b> restore the affected land in 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 DPs 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)	

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		(see D, below).	
<b>A.2 Permanently affected agricultural land</b>			
<p>Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC</p>	<p>Losing 10 percent or more of total productive landholding</p>	<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 DPs; (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  b/ Cash compensation for standing crops at market price (if any); and  c/ Economic rehabilitation package (see E, below);  Or, if DPs opt, or unavailable land  a/ Cash compensation at replacement cost for land and at market price for standing crops; and  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. Level of assistance for job training/creation, decided by PPC.  Implemented by DRCs.  Implemented by DRCs. If the household head is married, land title will be issued in the names of both the husband and the wife.  The DPC will determine availability of replacement land.  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.  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>
	<p>Losing less than 10 percent of total productive landholding</p>	<p>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 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</p>	<p>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 Level of assistance for job training/creation, decided by PPC.  Implemented by DRCs</p>

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	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>B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g. commercial)</b>			
<b><i>B.1. Temporarily Affected Residential and/or Non-Agricultural Land</i></b>			
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 DPs; 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	Temporary loss of use of land	No compensation for land; however, the Project will pay:	For commercial land, rent will be not less than the amount of income



Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
right		<p>a/ rent to DPs during the temporary use period or compensation for the remaining value of the contract; and</p> <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 DPs; and, c/ Restore land before returning to the user to its previous or better quality</p>	<p>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.</p> <p>Each PMU is in charge of monitoring contractors on restoration of the affected land.</p>
<b>B.2. Permanently Affected Residential and/or Non-Agricultural Land</b>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of residential and/or non-agricultural landholding without houses and structures built thereon	<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 DPs; (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 DPs opt.</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 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>
	Loss of residential land/or non-agricultural landholding with houses and structures built thereon.	<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);</p> <p>OR</p> <p>(ii) Relocation in resettlement site with cash compensation at</p>	<p>The resettlement sites are all close to the affected area and with completed infrastructures.</p> <p>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
		<p>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>Self-relocation with cash compensation at replacement cost for affected land and house/structures without depreciation of salvable 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</p>	
User with lease or temporary use rights of public land	Loss of residential land/or non-agricultural land	<p>a/ Cash compensation for the remaining value of contract, or support equal to 30% of affected land value, depending whichever is higher; and</p> <p>b/ Cash compensation at replacement cost for house/structures on affected land, and</p> <p>c/ Package of rehabilitation and relocation assistances (see E below).</p>	Local authorities assist DP to find alternative land.
Non-titled user	Loss of residential land or non-agriculture land	<p>No compensation for affected land; however,</p> <p>a/ Non-titled DPs entitled to full compensation for affected structures at replacement cost, and</p> <p>b/ Package of rehabilitation and relocation allowances (see E below)</p>	<p>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.</p> <p>b/ In case of non-titled DP has no other non-agriculture land: Local authorities should consider to allocate replacement</p>

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
			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.	
<b>C. COMPENSATION FOR AFFECTED HOUSE AND STRUCTURES</b>			
<b>C.1 Main Structures (Houses and/or Shops)</b>			
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 house/shop structures	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 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 or 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/ 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)	Notice to tenants by owner at least 6 months in advance or as early as possible

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	<p>Remaining structure no longer viable OR            Tenant opts to move</p>	<p>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            c/ Relocation allowance (see E, below)</p>	<p>Notice to tenants by owner at least 6 months in advance or as early as possible</p> <p>Level of allowance to find new shelter decided by PPC</p>
<b>C.2 Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations etc.</b>			
<p>Owners of structures</p>	<p>Partially or totally affected structures or other property</p>	<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>
	<p>Graves / tombs-yard/cemetery</p>	<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>

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
<b>D. COMPENSATION FOR AFFECTED CROPS AND TREES</b>			
Owners of crops and/or trees	Loss of annual crops	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. No compensation for crops if harvested	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 Calculation of compensation for crop is based on the highest productivity of one crop during the last 3 years.
	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.	Compensation must equal in value to crops that would be harvested had acquisition not occurred.  Calculation of compensation for trees is based on the age and diameter of the tree. APs have the right to use salvageable trees
<b>E. PACKAGE OF ECONOMIC REHABILITATION AND RELOCATION ASSISTANCE</b>			
<b>E. 1 Economic Rehabilitation Assistance</b>			
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	AHs directly cultivating on the affected land entitled:  (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;  (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;  (iii) Losing more than 70% of total agriculture landholding:	Value of in kind assistance to be determined during RP implementation.  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.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		<p>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>Participation in income restoration programs.</p>	
	<p>Job training/Creation allowance</p>	<p>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 and assimilate opinions from, people whose land is recovered<sup>9</sup></p> <p>Cash assistance equal to maximum of 5 times of compensation value for affected land area but not exceed land quota in locality<sup>10</sup></p> <p>If DP requests for training, he/she will be entitled to a free training course</p>	<p>Eligibility will be confirmed during DMS.</p> <p>Level of assistance for job training/creation decided by PPC</p>
<b>E 2. Relocation assistance</b>			
<p>All AHs that relocate</p>	<p>Relocation, transportation and installation</p>	<p>a/ Transportation: Cash compensation for relocated HH based on actual transportation cost to new place; b/ House renting allowance: the relocated HHs shall receive the assistance in cash</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</p>

<sup>9</sup> Land Law (2013) Article 84

<sup>10</sup> 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
		<p>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>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>
<b>E. 3 Special allowance for social and economically vulnerable households</b>			
<p>Vulnerable households:</p> <p>(i) headed by women with dependents,</p> <p>(ii) head ed by persons with disability,</p> <p>(iii) fallin g under the national poverty standard,</p> <p>(iv) with children and elderly who have no other means of support,</p> <p>(v) landless,</p>	<p>Assistance to poor and vulnerable households to improve their social and economic conditions</p>	<p>All 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>	<p>Eligible households are those who are classed as vulnerable under relevant definitions of MOLISA<sup>11</sup> and this document</p>

<sup>11</sup> Ministry of Labour, Invalids and Social Affairs

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
and (vi) ethnic minorities.			

**III. SOCIAL – ECONOMIC INFORMATION**

**A. Screening and Categorization of Impacts**

64. Initial screening was conducted early 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 identified 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 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 DP regarding the proposed subproject and ensure community support for the subproject.

65. Resettlement and ethnic minority issues screening will inform the categorization of subprojects based on anticipated social impacts. PPMUs will screen out all involuntary resettlement or indigenous peoples Category A<sup>12</sup> subprojects and these will not be eligible for ADB financing. All subprojects will be categorized as part of the feasibility study and revised for the detailed engineering design approval.

66. If there is no anticipated resettlement impact identified, PPMUs must verify and document that there is no resettlement impact by the subproject and complete a due diligence report for submission to ADB. 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 2 shows the template for the screening form.

67. 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. An outline of a DDR can be seen in Appendix 3.

**B. Methods of conducting Detailed Measurement Survey (DMS), Census, and Socio-economic Studies (SES)**

68. Depending on the extent of impacts on IR and magnitude of impacts on EMCs 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 Resettlement and Ethnic Minority Development Plans (REMDP) and provide understanding of the socio-economic circumstances of people in the

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<sup>12</sup> 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 impacts on EMCs.

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:

69. 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 (AHs) 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 subprojects<sup>13</sup> 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.

70. Socio-Economic study will also be pursued by the survey team. The coverage of the study will include (i) 20%<sup>14</sup> of total AHs (marginally affected households to be surveyed will be selected via simple random sampling) and 100% of Severely Affected household (SAHs) and vulnerable affected Households (VAHs). Socioeconomic information on the community and AHs should include, among others: demographic information; economic profile such as major economic and livelihood activities, ethnicity profile, number of AH 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.

### **C. Land Valuation and Determination of Replacement Cost of Assets**

71. The province-level People's Committee is responsible for organizing compensation and associated actions<sup>15</sup>. Relevant Ministries and Departments shall be responsible for collaborating with the province-level People's Committee and organizations in charge of compensation.<sup>16</sup> 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 VI.

72. In remote districts with low value total land transactions and / or where very few land transactions are 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-

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<sup>13</sup> The total number of affected households in representative suprojects is 1192 of which 27 face physical displacement and assets owned by households will be affected in 664 cases

<sup>14</sup> For subprojects with less than 100 AHs, all AHs will be covered in the socio-economic studies.

<sup>15</sup> Decree 47/2014/ND-CP Article 29 Clause 2

<sup>16</sup> Decree 47/2014/ND-CP Article 29 Clause 3



availability of value of present market rate. Payment is to be made within 30 days of the decision on compensation being made.

#### **D. Preparation of REMDP**

73. The REMDP for subproject will be prepared based on the engineering design of infrastructure, meaningful consultation with DPs and other stakeholders, results of the census, Inventory of loss (IOL) and SES, based on the entitlement matrix of this REMDF see table 15. The 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 PPMUs will prepare REMDPs for subprojects to submit to ADB for review and endorsement before subproject approval. During detailed engineering design the REMDP will be updated based on detailed technical design, results of DMS, replacement cost survey and consultation with DPs and submitted to ADB for approval before bid awarded. REMDP is prepared in English and translated to local language and notified to the public and DPs.

74. The PMU will organize a consultation meeting with DPs and local stakeholders to share the draft 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 REMDP will be finalized only after the final consultation with DPs. A meeting minute on endorsement of entitlements proposed in the REMDP duly signed by DPs will also be annexed to the REMDP.

75. The REMDPs for the subprojects will be submitted to the Provincial People's Committee (PPC) for review before sumitting to PPMU and ADB for review and approval. The REMDP shall follow the provisions and procedures specified in this REMDF. An outline of the REMDP is attached as Appendix 4 to the REMDF.

76. No works contractor shall be provided a notice to proceed prior to compensation being fully settled. 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. DPs must be consulted in the preparation of the IRP. The IRP will be sent to ADB for approval and uploaded to ADB's website prior to implementation.

77. 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 REMDP have been provided to the DPs and verified by the LIC.

#### **E. Ethnic Minority Strategies**

78. 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 EM may not be considered in the design and operation of the upgraded facilities. No subproject considered category A for ADB SPS – IP policy shall be eligible for financing.

79. To address these, the following specific actions will be conducted:

- (i) PPMUs, as part of the feasibility study preparation assisted by 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 PPMUs 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 EMs, a representative from each ethnic minority group will be included in the district/village resettlement committee. (RC).
- (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 DPs. 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) PPMUs 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 PPMUs 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 project implementation and post-construction in the project area.

80. The project screening of the proposed subprojects confirmed that the overwhelming majority of direct project beneficiaries are EM HH with positive impacts arising from both output 1 and 2. Under the Provisions of the ADB SPS 2009<sup>17</sup> the scope of elements covered by an EM Development Plan are included in the project design and as such no IPP is required. Each Subproject REDMP will specify how it supports the IPP policy of ADB and explicitly include special measures for the meaningful consultation of EMs will be undertaken and identify how expected benefits will be distributed between EM and non-EM HH.

81. The ethnic groups in subprojects having transitioned into permanent farming systems, acacia forestry or the production of high value crops including the cash economy and mainstream society. Subproject EM HHs no longer follow traditional livelihoods in their traditional habitats, and compete commercially in supply chains. EMs have continued to integrate with mainstream Vietnamese communities with use rights to acacia forest land, irrigation facilities, access to natural resources (land and water), growing similar crops and selling through similar market channels.

## **F. Gender Strategies**

82. The subproject REMDPs shall address the following issues related to gender:

- (i) Prior to the final 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 DPs 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 DPs. 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.

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<sup>17</sup> ADB SPS, 2009, Para 17 Appendix 3

## **IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION**

### **A. Information Disclosure**

83. Information disclosure is an on-going process beginning early in the project cycle and continuing throughout subproject 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.

84. During consultations particular attention will be given to EMs and vulnerable households in the community to ensure their understanding and collective input. In accordance with both ADB and government policy<sup>18</sup> the PPC and DPC must ensure that public notice is given and disseminate details of the approved REMDF and draft REMDPs and disclosed on the ADB website before subproject approval.

85. The final REMDP, as endorsed by the government and ADB, will be disseminated to the DPs and affected households as well as being posted on the ADB website. Any updates or revisions to the final REMDP must also be disseminated to DPs/ AHs and posted on the ADB website.

86. The PPMUs, 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: (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 DPs 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 DPs 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.

87. In accordance with the Land Law (2013) Article 69 the posting must be recorded in official minutes and confirmed by the Commune People's Committee (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 REMDP. 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

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<sup>18</sup> Contained in the Land Law (2013) Articles 678(4) and 69 (1)

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.

88. Gender and social economic analysis, including ethnic minorities, gender division of labor related to DPs in the specific subproject area will be conducted as part of the feasibility study. Based on these analyses, special attention will be given to address women’s concerns during the preparation of 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.

89. 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. Women must be present during consultations made when conducting the DMS, census and visit to resettlement site as well as during consultation processes prior to and after approval of the REMDP. 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 SESA. 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.

**B. Community Consultation and Participation**

90. Initial consultations with the community during scoping and preliminary design serve a number of purposes which include vetting that the project is demanded by the community, providing communities in the subproject area with information about the project regarding its overall objectives and goals, benefits and impacts, and also inform them of how their participation will be sought during the design stage in order to incorporate their interests and design preferences.

91. Where the SP will proceed to detailed design it is necessary to inform them of the process that will be followed in preparation of the SP. At detailed design, preliminary phase engineering designs prepared will be further detailed in terms of the scope of land acquisition and those HHs likely to be affected, and those not adversely impacted and having direct benefit from the project. Communities are also advised of the existence of the GRM, which is explained numerous times during the preliminary design and REMDP preparation process.

92. Public consultation will focus on (i) community needs and demands in regards to the PRI, ii) design options and preferences, iii) project benefits and impacts, iv) scope of land acquisition, v) compensation policy, vi) entitlement matrix, relocation and compensation options and schedule, (vii) livelihood restoration needs if applicable, and, viii) the grievance resolution process. The following table provides details of the consultation activities needed.

**Table 11: Stakeholder Participation Plan**

Participatory Activities/Participants	Means of Communication and Frequency	Responsible Institution
(1) Preliminary Design		

Participatory Activities/Participants	Means of Communication and Frequency	Responsible Institution
Briefing of the provincial, district, and village officials; and other stakeholders about the Project, the resettlement policy, GRM and the activities of the consultants	Discussions and consultations at the beginning of preliminary design	PPMU – SS staff
<p>Community meetings to explain project concept and likely scope of works.</p> <p>Separate men’s and women’s focal group discussion meetings to verify community demand, issues and needs related to project interventions.</p> <p>Assess community support and identify any remaining issues</p> <p>Follow-up meetings with key individuals and any HH</p> <p>Provide community with explanation of the GRM.</p>	Discussions and consultations at the beginning of preliminary design	PPMU – SS staff
Irrigator and household water demand consultation to identify water use needs, and water management structures. The consultation will include all water users and or their representatives. A command area inspection/walk through will be conducted with the design engineers to identify needs, priorities	Discussions and consultations at the beginning of preliminary design	PPMU – SS staff and Contracted Detailed Design Engineers
<p>Once the preliminary design is drafted with topographic maps, cadastral maps, and drawings and cross sections for main structures and canals the design team will conduct a consultation and feedback session with all water user groups and associated / affected households</p> <p>All preliminary designs will include detailed and up to date topographic and cadaster maps with individual irrigation plots clearly delineated to ensure affected land and assets are clearly portrayed during the consultation. The design should be projected on the maps to demonstrate its extent and identify the affected households, and overlaid with satellite imagery.</p> <p>Community meeting to explain the preliminary design, identify affected HHs. Provide basic information leaflets.</p> <p>The consultation will, if necessary, repeat the participatory “walk through’ of the proposed canal or road alignment.</p> <p>Identify changes required by the community</p> <p>Meeting with community to review draft design, assess land acquisition impacts. Meetings with affected HH to gauge opinion on land acquisition (voluntary or involuntary).</p> <p>Reiterate GRM procedure to AHHS.</p>	<p>Discussions and consultations during detailed design</p> <p>Project Information Booklet (PIB) , distributed to AHHS</p>	PPMU –SS staff
Conduct of social impact assessment. Identification of vulnerable HHs	Household level survey	Contracted survey firm. PPMU SS- Staff.

Participatory Activities/Participants	Means of Communication and Frequency	Responsible Institution
Initial disclosure meeting with affected households to gather suggestions on how to minimize and mitigate impacts, and discuss about relocation options.	Discussions and consultations during detailed design	PPMU and consultants
Negotiate agreement in principle with AHHs.	Household level negotiations	PPMU – SS Staff
<b>(2) Drafting/Finalization of technical design, Updating and Implementation</b>		
Finalize Detailed Design. Convene community meeting to present revisions to design, obtain community feedback and approval. Meeting with AHHs to review design and extent of impact to AHH.	Discussions and consultations at end of detailed design	PPMU – SS Staff
Detail Measurement Survey (DMS) and Socio-Economic Survey of Affected Households (SESAH), and replacement cost study (RCS).	Household level survey  Voluntary land release forms	PPMU- contracted social team if required to be updated after detailed design.
Follow-up disclosure meeting/consultations with affected households to discuss results of DMS and discuss the resettlement policy, entitlements proposed compensation rates and relocation options	Discussions and consultations after DMS completed	PPMU – SS Staff
AHH consultations to finalize negotiated settlement when needed and compensation and sign off.	Household level negotiations	PPMU – SS Staff
Preparation of the resettlement plan and submission to MAF for approval and endorsement to MoNRE then ADB. Posting of summary resettlement plan at district and sub-district local government offices  Update project information booklet (if design has changed significantly from preliminary design phase)	REMDP (English and Vietnamese) distributed at district offices  Updated PIB if needed, distributed to AHHs	PPMU
Approval of resettlement plan	Posting of project documents on the ADB website at Board approval and periodic updates if needed	ADB
Implementation of resettlement plan	Discussions and consultations with AHHs continuously	PPMU
Monitoring of resettlement plan implementation	Reporting on quarterly (internal) and semi-annual (external) basis	PPMU

93. Using the preliminary engineering designs, potential impacts on land, acquisition needed and compensation and resettlement for the subproject implementation will be brought up for discussion in a meeting with the community. It is then necessary to conduct additional specific meetings with relevant HHs whose land would be affected by the proposed rehabilitation or construction. Safeguard specialists assist project engineers to disseminate and discuss preliminary engineering designs with the community and particularly with affected households (AHHs).

94. The meetings will seek to clarify: (i) the justification of the proposed subproject rehabilitation or construction works considering the anticipated resettlement impacts; (ii) mitigation measures to restore the AHHs' livelihoods and standard of living; and (iii) assistance from the community or the district administration to plan, agree and implement the mitigation and support measures for AHHs. The consultations should also cover the household views on measures to mitigate the anticipated impacts including compensation, design alternatives to reduce impacts should be discussed at this time. The AHHs should also be advised of the data collection process that will take place in preparatory phase when conducting social impact assessment, and particularly the Detailed Measurement Survey – see below.

## **V. COMPENSATION AND INCOME RESTORATION PROGRAM**

95. 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 the affected households are considered vulnerable under the definition of this REMDF, the REMDP will include an income restoration program (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 land<sup>19</sup> (very unlikely);
- (iii) Description of support to be provided for host populations;
- (iv) Budget, financing, and implementation arrangements.

## **VI. GRIEVANCE REDRESS MECHANISM**

96. 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 DPs 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 this grievance mechanism. 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. CRIEM will shoulder all administrative and legal fees that might be incurred in the resolution of grievance and complaints.

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<sup>19</sup> 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.



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

There are three steps to address complaints received from stakeholders:

98. **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 PPMU to solve complaints and a representative PPMU 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.

99. **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 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

100. **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.

101. **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.

## VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

102. Implementation of the REMDP requires the participation of relevant agencies from the provincial to local district, and commune level. The executing agency has the overall responsibility for implementation of the 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 REMDPs.

### A. Provincial Level

103. The executing agency (EA) 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 REMDPs, including those relating to its formal adoption, unit compensation costs, notices and approvals for updated 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 competent organizations.

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

- (i) Managing the project loan allocated for subprojects in province;
- (ii) Establishing a PPMU;
- (iii) Directing PPMU to implement all project activities including 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.

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

106. The PPMUs will oversee all activities of District Resettlement Committees (DRCs) or the Land Fund Development Center (LFDCs) in regard to the implementation of the REMDPs. The PPMU will also be responsible for:

- (i) Preparing, updating, and supervising REMDP implementation of project components;
- (ii) Guiding DRC to implement all resettlement activities in compliance with the approved REMDPs; and resolving any mistakes or shortcomings identified by internal monitoring to ensure that the objectives of the 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.

## **B. District Level**

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

108. DRC/LFDC in combination with PPMU, 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.

109. 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 PPMUs 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.

## **C. Commune Level**

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

#### **D. Implementation arrangement of REMDP Implementation**

- (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 specialised 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 DPs, 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 RPs/REMDPs.
- (viii) Updating RP/REMDP. The PMU will update the RP/REMDP on the basis of 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 sheets in respect of prices, quantities of affected assets, rights that

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

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

## **VIII. BUDGET AND FINANCING**

112. 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 has to be provided sufficiently and timely to ensure that full payment for AHs will be made before commencing civil works..

## **IX. MONITORING AND REPORTING**

113. All sub-projects will be either Category B or Category C as no category A subproject is eligible for financing, therefore external monitoring is not required.

### **A. Internal Monitoring**

114. Each PPMU 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 REMDPs following this REMDF. Monitoring will be done by the PPMU with assistance of the construction supervision contractor and if necessary Loan Implementation Consultant.

115. The objectives of the monitoring and evaluation program are to (i) report on the status and assess compliance of the implementation of each REMDP and ensure that this is consistent with this REMDF; (ii) confirm the availability/handover of land for the proposed subprojects including the completion of all compensation and fulfillment of entitlements under the REMDP prior to works contract awards; (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 any 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.

116. The PPMU have all assigned staff to manage the oversight of the REMDF and REMDP implementation that will be responsible for establishing an internal monitoring system,

implementation of the monitoring program, and for preparing progress reports on all aspects of land acquisition and resettlement activities for each subproject under its jurisdiction.

117. Internal monitoring reports of REMDP implementation will be prepared by each PPMU and submitted to the ADB for review on a quarterly basis. Each PPMU will conduct the internal monitoring of REMDPs implementation to identify as early as possible the activities achieved and the cause(s) of problems encountered so that arrangements in REMDP implementation can be adjusted. Related information will be collected monthly from the field with assistance from the construction supervision consultants to assess the progress of REMDP/RP implementation and included in the project's quarterly progress reports.

118. The PPMUs 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 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.

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

120. Internal monitoring indicators will include:

- (i) Compensation and entitlements are computed at rates and procedures as provided in the approved REMDP.
- (ii) Payment of compensation to APs in accordance with the REGDF and as agreed with project authorities.
- (iii) Coordination and completion of land acquisition, compensation, assistance and relocation as required prior to the commencement of civil works
- (iv) Adherence to public information dissemination and consultation procedures.
- (v) Adherence to grievance redress procedures.
- (vi) The transition between resettlement and civil works is smooth.
- (vii) Others.

121. Indicative internal monitoring and evaluation indicators will include but not limited to the following issues, as shown in Table 13.

**Table 13: Monitoring and Evaluation indicators**

Type	Indicator	Examples of Variables
<b>INPUTS INDICATORS</b>	Staffing and Equipment	<ul style="list-style-type: none"> <li>• Number of project dedicated PPMU staff</li> <li>• Formation of District Resettlement Committee (DRC) and Village Resettlement Committee (VRC)</li> <li>• Number of DRC members and job function</li> <li>• Adequate equipment for performing functions (including grievance recording)</li> <li>• Training undertaken for all implementing agencies</li> <li>• Construction Contractor meeting local employment targets for unskilled labor</li> </ul>

Type	Indicator	Examples of Variables
	Finance	<ul style="list-style-type: none"> <li>Resettlement budgets disbursed to DRC and displaced persons (DPs) in timely manner</li> </ul>
<b>PROCESS INDICATORS</b>	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> <li>Distribution of PIB to all DPs</li> <li>Resettlement and Ethnic Minority Development (REMDP) available in all districts</li> <li>Translation at ethnic minority villages and for individual minority DPs in villages of other ethnicity</li> <li>Consultations and participation undertaken as scheduled in the REMDP</li> <li>Number of local-based organizations participating in subproject</li> <li>Number of grievances received by local authorities and provincial project management unit (PPMU) (at commune level/district level/provincial level or PPMU) up to monitoring period</li> <li>Number of grievances solved by local authorities and PPMU (at commune level/district level/provincial level or PPMU) up to monitoring period</li> <li>Number of complainants satisfied with the grievance redress of local authorities</li> <li>The main natures of complaints and solutions</li> <li>Number of commune/district/province in project area with grievance redress mechanism established</li> </ul>
Type	Indicator	Examples of Variables
<b>OUTPUT INDICATORS</b>	Acquisition of Land	<ul style="list-style-type: none"> <li>Area of cultivated land acquired</li> <li>Area of residential land acquired</li> <li>Fishponds acquired</li> </ul>
	Buildings	<ul style="list-style-type: none"> <li>Number, type and size of private houses/structures acquired</li> <li>Number, type and size of community buildings acquired</li> <li>Number, type and size of government assets affected</li> </ul>
	Trees and Crops	<ul style="list-style-type: none"> <li>Number and type of private trees acquired</li> <li>Number and type of government/community trees acquired</li> <li>Number and type of crops acquired</li> <li>Crops destroyed by area, type and number of owners</li> </ul>

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



## APPENDICE 1: SUBPROJECT SHORT LIST

**Table A1.1: Short List of Subprojects – Output 1.**

Code	District	Number of Commune	Commune Names	Subproject name	ADB Investment Million USD	cost per km	Proposed	Road Length	Structures
<b>Quang Nam</b>									
QNT1	Nam Tra My	4	Tra Nam; Tra Linh, Tra Tap, Tra Cang	Section 1: inter-commune road Ngoc Linh, Tra Nam-Tra Linh (10km); Section 2: Inter-commune road Ngoc Linh: Tra Tap-Tra Cang (6.2km)	6,274	387.283	B Cat Rural Rd	16.2	1
QNT2	Bac Tra My	1	Tra Giac	Upgrade transport road of Sông Trường - Trà Giác communes, Bắc Trà My district	9,644	480.040	Rural Road VI mtn	20.1	16
QN T3	Nam Giang	1	Ca Dy	Transport road connecting resettlement area and production area (Ca Dy commune road), Nam Giang district	4,499	548.658	Rural Road VI mtn	8,2	3
<b>Subtotal</b>	<b>3</b>	<b>6</b>			<b>20,417</b>	<b>471.994</b>		<b>44,50</b>	<b>20.0</b>
<b>Binh Dinh</b>									
BD T1	Vinh Thanh	2	Vinh Quang; Vinh Thanh Town	Upgrade PR637 Section Vinh Thanh Town	4.34	1,808,333	Road Cat IV	<b>2.40</b>	<b>2.00</b>
BD T1a	Vinh Thanh	3	Vinh Son, Vinh Kim, Vinh	Upgrade section PR 637 from Dinh Binh	10.99	281,795	Road Cat V Mountain	<b>39.00</b>	<b>5.00</b>

Code	District	Number of Commune	Commune Names	Subproject name	ADB Investment Million USD	cost per km	Proposed	Road Length	Structures
			Hao commune	Reservoir to Vinh Son					
BD T2	An Lao	1	An Hung commune	Intercommune Road An Hung - Tam Quan	7.67	326,383	Road Cat VI Mountain	23.50	3.00
BD T3	Van Canh	2	Canh Hiep, Canh Lien commune	Repair inter-commune road Hiệp Hưng, hamlet, Canh Hiệp commune to Canh Tiến village, Canh Liên commune, Van Canh district	4.74	395,000	Road Cat VI Mountain	12.00	2.00
Subtotal	3	8			27.74	360,728		76.90	12.00
<b>Total</b>	<b>6</b>	<b>14</b>			<b>46.74</b>	<b>784,363</b>	<b>0</b>	<b>121.75</b>	<b>32.00</b>

**Table A1.2: Shortlist Subprojects - Output 2**

District		Commune		Subproject title	Total Investment \$ M	ADB OCR M	Water Supply			Irrigation		Flood Protection
		No:	name	name	\$ mill	\$ Mill	Conn. (hh)	Net. length (km)	M3/day	Command Area	Canal Length(km)	Length (km)
<b>Quang Nam</b>												
QNWR1	Tay Giang	1	A Tieng	Riverbank protection for Cot Ecotourism	8,622	6,617						3,60
QNWR2	Phuoc Sun	2	Phuoc Nang, Phuoc Duc	Install water supply, Upgrade irrigation	2,805	1,966	1000	20	500	125	3,6	
<b>Subtotal</b>	<b>2</b>	<b>3</b>			<b>11,427</b>	<b>8,583</b>	<b>1000</b>	<b>20</b>	<b>500</b>	<b>125</b>	<b>3,6</b>	<b>3,60</b>
<b>Binh Dinh</b>												
BN WRI 1	An Lao	4	An Hung, An Tan, An Trung, An Lao Town	Water supply for An Lao Town and Commune	1.1	1.00	5100	75	2730			
BN WRI 2	An Lao	4	An Quang, An Vinh, An Nghia, An Toan	Water Supply for 4 Rural Communes	2.6	1.96	1285	20	680			
<b>Subtotal</b>	<b>2</b>	<b>4</b>			<b>3,70</b>	<b>2,96</b>	<b>6,385</b>	<b>95</b>	<b>3,410</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>4</b>	<b>7</b>			<b>11.82</b>	<b>10</b>	<b>7,300</b>	<b>95</b>	<b>3,630</b>	<b>126</b>	<b>3,6</b>	<b>3,63</b>



**APPENDIX 2: SUBPROJECT SOCCATEGORY A OR B FOR IAL SAFEGUARDS  
SCREENING FORM**

<b>Province:</b>		<b>District(s):</b>	
<b>Subproject Title:</b>			
<b>Subproject components:</b>			
<b>Design stage:</b>			

**A. Introduction**

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.

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.

Initial screening has been conducted for the representative subprojects during the preparation of the Subproject Identification Proposal. None of these subprojects were found to be category A for IR or category A or B for 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 PPMU 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 PPMU 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.

**Table A2.1: Screening Questions for Resettlement Categorization**

Screening Questions	Yes	No	Not Known	Remarks
<b>A. Involuntary Resettlement</b>				
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?				
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?				
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?				

**C. Involuntary Resettlement/Ethnic Minority Category**

After reviewing the answers above, the PPMU Safeguards Officer agree on the following categorization and action for this subproject:

**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

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:**

Safeguard Specialist

Date:

Endorsed by: \_\_\_\_\_

PMU Safeguard  
Specialist Date:

Approved by: \_\_\_\_\_

PMU Director





## **APPENDIX 3 OUTLINE OF DUE DILIGENCE REPORT**

### **I. Executive Summary**

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

### **II. Overview of the Sub-project**

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.

#### **A. Purpose and Methodology of Due Diligence Review**

1. Purpose of Due Diligence
2. Methodology of Due Diligence

### **III. Features of the existing situation**

### **IV Findings of the Due Diligence Review**

- A. DMS process
- B. Impacts of the project
- C. Calculation of Compensation and Dash Assistance
- D. Amounts of Compensation and Cash Assistance Provided
- E. Restoration/Improvement of Livelihoods and Standard of Living
- F. Public consultation and information disclosure
- G. Grievance Redress
- H. Gender and Vulnerable Groups
- I. Monitoring

### **IV. Resettlement Policy of CRIEM**

- A. Principles
- B. Entitlements

### **V. Conclusion and propose the Corrective Action Plan, if needed**



## APPENDIX 5: OUTLINE OF REMDP

### 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 6: 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.

to have a land title in order to be compensated?

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: we Do need

**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.
- **Vulnerable households:** 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 of .....district.;

Address:.....

Person in charge:.....Tel.....

4. Commune People’s Committee;

Address:.....

Person in charge:.....Tel.....



