

SOCIALIST REPUBLIC OF VIET NAM
MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

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**DAM REHABILITATION AND SAFETY IMPROVEMENT PROJECT
(DRSIP/WB8)**

VERSION 4

RESETTLEMENT POLICY FRAMEWORK (RPF)

Project Location:

31 provinces in the North, Central and Highland areas

Prepared by:

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Vietnam

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Preface

To adequately address compensation, resettlement and rehabilitation of the people to be affected resulting from acquisition of land, houses and other assets under “Dam Rehabilitation and Safety Improvement Project” (hereinafter called DRASIP/WB8 Project) which is financed by the World Bank, the Government of Vietnam (GOV) through the Decision No. _____ dated _____ has approved this Resettlement Policy Framework (hereinafter called RPF). This framework is prepared based on the harmonization of the World Bank’s policy OP/BP 4.12 and the Vietnam's Laws and Decrees on compensation, assistance and resettlement, with reference to the of the proposal of project, environmental and social impact assessment and the consultation with stakeholders of the project.

The RPF will be applied to all the sub-projects under the “Dam Rehabilitation and Safety Improvement Project” that required land acquisition, compensation, and resettlement as defined.

Hanoi, 2015

Table of Contents

Preface	2
Table of Contents	3
Abbreviation	4
Definition of Terms	5
I. INTRODUCTION	7
1.1. Project overview	7
1.2. Project Impacts	11
1.3. Objectives and Principles of the Resettlement Policy Framework (RPF).....	14
1.4. Linked activities	16
II. LEGAL FRAMEWORK FOR THE RESETTLEMENT POLICY FRAMEWORK ... 17	
2.1. The Legal framework of the Government of Vietnam	17
2.2. The World Bank’s Operation Policy on Involuntary Resettlement (OP 4.12).....	18
2.3. Comparison between Government of Vietnam and World Bank approaches.....	19
III. PRINCIPLES AND POLICIES FOR RESETTLEMENT, COMPENSATION AND REHABILITATION	24
3.1. General principles.....	24
3.2. Compensation Policies	25
3.3. Resettlement and Income Restoration Strategy	49
3.4. Vulnerable Group, Gender, and Ethnic Minorities.....	49
IV. ELIGIBILITY CRITERIA AND ENTITLEMENTS	51
V. CONSULTATION WITH PROJECT AFFECTED PEOPLE’S	53
5.1. Objectives of Public Information and Consultation	53
5.2. Consultation approach adopted when preparing this RPF	53
5.3. Consultation during Subproject Identification and Preparation	54
5.4. Consultation Proposed During Subproject Implementation	54
VI. INFORMATION DISCLOSURE	57
VII. IMPLEMENTATION ARRANGEMENTS	57
7.1. Organizational Arrangements	58
7.2. Preparation and Approval procedures for a Resettlement Action Plan (RAP)	60
7.3. Replacement Costs Survey	62
7.4. Implementation of RAP	62
VIII. GRIEVANCE AND REDRESS MECHANISM	64
8.1. Requirements of the OP 4.12	64
8.2. Grievance Redress Mechanism.....	65
IX. COSTS AND BUDGET	68
X. MONITORING AND EVALUATION	69
10.1. Monitoring	69
10.2. Internal Monitoring	69
10.3. Independent Monitoring	70
10.4. Methodology for Independent Monitoring	71
Annexes:	73
Annex 1: The indicators for monitoring and evaluation	73

Abbreviation

AP	Affected person
CPO	Central Project Office
DARD	Department of Agriculture and Rural Development
DMS	Detailed Measurement Survey
DPC	District People's Committee
DRC	District Resettlement Committee
EMPF	Ethnic Minorities Policy Framework
EMDP	Ethnic Minorities Development Plan
ESMF	Environmental and Social Management Framework
GoV	Government of Vietnam
HH	Household
IOL	Inventory of Losses
IMC	Independent Monitoring Consultant
WB	World Bank
LAR	Land Acquisition and Resettlement
LURC	Land Use Right Certificate
MOF	Ministry of Finance
MOLISA	Ministry of Labor, Invalids, and Social Affairs
NGO	Non-governmental Organization
OP	Operating Policy
PAD	Project Appraisal Documents
PPC	Provincial People's Committee
PPMU	Provincial Project Management Unit
PRA	Participatory Rapid Assessment
REA	Rapid Environment Assessment
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
TOR	Terms of Reference
USD	United States Dollar
VND	Vietnamese Dong
WB	World Bank

Definition of Terms

Project impacts	Any impacts relating directly to land acquisition or limit using legal areas or protected areas
Affected persons	Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.
Cut-off-date	Is the date when the PPC issues the Notification of Land acquisition for the relevant project (Article 67.1 of Land Law 2013) before implementation of detailed measurement survey. A census survey will be done before the cut-off date is announced to establish a list of potential affected households.
Eligibility	Any person who used the land affected by the project and listed before the cut-off-date: (i) with formal legal right to land; (ii) without formal legal right to land but have a claim to such land or assets recognized under the laws of the country (iii) without recognizable legal right or claim to the land they are occupying.
Replacement cost	<p>For agricultural land, the replacement cost is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, plus the cost of transporting building materials into the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.</p>
Resettlement	Covers all direct economic and social losses resulting from land

taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to its usual meaning-physical relocation. Resettlement can, depending on the case, include (i) acquisition of land and physical structures on the land, including businesses; (ii) physical relocation; and (iii) economic rehabilitation of affected persons (APs), to improve (or at least restore) incomes and living standards.

Entitlements	Include compensation and assistance for APs based on the type and extent of damage.
Inventory of Losses (IOL)	Is process of accounting for physical assets and income affected by project.
Socio - Economic Baseline Survey (BLS)	A socio-economic baseline survey of households, businesses, or other project-affected parties needed to: identify and accurately compensate or mitigate losses, assess impacts on household economy, and differentiate affected parties by level of impact.
Vulnerable groups	People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits, include: (i) women headed household (single, widow, disabled husband) with dependents, (ii) disables (loss of working ability), the elderly alone, (iii) poor and near poor household, (iv) the landless, and (v) ethnic minority groups.
Livelihood	Economic activities and income streams, usually involving self-employment and or wage employment by using one's endowments (both human and material) to generate adequate resources for meeting the requirements of the self and household on a sustainable basis
Income restoration	Re-establishment of sources of income and livelihoods of the affected households.
Stakeholders	Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

I. INTRODUCTION

1.1. Project overview

1. Vietnam is a country whose economy is based on agriculture and is one of the most vulnerable countries to natural disasters due to geography, topography, climate, economic structure and population distribution. With 14 major river basins, Vietnam has abundant water resources with total flow of the estimated 850 billion m³. More than 62 billion m³ of water stored in 7,000 reservoirs to regulate supply water for the goals of socio-economic development. It can be said that the reservoir plays a very important role in all activities of production and economic development of Vietnam. It was built as a multi-purpose structure such as water supply for agriculture, industry, domestic use, generators and other economic sectors, improvement of ecological environment landscape, flood control to reduce disaster. The reservoirs are distributed in 45 provinces of Vietnam, but focused mainly in the North, Central and Highland.

2. Vietnam has one of the largest networks of dams and hydraulic infrastructure in the world alongside China and the United States. This network comprises over 7,000 dams of different types and sizes. More than 675 can be classified as large dams (over 15m in height or between 5 and 15m with reservoir storage in excess of 3 MCM) and with the number of small dams (less than 15m and 3 MCM) estimated to be in excess of 6,000 largely earth embankment dams. Of the total four million hectares of agricultural land, more than three million hectares are irrigated via 6,648 dams. In addition, there are more than 1,100 dams are operated, constructed, researched or expected invested. 238 operating dams provide a total installed capacity of 13,066 MW, of which 86 large hydropower with installed capacity of more than 30 MW and dam height of more than 15m. Many of these are multi-purpose dams, flood control and support water supply in large quantities.

3. According to report of the Ministry of Industry and Trade, Vietnam has about 1,150 irrigation reservoir with damaged, degraded dams which are concentrated in the North, the Central and Highland areas which have steep terrain and severed weather conditions. The common problems are percolation, deformation of roof dam, incapable of discharging flood, taking water structures damaged in the dam body. Irrigation reservoirs with small dams account for 92% of the total irrigation reservoirs. The reservoirs with capacity of less than 0.2 million m³ have not enough material to assess the safety and necessary to restore technical parameters.

Table 1- Damage by disaster in three recent years (2011-2013)

Information/Damage	2011	2012	2013
Number of storms, depression	7 storms, 7 depressions	10 storms, 02 depressions	8 storms, 01 depressions
Number of dead people	295	258	264

Number of injured people	274	408	800
Number of destroyed houses	2.170	6.292	11.851
Number of damaged house	447.694	101.756	706.786
Damaged vegetable area (ha)	350.367	408.383	86.491
landslide (m ³)	9.689.559	3.240.069	17.379.000
Physical damage (million dong)	12.703	16.000	25.021

(Source: PDO of WB8 project)

4. The North, the Central and the Highlands are where focus poverty and severely affected by the disaster. 16/31 involved provinces have poor districts need support from the Support Program for Rapid and Sustainable Poverty reduction by Resolution No. 30a / 2008 / NQ-CP of the Government, dated 27 Dec. 2008. The majority of these district located in mountainous areas and border. The poverty rate of these districts is 3.5 times higher than the average of the country. 90% of the population of poor district is ethnic minorities with a per capita income of about 2.5 million / year; income is primarily from agriculture production. With average annual revenue of 3 billion dong, the district authorities are not enough financial resources to eliminate poverty for the people. Dam safety is priority in local economic development plans as well as irrigation and hydropower plans. Annually, the locality implements reviewing, checking and planning dam safety.

5. The “Dam Rehabilitation and Safety Improvement Project” is managed by the MARD with a loan from WB in 31 provinces in the North, Central and Central Highland areas with overall objective is to support the implementation of the Government dam safety program by improving the safety of prioritized dams and reservoirs as well as to protect people and assets of the downstream communities.

Specific objectives:

- To improve dam safety and performance by repairing, upgrading, equipping with monitoring equipment, operation planning and maintenance;
- To strengthen institution of dam safety management at national and system levels by completion of institutional framework on dam safety, including the construction and management of databases, addition of regulations, standards, guidelines, building capacity and coordination mechanism between stakeholders;
- Flood management capacity building in the basin level and coordination mechanism of reservoir operation by improving forecasting capacity, developing integrated flood management plan and training capacity building.

6. Beneficiaries of project include at central level, provincial level and sub-project level and depend on dam safety.

- At Central level: Government, MARD, MoIT, MoNRE and other relating agencies will achieve macro economic benefits by: (i) Completing legislation framework and strengthening institution to enhance management capacity on dam safety and risk mitigation in downstream; (ii) Coordination mechanism between Ministries and branches; and (iii) Monitoring and technical assistance for organizations at provincial level or system level in charge of dam safety management, multi-reservoirs operation management in two provinces;
 - At provincial level: including the PPC, beneficial Department by (i) strengthening regularly and periodically dam safety management; (ii) improving the coordination between the Departments of the province for the operation and management of dam safety; and (iii) improving data collection and information sharing;
 - At sub-project level: Beneficiaries include the dam owners and direct beneficial communities by: (i) improving dam safety; (ii) improving early warning and reducing risk; (iii) strengthening the capacity for operation and long-term maintenance; iv) ensuring the water supply for the goals and v) reducing risk by dam failure.
7. To achieve the above objectives, the project includes 4 components with contents as the following:

Component 1: Dam Safety Rehabilitation (Expected cost of US\$385 million)

This component will improve dam safety through physical rehabilitation of existing infrastructure, including: (i) Detailed design, supervision and quality control of rehabilitation works for prioritized dams and associated infrastructure; (ii) rehabilitation works, including civil works, hydro-mechanical works and installation of hydrological and safety monitoring equipment; (iii) preparation of Operation and Maintenance Plans and Emergency Preparedness Plans.

On the basis of proposals from local, approximately 736 irrigation dams in 31 provinces have indentified for participating in the project with investment cost of about 18,700 billion dong. Approximately 400 dams with the risk from high to very high level are supported safety improvement solutions of the project. List of locals and number of dams which are repaired with priority are presented in the Appendix. Approximately 90% of the dam has a height of less than 15m or design storage of less than 3 million m³, 10% of large dams, almost embankment dam. List of dams under this component can be changed by the review, the annual risk assessment. The dams have the lowest risk would be replaced by the emergency dams in Component 4. Approximately 12 dams in 11 provinces out of 31 provinces reviewed have unsafe and highly available for the investment in the first year of the project.

Table 2- List of 12 dams proposed for implementation on the first year

No.	Dam	District	Province	Year of construction	Command area (ha)	Storage (10 ⁶ m ³)	Crest height (m)
1	Ngoi La 2	Yen Son	Tuyen Quang	1973	360	3.24	15.0
2	Ho Ban	Cam Khe	Phu Tho	1970	150	1.68	11.0
3	Dai Thang	Lac Thuy	Hoa Binh	1960	90	0.84	14.5
4	Khe Che	Dong Trieu	Quang Ninh	1986	213	12.00	12.5
5	Dong Be	Nhu Thanh	Thanh Hoa	1991	255	2.29	11.4
6	Khe Gang	Quynh Luu	Nghe An	1991	175	2.15	12.5
7	Khe San	Quynh Luu	Nghe An	1980	120	1.42	14.5
8	Phu Vinh	Dong Hoi	Quang Binh	1992	1056	22.36	24,4
9	Dap Lang	Nghia Hanh	Quang Ngai	1978	100	0.38	13.1
10	Thach Ban	Phu Cat	Binh Dinh	1978	130	0.70	12.8
11	Song Quao	Ham Thuan Bac	Binh Thuan	1998	8120	73.00	40.0
12	Da Teh	Da Huoi	Lam Dong	1993	23000	30.25	27.5

Component 2: Dam Safety Management and Planning (Expected cost of US\$ 60 million)

This component will improve the planning and operational framework for dam management to safeguard the people and socio-economic infrastructure within downstream communities. This would include provision of support to: (i) hydrological observation network and information systems; (ii) integrated development planning and operational coordination mechanisms; (iii) regulatory and institutional support and strengthening on coordination mechanism; and (iv) capacity enhancement, basin-wide integrated dam reservoir operation plans, emergency preparedness plan. This component will support the Ministry of Agriculture and Rural Development, Ministry of Industry and Trade, Ministry of Natural Resources and Environment in the implementation of technical support for national programs, completion of coordination mechanisms between ministries, local authorities and stakeholders.

Component 3: Project Management Support (Expected cost of US\$ 15 million)

The project was implemented with the participation of three Ministries and 31 provinces. The majority of dams located in the remote mountainous areas with very difficult traffic conditions. Project duration is six years; the allocation of limited management cost is also a difficulty in implementing the project.

The component will provide finance for the project management, monitoring and evaluation, technical assistance, procurement, auditing, information, training, equipment support in project management and implementation.

Component 4: Disaster Contingency (US\$ 0 million - no fixed allocation)

This component will improve the response capacity of the Government in case of an emergency relating to dam failure during project implementation. In the event of an emergency, this contingency component would facilitate rapid utilization of loan proceeds by minimizing the number of processing steps and modifying fiduciary and safeguard requirements so as to support rapid implementation.

8. Therefore, this is a development project, which has integrated approach, multi-sectors and bottom-up approach towards to sustainability and serving for objectives of socio-economic development of economic zones, where play vital roles of the whole country.

1.2. Project Impacts

9. Component 1: Dam Safety Rehabilitation may necessitate land acquisition and produce resettlement impacts. In the preparation phase, due to the close cooperation of the Department of Agriculture and Rural Development of the project province and through consultation, field surveys in the sub-projects to be taken up in the first year, the basic designs have been proposed with aim of minimizing the level of adverse effects at the lowest level possible due to land acquisition with respect to site clearance, limitations in the supply of irrigation water in the construction period.

10. According to the social impact screening and BLS results, in general, resettlement impacts of the sub-projects are not severe. The permanent land acquisition is mainly taken place within the protective areas and around the dams, intake structures, spillways, management roads combined with evacuation route in emergency, bridges on flood discharge routes, etc. The temporary land acquisition is used for setting up building materials storages, camps, etc. Impacts of land acquisition (permanent and temporary impact) will be surveyed fully by Detailed Measurement Survey (DMS) based on the results of technical design of construction and the socio-economic baseline survey (BLS).

11. The project will be expected to take resettlement impact on 37,600 households. In which, the number of household affected by permanent land acquisition will be 4,500; the number of household affected temporarily will be 33,100 including 1,100 households affected by temporary land acquisition and 32,000 households affected by stopping water supply when construction (one crop affected). Total number of households that will be relocated is 500. It is estimated that 2 million households will be benefited from the project.

Table 1 – Summary of estimated land acquisition impacts of first year sub-projects

Subprojects			General	Permanent impacts				Temporary impacts					Resettlement	Beneficiaries		Ethnic minorities (EM)	
No.	Province	Name of subproject	Total number of affected household	Number of affected household	Permanent land acquisition (m2)	Residential land acquisition (m2)	Number of affected graves	Number of affected household	Number of household affected by land acquisition	Temporary land acquisition (m2)	Impacts of stopping water supply when construction		Number of resettled household	Number of beneficiaries household		Number of affected household	Number of EM beneficiaries household
											Affected household	Area (m2)		Before project	After project		
1	Tuyen Quang	Ngoi La 2	12	12	21,100	300	0	0	0	2,000	0	0	1	10,446	10,446	0	0
2	Phu Tho	Ban	15	15	15,000	0	0	0	0	11,000	0	0	0	1,280	1,280	0	0
3	Hoa Binh	Dai Thang	256	12	15,935	500	0	246	2	4,438	244	571,297	1	244	354	223	223
4	Quang Ninh	Khe Che	1	0	0	0	0	1	1	4,000	0	0	0	4,200	4,200	0	504
5	Thanh Hoa	Dong Be	13	0	0	0	0	13	13	10,815	0	0	0	4,178	4,178	0	145
6	Nghe An	Khe Gang	1	1	5,000	0	0	0	0	10,000	0	0	0	1,750	1,890	0	0
7	Nghe An	Khe San	1	3	14,200	2000	0	0	0	10,000	0	0	1	1,570	1,770	0	0
8	Quang Binh	Phu Vinh	24	24	67,805	0	0	0	0	0	0	0	0	5,520	5,520	0	0
9	Quang Ngai	Dap Lang	291	23	13,778	0	0	268	2	39,875	266	431,920	0	250	346	0	0
10	Binh Dinh	Thach Ban	378	12	1,611	0	0	355	11	142,893	355	747,765	0	355	355	0	0
11	Binh Thuan	Song Quao	18	18	164,332	2332	0	0	0	0	0	0	10	17,097	17,097	0	1,025

12	Lam Dong	Da Teh	0	0	0	0	0			10,000	0	0		1,614	1,614	0	134
	Total		1,010	120	318,761	5,132	0	883	29	245,021	865	1,750,982	13	48,504	49,050	223	2,031

12. The necessary measures to ensure positive results of resettlement include:

- Consulting the people affected by project on feasible measures to mitigate land acquisition impacts and ensure income restoration;
- Providing the people affected by the project with options for resettlement and income restoration;
- Involving the AHs in the planning and selection of options;
- Giving compensation, assistance, and the replacement cost for damaged assets;
- Selecting resettlement sites that can provide at a minimum or equal to the benefits and services where they lived before;
- Providing allowances, training and income assistance to assist relocation;
- Identifying vulnerable groups and providing special assistance for displaced persons;
- Establishing an institutional structure and organization to support this process until successful completion.

1.3. Objectives and Principles of the Resettlement Policy Framework (RPF)

13. According to The Law on Land No. 45/2013/QH13, Article 83, Point 2. Compensation, assistance, resettlement for special cases regulate: “For projects using loans from international organizations, foreign which Vietnam State has committed to a policy framework for compensation, assistance and resettlement it will comply with that policy framework”

14. RPF of this project is prepared basing on the harmonization of the World Bank’s OP/BP 4.12 and the Vietnam's Laws and Degrees on compensation, assistance and resettlement. The basic objective of the Resettlement Policy Framework to ensure that all AHs by the project (APs) will be compensated at replacement cost and assisted with restoration measures to help them improve or at least maintain the living conditions and the capacity to make income before the project. This Resettlement Policy Framework presents the basis for preparation, review and approval of RAPs for later sub-projects of the project. Possible impacts during project implementation include: (i) permanent or temporary land acquisition; (ii) construction phase activities may reduce availability of irrigation water; and (iii) cause inundation in the upstream due to water storage. Subproject-specific RAPs will be prepared in accordance with the resettlement policy framework. This RPF is to be submitted to the World Bank for approval before approval of funding decisions (OP 4.12, paragraph 29). The Resettlement Policy Framework will be published in the Vietnamese language and made available on the project website and made available in sub-project for affected communities. The English version of the RPF will be publically disclosed at the World Bank InfoShop prior to project appraisal.

15. The RPF is prepared based on the results of (1) feasibility report; (2) Social impact assessment report (3) Policies of Vietnam and WB on resettlement site survey in all areas that may cause impacts of land acquisition and resettlement; (4) consultations of local stakeholders: local authorities and community affected by project in March, 2015 with the participation of: (i) provincial representatives include: Department of Justice, DONRE; Department of Planning and investment; Department of Finance; Board of Compensation and Site Clearance; Centre Provincial Land Development; Irrigation department; department of environmental management; (ii) representatives of the leadership of the district, city in project area in the first year and represent functional divisions of the districts and cities; and (iii) at ward/commune level, many consultations/direct interviews with residential communities and affected people; and (4) results of social impact screening, social impact assessment relating to damaged land, assets and crops. In the project implementation stage, data will be updated fully (after DMS) and suitably to serve the implementation of the resettlement action plans, meeting the project objectives and policies.

16. In the period of project preparation, the RAPs for the subprojects will be prepared based on the guidance given in this RPF and the Investment report of each local/sub-project. In the period of project implementation, the updated RAP of each sub-project will be prepared when the detailed engineering design has been finished to allow Detail Measurement Survey of losses and damages and precise identification of affected persons to be conducted. This updated RAP requires clearance from PPC review before payment release.

17. Where impacts on the entire affected population are minor¹, or fewer than 200 people are affected, an abbreviated resettlement plan will be applied. Where impacts on the entire affected population are significant², or equal to or higher than 200 people are affected, a full resettlement plan will be applied.

18. Abbreviated RAPs will include at least the following elements: (i) A description of the project and the socio-economic conditions of the community and households affected in the sub-project area; (ii) legal framework, resettlement policy and the rights of the affected people; (iii) the results of the census and inventory of affected people (BLS); (iv) impacts caused by land acquisition (especially on livelihoods and income); (v) results of consultations, (vi) entitlements and assistance to be provided for AHs/APs; (vii) arrangements for organization and implementation; (viii) arrangements for management of grievances; (ix) budgets and cost estimates; and (x) an implementation timetable.

19. Full RAP will include: (i) Introduction; (ii) Results of socio-economic survey of people affected; (iii) The scope and the impacts of land acquisition; (iv) Legal framework; (v) RAP Implementation and timetable; (vi) Entitlements and measures to restore their livelihoods and

¹ Minor impact: as defined under the OP 4.12, where the affected people are not physically affected and less than 10% (for this project: 20% applied for non-vulnerable groups, and 10% for vulnerable groups and poor affected households) of their productive assets are lost or fewer than 200 people are affected,

² Significant impact: as defined under the OP 4.12, where the investment may result in displacement of equal to or higher than 200 people are affected or more than 10% (for this project: $\geq 20\%$ applied for non-vulnerable groups, and $\geq 10\%$ for vulnerable groups and poor affected households) of their productive assets are lost.

income; (vii) Information dissemination and community consultation; (viii) Mechanism for complaints and resolving complaints; (ix) Organization and implementation; (x) Cost estimates and budgets; and (xi) Monitoring and evaluation.

20. Responsibility for compilation and implementation of RPF and RAP is as follows:

- (a) The general responsibility of the elaboration and implementation of the resettlement policy framework belongs to the Central Project Office (CPO). The CPO shall employ consultants in close coordination with such relevant agencies as Ministries/Departments at central level, People's Committees of province/district/town involved in the project and affected communities to prepare the RPF. This RPF will be approved by the GoV and cleared by the WB prior to the time of Agreement Negotiation.
- (b) The full or abbreviated RAP of each sub-project will be made by social consultant hired by local on the basis of principles of the RPF. PPCs will be responsible for approving and implementing the RAP.
- (c) The fund for the preparation and implementation of compensation, assistance and resettlement of the project and cost for independent land appraiser(s) will come from the counterpart fund of the locals.
- (d) The CPO under MARD, via Environment and Resettlement Division, shall be responsible for ensuring effective implementation of the RPF and the RAPs in close consultation to the same level departments and project provinces.

1.4. Linked activities

21. OP 4.12 also applies to other activities resulting in involuntary resettlement that are:

- Directly and significantly related to the Bank-funded project;
- Necessary to achieve its objectives as set forth in the project documents; and
- Carried out, or planned to be carried out, contemporaneously with the project.

This RPF shall be used as guidance for the detailed planning and implementation of the land acquisition, resettlement and rehabilitation program under the Project.

II. LEGAL FRAMEWORK FOR THE RESETTLEMENT POLICY FRAMEWORK

22. This Resettlement Policy Framework was prepared in compliance with the applicable and relevant law of the Government of Vietnam related to land acquisition, compensation, support, and resettlement, and in compliance with the World Bank's Operational Policy on Involuntary Resettlement.

2.1. The Legal framework of the Government of Vietnam

23. The GOV's Legal Framework: The legal framework with respect to land acquisition, compensation and resettlement is based on the Constitution of the Socialist Republic of Vietnam (2013), and the Land Law 2013 (revised), and other relevant decrees/guidelines. The principal legal documents applied for this RPF include the followings:

- Constitution of Vietnam 2013;
- The Land Law 45/2013/QH13 which has been effective since July 1, 2014;
- Decree No.43/2014/ND-CP dated on May 15, 2014 guiding in detail some articles of Land Law 2013;
- Decree No.44/2014/ND-CP dated on May 15, 2014 provides on method to determine land price; make adjusted land price brackets, land price board; value specific land price and land price consultancy activities;
- Decree No. 47/2014/ND-CP dated on May 15, 2014 providing compensation, assistance, resettlement when land is recovered by the State;
- Decree No. 38/2013/ND-CP dated on April 23, 2013, on management and use of official development assistance (ODA) and concessional loans of WB;
- Decree No. 72/2007 / ND-CP dated on May 07, 2007 of the Government on management of dam safety;
- Decree No. 201/2013 / ND-CP dated on November, 27, 2013 of the Government detailing the implementation of some articles of the Law on Water Resources;
- Circular No. 36/2014 / TT-BTNMT dated on 30 June 2014, regulating method of valuation of land; construction, land price adjustment; specific land valuation and land valuation advisory
- Circular No. 37/2014/TT-BTNMT dated on 30 June 2014, regulating compensation, assistance and resettlement when the State acquires land.
- Decision No. 1956/2009/QĐ-TTg, dated on November 17, 2009, by the Prime Minister approving the Master Plan on vocational training for rural labors by 2020
- Decision No. 52/2012/QĐ-TTg, dated on November 16, 2012, on the assistance policies on employment and vocational training to farmers whose agricultural land has been recovered by the State;
- Others

24. Other laws, decrees and regulations relevant to land management, land acquisition and resettlement include the Construction Law 50/2014/QH13, dated on 18 Jun 2014, on construction activities, rights and obligations of organization and individual investing in civil works construction and construction activities; Decree 102/2014 / ND-CP on sanctioning of administrative violations in the field of land replaced by Decree No. 15/2013 / ND-CP dated on February, 06, 2013 on quality management of constructions; Decree No. 12/2009/NĐ-CP of the Government, dated 12 February 2009 on the management of construction investment projects and replacing the Decree 16/2005/ND-CP, the Decree 38/2013/ND-CP of the Government on the management and use of Official Development Assistance (ODA) fund, and Decree 126/2014/ND-CP of the Government on marriage and family Law implementation, stipulating that all documents registering family assets and land use rights must be in the names of both husband and wife; Decisions of project provinces relating to compensation, assistance and resettlement in provincial territory will be also applied for each relevant project province.

25. Laws, decrees and decisions relevant to public disclosure of information at the Article 67 Land Law No. 45/2013/QH13, require disclosure of information to affected people prior to acquisition of agricultural and non-agricultural lands within minimum 90 and 180 days respectively.

26. Decrees relevant to protection and preservation of cultural property include Decree No. 98/2010/ND-CP Detailed regulations for implementation of some articles of the Law on Cultural Heritage and the Law on editing and supplementing some articles of the Law on Cultural Heritage requiring that sites currently recognized as cultural and historical vestiges, should be kept intact according to current legal regulations.

27. Documents relating to complaints and resolve complaints mechanisms: complaints Law 02/2011/QH13 dated on November 11, 2011, Decree No. 75/2012/ND-CP of the Government dated on March 10, 2012: Specific provisions a number of articles of the Law on Complaints.

2.2. The World Bank's Operation Policy on Involuntary Resettlement (OP 4.12)

28. The World Bank recognizes that involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. The Bank's Resettlement Policy OP 4.12, includes safeguards to address and mitigate the economic, social, and environmental risks arising from involuntary resettlement.

29. The WB's involuntary resettlement policy objectives are the following:

- (i) Involuntary resettlement should be avoided where feasible, or minimized after exploring all viable alternatives in project design;
- (ii) Where resettlement cannot be avoided, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the people affected by the Project to share in benefits. Affected

Persons should be meaningful consulted and should have opportunities to participate in planning and implementing resettlement programs.

- (iii) Affected Persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-project levels or to levels prevailing prior to the beginning of project implementation, whichever is higher

2.3. Comparison between Government of Vietnam and World Bank approaches

30. There are differences between the Government of Vietnam's Laws, policies, regulations related to land acquisition/resettlement, and the World Bank's OP 4.12 on Involuntary Resettlement. The following table highlights the key differences in order to establish a basis for the design of the principles to be applied for compensation, assistance and livelihood restoration support for the affected households, which will be applied under this project.

Table 4 - Comparison of Vietnam's and World Bank's Policies related to Involuntary Resettlement

<i>Subjects</i>	Bank's OP 4.12	Government of Vietnam	Project Measures
1. Land Property			
<i>1.1. Policy objectives</i>	<i>PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</i>	<p>Not mentioned.</p> <p>However, there is a provision of support to be considered by PPC to ensure they have a place to live, to stabilize their living and production. (Article 25 of Decree 47).</p> <p>In case the amount of compensation/support is not enough for resettled people to buy a minimum resettlement plot/apartment, they will be financially supported to be able to buy a minimum resettlement plot/apartment (Article 86.4 of Land Law 2013 and Article 27 of Decree 47)</p>	Livelihoods and income sources will be restored in real terms, at least, to the pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
<i>1.2. Support for affected households who have no recognizable legal right or</i>	<i>Financial assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement</i>	<p>Only agricultural land used before July 1, 2004 is eligible for compensation. Other cases may be considered for assistance by PPC if needed.</p>	Financial assistance of an agreed amount will be given to all PAPs, regardless of their legal status, until their livelihoods and standards of living restore in real terms, at least, to pre-displacement levels.

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
<i>claim to the land they are occupying</i>	<i>levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</i>		
<i>1.3.Compensation for illegal structures</i>	<i>Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.</i>	No compensation	Compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure.
2. Compensation			
<i>2.1.Methods for determining compensation rates</i>	<i>Compensation for lost land and other assets should be paid at full replacement costs,</i>	Compensation for lost assets is calculated at price close to transferring the assets in local markets or the cost of newly-built structures. Provincial People's Committees are granted to identify compensation prices for different categories of assets. Independent land valuator can be used to determine land prices, which will be appraised by land appraisal board before Provincial People's Committee approval.	Independent appraiser identifies replacement costs for all types of assets affected, which are appraised by land appraisal board and approved by Provincial People's Committees to ensure full replacement costs.
<i>2.2.Compensation for loss of income</i>	<i>Loss of income sources should be compensated (whether or not the</i>	Assistance in respect of income loss is given only for registered businesses.	All income losses are to be compensated and, where necessary to achieve the

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
<i>sources or means of livelihood</i>	<i>affected persons must move to another location)</i>	Assistance measures to restore income sources are provided.	objectives of the policy, development assistance in addition to compensation will be provided.
<i>2.3.Compensation for indirect impact caused by land or structures taking</i>	<i>It is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups.</i>	Not addressed.	Social assessment has been undertaken and measures identified and being implemented to minimize and mitigate adverse impacts, particularly upon poor and vulnerable groups.
<i>2.4. Livelihood restoration and assistance</i>	<i>Provision of livelihood restoration and assistance to achieve the policy objectives.</i>	Livelihood restoration and assistance measures are provided. No follow-up for full livelihood restoration after resettlement completion.	Provision of livelihood restoration and assistance measures to achieve the policy objectives. These will be monitored as detailed in the RAP
<i>2.5.Consultation and disclosure</i>	<i>Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms</i>	Focus mostly on consultation during planning (consultation on draft plan of compensation, support and resettlement and plan for training, career change and facilitating job searching); information sharing and disclosure.	Consultation and participation incorporated into RAP design, along with information sharing with PAPs and stakeholders.
3. Grievance redress mechanism			

<i>Subjects</i>	Bank's OP 4.12	Government of Vietnam	Project Measures
	<i>Grievance redress mechanism should be independent</i>	<p>The same governmental body makes decisions on compensation and resettlement, and also handles grievances at the first step.</p> <p>However, complainants can go to court at any steps as PAP wishes.</p>	<p>More effective Grievance and Redress mechanisms are to be established, built on the existing governmental system, with monitoring by an independent monitor</p>
4. Monitoring & Evaluation			
	<i>Internal and independent monitoring are required</i>	<p>Citizens are allowed to supervise and report on breaches in land use and management on their own (or through representative organizations), including land recovery, compensation, support and resettlement (Article 199, Land Law 2013).</p> <p>There is no explicit requirements on monitoring of the resettlement works, including both internal and independent (external) monitoring</p>	<p>Both internal and external (independent) monitoring is to be regularly maintained (on a monthly basis for internal and bi-annual basis for independent monitoring). An end-of-project report will be done to confirm whether the objectives of OP 4.12 were achieved.</p>

III. PRINCIPLES AND POLICIES FOR RESETTLEMENT, COMPENSATION AND REHABILITATION

3.1. General principles

31. All projects affected people (PAP) who have assets within or reside within the area of project land-take before the cut-off date are entitled to compensation for their losses. Those who have lost their income and/or subsistence will be eligible for livelihood rehabilitation assistance based on the criteria of eligibility defined by the project in consultation with the PAPs. If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures will be provided.

- The compensation rates will be determined based on the results of independent appraisal of the land/crops/assets (associated with the land) in a timely and consultative manner. All fees and taxes on land and/or house transfers will be waived or otherwise included in a compensation package for land and structures/or houses or businesses. The local authorities will ensure that PAP choosing relocation on their own, obtain, without additional costs, the necessary property titles and official certificates commensurate with similar packages provided to those who choose to move to the project resettlement sites.
- Land will be compensated “land for land”, or in cash, according to PAP’s choice whenever possible. The choice of land for land must be offered to those losing 20% or more of their productive land. If land is not available, Project Management Unit (PMU) must assure itself, that this is indeed the case. Those losing 20% or more of their land will have to be assisted to restore their livelihood. The same principles apply for the poor and vulnerable people losing 10% or more of their productive landholding.
- PAPs who prefer “land for land” will be provided with land plots with the equivalent productive capacity for lost lands or a combination of land (a standard land plot) in a new residential area nearby for residential land, and cash adjustment for difference between their lost land and the land plots provided. The resettlement area will be planned properly and implemented in consultation with the PAPs. All basic infrastructures, such as paved roads, sidewalks, drainage, water supply, and electricity and telephone lines, will be provided.
- PAPs who prefer “cash for land” will be compensated in cash at the full replacement cost. These PAPs will be assisted in rehabilitating their livelihoods and making their own arrangements for relocation.
- Compensation for all residential, commercial, or other structures will be offered at the replacement cost, without any depreciation of the structure and without deduction for salvageable materials. Structures shall be evaluated individually. Any rates set by category of structure must use the highest value structure in that group (not the lowest).

- Households whose income generation activities, or livelihoods are affected as a result of water cut during dam/reservoir rehabilitation (temporary impact) will be compensated for at replacement costs principle.
- As for the displaced households affected with shelter (displaced from existing residential land because the remaining land area is not feasible for building house or entire land acquisition), the local resettlement board needs to conduct consultations and makes agreed solutions to assist for new shelter for affected households.
- The displaced households affected with shelter that capable of building house on the remaining land (not subject to displacement) will be applied general policies of the project in accordance with the agreed entitlement matrix.
- The PAPs will be provided with full assistance (including a transportation allowance) for transportation of personal belongings and assets, in addition to the compensation at replacement cost of their houses, lands and other properties.
- Compensation and rehabilitation assistance must be provided to each PAP at least 30 days prior to the taking of the assets for those who are not to be relocated and 60 days for those who will have to be relocated. Exceptions should be made in the case of vulnerable groups who may need more time.
- If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures will be provided.
- Additional efforts, such as economic rehabilitation assistance, training and other forms of assistance, should be provided to PAPs losing income sources, especially to vulnerable groups, in order to enhance their future prospects toward livelihood restoration and improvement.

3.2. Compensation Policies

32. All APs who are identified in the project-impacted areas on the cut-off date of the Project baseline survey (BLS) will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to enhance, or at least restore their livelihoods in real terms relative to pre-project levels; and to improve the standards of living of the affected poor and other vulnerable groups. The cut-off date will be the date when the PPC issues the Notification of Land acquisition for the relevant project (Article 67.1 of Land Law 2013) before implementation of DMS. A census survey will be done before the cut-off date is announced to establish a list of potential affected households. Those who encroach into the investment area or building their new assets (rehabilitation, construction of houses/structures, new tree planting) after the cut-off date will not be entitled to compensation or any other assistance.

33. **Based on** the feasibility study report, the baseline social survey (BLS), social impact assessment initially, the impact of resettlement: the group of people affected, download the

affected land and other impacts through IOL. Based on the objectives of the policy and policy harmonization land acquisition, resettlement is proposed for the project, the interests of the affected people are required by law. The specific benefits for each group of affected people mentioned in the entitlement matrix below.

3.2.1. Compensation Policy for Permanent Impact

For Loss of Agricultural land

34. Legal land users:

If the lost area represents less than 20% of a Household's (HH's) land holding (or less than 10% for poor and vulnerable groups), and the remaining area is economically viable, compensation in cash will be at 100% replacement cost for the lost area.

If the lost area represents 20% or more of the HHs' land holding, (or 10% or more for the poor and vulnerable groups) or the remaining area is economically not viable, then "land for land" compensation should be considered as the preferred option. If no land is available, then PMU must demonstrate this to the World Bank's satisfaction before proceeding. If land is not available, or if the PAP prefers cash compensation, then cash compensation will be provided for the lost area at 100% of land replacement cost, and the PAP will be provided with rehabilitation measures to restore the lost income sources, such as agricultural extension, job training, provision of non-agricultural land at a location appropriate for running off-farm business or services. If the PAPs wish, and there is land of similar value elsewhere, the project should also assist these PAPs to visit these areas and help with legal transactions should they wish to acquire them. For agricultural land lying intermixed with residential areas, and garden and pond land lying adjacent to residential areas, apart from compensation at the price of agricultural land having the same use purpose, monetary support shall also be provided; with the prices for such support being equal to between 50% and 70% of the prices of adjacent residential land; and with the specific support levels being decided by the Provincial People's Committees (PPC) to suit local conditions.

35. Users with temporary or leased rights to use communal/public land (PAPs who rent communal or public land):

Cash compensation at the amount corresponding to the remained investment put on the land or corresponding to the remained value of the land rental contract, if it exists.

For PAPs currently using land assigned by State-owned agricultural or forestry farms on a contractual basis for agricultural, forestry, or aquaculture purposes (excluding land under special use forests and protected forests), compensation shall be provided for investments made on the land, but not for the land itself, and these PAPs will also receive additional support for income rehabilitation if they are directly involved in agricultural activities as per Government's regulations. Where PAPs receive land on a contractual basis but are other than the individuals specified as above, they shall only receive compensation for investments made on the land.

36. Land Users who do not have formal or customary rights to the affected land.

Instead of compensation, these PAPs will receive rehabilitation assistance at 80% of the land value in cash. Agricultural land used before July 1, 2004 will be compensated at 100% as per Article 77.2 of the land law. These PAPs will be entitled to the rehabilitation measures mentioned above, to ensure that their living standards are restored.

In cases where the land is rented through civil contracts between individuals, households or organizations, then the compensation for crops, trees or aquaculture products will be paid to the affected land users and PMU shall assist the renter to find similar land to rent.

In cases when PAPs utilize public land (or protected areas), with an obligation to return the land to the Government when requested, the PAPs will not be compensated for the loss of use of the land. However, these PAPs will be compensated for crops, trees, structures and other assets they own or use, at full replacement cost.

The social and baseline assessment should consider if a physical impediment caused by the DRaSIP/WB8 Project (such as a new public safety restriction) will impose additional costs on PAPs, and whether additional compensation is required to offset these costs.

For Loss of Residential Land

37. *Loss of residential land without structures on it:* for legal and/or legalizable land users, all compensation for loss of land will be made in cash at full replacement cost. For land users who have no recognizable land use right, financial assistance will be provided. The amount will be determined by the respective PPC.

38. *Loss of residential land with structures built thereon, where the remaining (non-acquired) land is adequate to rebuild the structure (reorganizing PAP):*

Compensation for loss of land will be made in cash at (i) full replacement cost for legal and legalizable land users; (ii) Financial assistance of an agreed amount will be provided to land users **who do** not have recognizable land use rights.

39. *Loss of residential land with structures built thereon, and the remaining land is not adequate to rebuild the structure (relocating PAP):*

(i) *For PAPs who have legal or legalizable rights to the affected land:*

- A land plot of equivalent size and quality, in a well-developed resettlement site. Where land is not available, an apartment will be provided to the PAP. This will be done in consultation with the PAP. Full ownership title to the land or apartment will be given at no cost to the PAP.

OR,

- On request of and with full consultation with the PAP, cash compensation at full replacement cost, plus the amount equivalent to the value of the infrastructure investments calculated as an average for each household in a resettlement site. In this case, the household will be expected to relocate themselves.

In the event that the compensation amount to be paid is less than the cost of a minimum land plot /apartment in the project's resettlement site, PAPs will be given the support needed to

allow them to acquire the new land plot/apartment at no additional cost to them. If a land plot/apartment in the resettlement site is not PAP's chosen option, a financial assistance, equivalent to the difference in the value of the chosen and actually received land plot/apartment will be provided to them.

(ii) PAPs who do not have formal or customary rights to the affected land:

- Financial assistance of an amount to be determined by Provincial People's Committee will be given.
- If the PAP has no place to move, a land plot or an apartment satisfactory to them will be provided in the resettlement site and they can either pay in installment or rent it for living.

In case the relocated PAPs belong to poor or vulnerable groups or households, additional assistance (in cash and kind) will be provided to ensure that they are able to fully relocate to a new site.

For Loss of House/Structures

40. Compensation or assistance in cash will be made for all affected private-owned houses/structures, at 100% of the replacement costs for materials and labor, regardless of whether or not they have title to the affected land or a construction permit for the affected structure. The compensation/assistance amount will be sufficient to rebuild the affected house/structure of the same quality. As per OP 4.12 cash compensation will be at full replacement cost in local markets. No deductions will be made for depreciation or salvageable materials.

If the house/structure is partially affected, a financial assistance will be provided to enable PAPs to repair the affected house/structures to restore it to the former condition, or better, at no additional cost to them.

41. Tenants

- Tenants of state-owned or organization-owned houses will be: (i) entitled to rent or buy a new apartment of an area at least equal to their affected ones or (ii) provided a financial assistance equivalent to 60% of replacement cost of the affected land and houses. The affected structures built at the PAP's own costs will be compensated for at full replacement costs.
- Tenants who are leasing a private house for living purposes will be provided with transportation allowance for moving assets, and will be assisted in identifying alternative accommodation.

For Loss of Standing Crops and Trees or aquaculture products

42. For annual and perennial standing crops, trees or aquaculture products, regardless of the legal status of the land, cash compensation at full replacement cost will be paid to the affected persons who cultivate the land. The compensation will be sufficient to replace the lost standing crops, trees or aquaculture products at local market rates. Perennial crops or trees will be compensated at a rate calculated on their life time productivity. Where affected trees

can be removed and transported, compensation will be paid for the loss of the tree plus the transportation cost.

For Loss of Income and/or Business/Productive Assets

43. For PAPs losing income and/or business/productive assets as a result of land acquisition, the mechanism for compensating will be:

- Allowance for stable production, business: All affected businesses and production households whose income is affected will be compensated and/or supported for losses in business equivalent to 30% of their actual annual income: (i) For licensed businesses the compensation will be based on their average yearly income as declared with the taxation agency over the previous three years, and (ii) For unregistered affected businesses but have made their tax obligations the compensation will be supported by 50% of the specified support.
- Employees who are affected by acquisition of residential/commercial land acquisition, public land or land of enterprises: Allowance equivalent to the minimum salary as per the regulations to affected employees during the transition period which can be for a maximum of 6 months. Assistance in finding alternative employment will also be given.
- If the business has to be relocated, the project will assist in finding an alternative site with location advantage and physical attributes similar to the land lost, and with easy access to a customer base, satisfactory to the PAP. Alternatively, the PAP will receive compensation in cash for the affected land and attached structures at replacement cost, plus transportation allowance for movable assets.

Compensation for Graves

44. Compensation for the removal of graves/ tombs will include the cost for buying of land for re-burial, excavation, relocation, reburial and other related costs which are necessary to satisfy customary requirements. Compensation in cash will be paid to each affected family or to the affected group as a whole as is determined through a process of consultation with the affected community. The level of compensation will be decided in consultation with the affected families/communities. Household and individual graves are considered physical cultural resources (PCR) and even though the costs associated with their relocation will be covered in the resettlement plan, the WB OP 4.11 on Physical Cultural Resources should be triggered and relevant cross references should be made to the Environmental Management Plan or Project Implementation Manual.

Compensation for other assets

45. In the case of the affected households is equipped with telephone system, water meter, electric meter, cable TV, internet access (subscription), shall be compensated according to unit price of installing new units offer service announcement or relocation costs due to service providers regulations.

Compensation for Loss of Public Structures

46. In cases where community infrastructure such as schools, factories, water sources, roads, sewage systems, medical centers, distribution/transmission, communication and fiber cable are damaged and the community wishes to reuse them, the project will ensure that these are restored or repaired as the case may be, at no cost to the community. Public infrastructure directly related to people's livelihoods and developmental needs, such as irrigation canals, school, clinic, etc. will be restored/rebuilt to pre-project or higher quality levels or compensated at replacement cost, as determined through consultation with the affected community.

47. Land acquisition for the safety corridor of construction, AHs have houses and constructions on the land in safety corridor of construction, to be considered, assessed on impacts level and compensated and assisted in accordance with the policy of the project.

3.2.2. Compensation Policy for Temporary Impact during Construction

48. When PAPs are adversely impacted by project works on a temporary basis, they are entitled to the following:

- Compensation for all affected assets/investments made on the land, including trees, crops etc., at full replacement cost;
- Cash compensation for rental loss, which is at least equivalent to the net income that would have been derived from the affected property during the period of disruption;

Damages caused by contractors to private or public structures:

49. Damaged property will be restored to its former condition by contractors, immediately upon completion of civil works. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages do occur, the contractor will be required to repair the damage and may also be required to pay compensation to the affected families, groups, communities, or government agencies at the same compensation rates that are applied to all other assets affected by the Project.

Secondary PAPs:

50. This refers to PAPs affected by development of individual resettlement or group resettlement sites. Because all secondary PAPs are likely to be affected in similar ways as primary ones, they will be entitled to compensation and rehabilitation assistance in accordance with the impacts on them and according to the same compensation rates and procedures that apply to all PAPs affected in this project.

Compensation for Loss of Community Assets:

51. In cases where community infrastructure such as schools, bridges, factories, water sources, roads, sewage systems are damaged, the project will ensure that these will be restored or repaired at no cost for the community, and be done to a standard that meets the community's satisfaction.

Any other impacts that may be identified during implementation

52. Any other impacts identified during project implementation will be compensated in accordance with the principles of this RPF and World Bank OP 4.12. Any disruption of business will be compensated in accordance with the principles of this RPF.

53. Support for agricultural households affected by halting water supply during construction (if any). The people in the area affected by the loss/limit water source due to infeasible irrigation water during construction. Support by the average net income per month, not less than 3 months, according to the conditions and extent of the specific impact, PPC decides in specific cases. Prioritized participate in extension programs. In process of assistance plan development, it needs to determine and consult fully with AHs.

3.2.3. Allowances and Rehabilitation Assistance

54. Besides the compensation for affected assets, PAPs will be provided with financial assistance to cover their expenses during the transition period. The assistance levels will be adjusted, taking into account inflation factor and price increase to be appropriate to the payment time. They include, but are not limited to:

For Impacts on Residential Land

a. *Transportation Allowance* to relocating PAP:

The support level moving to new location: moving in the city will be decided by PPC, in accordance with local.

b. *Removal Support*: Organizations and PAPs that are allocated or leased land by the state or are lawfully using land and have to relocate their productive and/or business establishments are entitled to financial support for dismantling, relocating and re-installation of the establishment. Support levels will be determined by actual costs at the time of removal, based on self-declaration of the organizations and verification by the agency in charge of compensation. This will then be submitted to the relevant authorities for approval.

c. *House Renting Allowance* or temporary accommodation will be provided to PAPs who may be forced to relocate from their original homes and are still awaiting the replacement land plots or apartments. In the case of replacement land plots, the rental allowance will extend to the period during which the new house is being built.

For Impacts on Agricultural Land:

- *Allowance for Loss of Livelihood (during transition period)*: (i) PAPs losing 20 - 70% of their agricultural landholding (or 10 - 70% for the poor and vulnerable groups) will be provided with compensation by 30 kg of rice /person/month for 6 months if they do not have to relocate, and for 12 months in case of relocation. In some special cases, in extremely difficult areas, the compensation may be provided for a maximum of 24 months; (ii) PAPs losing more than 70% of their agricultural landholding will be assisted at the above rate for a period of 12 months if they do not have to relocate, and

24 months in case of relocation. In some special cases, in extremely difficult areas, the compensation may be provided up to a maximum of 36 months; (iii) Households *affected by loss of less than 20% of land, where the remaining land is rendered unviable for continued use*, will be assisted with the above support plus any additional support as determined, for a period of 12 months.

In case of land-for-land compensation, PAPs will be assisted with seedlings, agricultural-forestry extension programs, husbandry etc.

- ***Support for Skill/Job Change:*** The project will offer a range of training options in consultation with the affected PAPs and relevant to the market demand and needs of the area. The financial compensation will at most 5 times the agricultural land prices established by PPC of the acquired agricultural land, but subject to the local land allocation limit as per Government's regulations.
- ***Support for training, apprenticeships on vocational training establishments:*** At least one member of each affected household will be entitled to vocational training and assistance in getting employment in the PPC. The PAPs participating in such training programs will be exempted from payment of tuition fees. After finishing training courses, they will be given priorities to be recruited in local manufacturing industries.
- ***Assistance for agricultural, garden and pond land adjacent to, but not included in the category of residential land:*** Additional assistance (equivalent 40% of the cost of compensation for the adjacent residential plot) for garden land and pond land; and (at 50% of the cost of compensation for the adjacent residential plot) for agricultural land.

Other allowances/ assistance:

- **Incentive Bonus:** All PAPs who vacate the affected land immediately after receiving compensation and allowances will be given an incentive allowance consistent with each province.
- **Repair Allowance:** If house/structure is partially affected and the remaining structure is viable for continued use, the project will provide a repair allowance equivalent to 20% of the compensation for the affected part of the structure, to enable PAPs to restore it to former or better conditions.
- **Relocated households which eligible for resettlement, but self - accommodation:** an amount supported for investment in infrastructure cost/m2 announced by the Ministry of Construction, the land area to support is the actual recovery land but not exceeding the limit of land allocation in accordance with regulations.
- **Households relocating with school-going children** will be supported with 1-year tuition as regulated by the Ministry of Education

Allowances/ Assistance Targeted to Vulnerable Households:

- ***For landless households:*** Assistance through provision of an apartment with either payment by installment to buy it or rent it for living (at PAP's choice). Additional assistance will be considered if needed to ensure the PAP have a place to live.
- ***Social Policy:*** (i) Relocated Households which included heroic mothers, heroic armed force, heroic labor, war veterans, wounded or dead soldiers; (ii) Poor Relocated Household or Poor Household whose 10% or more of their productive land affected or where <10% land affected but the remaining land will be provided with support as regulated by the PPCs (to be certified by local authority).
- ***Other vulnerable groups:*** Female headed households with dependents, household with disabled persons, elderly without any source of support, poor and near poor household and ethnic minority households will get the same additional support given to poor households in accordance with the provincial policy.
- PAPs who will lose income sources will be entitled to take part in Income Restoration Programs. Rehabilitation measures like agricultural extension services, job training and creation, credit access and/or other measures as appropriate will be given to PAPs losing income sources to ensure their livelihood could be restored to the pre-project level.

Apart from the assistances mentioned above, based on the actual situation, the Project may consider other assistances to secure life stabilization, culture, production and livelihoods of APs.

Table 5- Matrix of Entitlements

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
<p>1. Productive land ³ (Agricultural, garden, pond land, etc.) either in or out of the residential area.</p>	<p><u>Legal land users</u> 1.1. Marginal loss (< 20% of land holding or < 10% for vulnerable group) The remaining area of affected plot is still economically viable for use or meets the expected personal yield.</p>	<p>Cash compensation at replacement cost (free from taxes and transaction costs) for the affected area of the land.</p>	<ul style="list-style-type: none"> - Affected households to be notified at least ninety days before land recovery by the Project. - The owner of land will hand over the land within 20 days from the date District Compensation Board fully pays compensation for land.
	<p>1.2. Loss of no less than 20% or no less than 10% for vulnerable groups</p>	<p>Land for land compensation should be as the preferred option. If land is not available, or at the PAP's choice, cash compensation can be provided for the lost area at 100% of land replacement cost. The PAP will be provided with the additional rehabilitation measures to restore the lost income sources.</p>	<ul style="list-style-type: none"> - Other assistance options which city could decide based on the locality conditions. - Affected households to be notified at least ninety days before land recovery by the Project. - The owner of land will hand over the land within 20 days from the date District Compensation Board/ has paid

³The sub-categories of productive land such as agricultural, forestry, garden, aquaculture and pond will be compensated at different rates. These will be specified and detailed in the Resettlement Action Plans to ensure the compensation is reflective of current rates and takes into account geographic variation. Land on which businesses are located will be compensated as detailed in the section on relocation of business.

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
			<p>compensation and other allowances in full.</p> <p>- For poor, vulnerable and severely affected farmers, including landless, allocation of arable land equal to per capita arable land in commune, or if there no land available for allocation or, on the PAPs request through informed choice, training/ rehabilitation programs will be provided to at least restore, if not improve, their income and living standards.</p>
	<p>Land Users with temporary or leased rights to use land.</p>	<p>Cash compensation at the amount corresponding to the remaining investment on the land.</p>	
	<p>Land Users who do not have formal or customary rights to the affected land</p>	<p>PAPs will receive assistance corresponding to 80% of land replacement cost. Agricultural land used before July 1, 2004 will be compensated at 100% as per Article 77.2 of the land law. In addition to above, rehabilitation/training assistance will be provided.</p>	

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>In case the PAP uses public land where there was previous agreement to return the land to the Government when so requested, they will not be compensated for the acquired public land but will be compensated for structures, crops, trees and other assets on the land at 100% of the replacement cost.</p>	
<p>2. Residential land</p>	<p>2.1. Marginal loss (i.e., land is still viable for use and not requiring relocation).</p>	<p>Compensation for loss of land in cash at (i) replacement cost to the legal and legalizable land users; (ii) An financial assistance of an agreed amount to the land users not having recognizable land use right.</p> <p>If PAPs have to rebuild their houses, they will receive a house rental allowance for 3 months in recognition of the time needed to rebuild their houses.</p>	<ul style="list-style-type: none"> - Affected household to be notified at least 180 days before land recovery by the Project. - The owner of land will hand over the land within 20 days from the date District Compensation Board/ has paid compensation in full.
	<p>2.2. Relocated PAPs</p>	<p><i>(i) Legal or legalizable land users:</i></p> <p>A land plot in a resettlement site or apartment will be provided to the PAP, in consultation with them. They will have full land title or apartment ownership title without any cost to them.</p>	<ul style="list-style-type: none"> - Affected household to be notified at least 180 days before land recovery by the Project. - The process of compensation for a plot/apartment for legal and legalizable PAPs at the resettlement

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>Or, on request of the PAPs through informed choice, cash compensation at full replacement cost plus the amount equivalent to the value of the infrastructure investments calculated averagely for each household in a resettlement site. In this case, they will be expected to relocate themselves.</p> <p>If the compensation amounts is less than the cost of a minimum land plot/apartment in the project's resettlement site, PAPs will be provided additional supported to enable them to acquire the land plot/apartment (or cash assistance will be provided equivalent to this difference for self-relocated PAPs).</p> <p><i>(ii) PAPs who do not have formal, or customary rights to the affected land:</i></p> <p>An identified financial assistance of agreed amount will be provided. If the PAP has no place to move, an apartment in the resettlement site will be provided and the PAP can either pay in installment to buy or rent it for living.</p> <p>In case the relocated PAP belongs to poor or vulnerable groups or HHs, the project will provide assistance to ensure that the PAP is</p>	<p>site will be as follows:</p> <ul style="list-style-type: none"> - If the selling cost of minimum plot(s)/apartment at the new site is more than the value of the affected residential land, PAPs receive new plot/apartment at no additional cost. - If the plot(s)/apartment at the new site is equal the value of affected residential land, PAPs receive new plot/apartment at the new site without any balance. - If the plot(s)/apartment at the new site is less than the value of affected residential land, PAPs will receive plot/apartment and the difference in cash. <p>The planning and detailed design for the relocation sites will be done by consultant of DCB in consultation with stakeholders and then approved by the PPC.</p> <p>Detailed regulation on plot/apartment allocation will be developed by DCB</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		able to relocate and re-establish themselves to a new site.	<p>through consultation with commune and PAPs, followed by approval of PPC.</p> <p>For relocating households, assistance is in form of land-for-land of similar characteristics with title at no cost. The replacement land is no less than 40m², or compensation in cash with equal value if PAPs for self-relocation.</p> <p>Area and number of land plot/apartment in resettlement sites will be decided in consultation with PAPs.</p>
			For poor or vulnerable PAPs who have no other residential land in the same as their affected commune, the project will provide an apartment and the PAPs can either pay in installment to buy or rent it for living.
3. Houses	3.1. Partial impact: Unaffected portion of the house is still viable for use	- If house/structure is partially affected and the remaining structure is viable for continued use, the project will provide a house/structure repair cost, in addition to the compensation for	The calculation of rates will be based on the actual affected area and not the useable area.

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
	<p>and could be remained from the technical viewpoints, therefore, require no relocation.</p>	<p>affected portion at replacement cost, to enable PAPs to restore it to former or better conditions.</p> <p>- Compensation for other structures/fixed assets will be at full replacement cost and will be in cash.</p>	
	<p>3.2. Full impact (i.e., house is partially acquired by the project but no longer viable for continued use or the entire structure is acquired).</p>	<p>- Compensation in cash for entire affected structures will be provided at 100% of the full replacement cost for materials and labor, regardless of whether or not they have title to the affected land or permit to build the affected structure. The amount will be sufficient to rebuild a structure the same as the former one at current market prices. No deductions will be made for depreciation or salvageable materials.</p> <p>- Compensation for other structures/fixed assets will be at full replacement cost and will be in cash. Tenants of state or organization's houses will be: (i) entitled to rent or buy a new apartment of the area at least equal to their affected ones; or (ii) provided an assistance equal 60% of replacement cost of the affected land and houses. Any investments such as structures, trees, crops etc. made on the land by</p>	<p>The calculation of rates will be based on the actual affected area and not the useable area.</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>the PAPs will be compensated at their full replacement cost.</p> <p>The tenants who are leasing a private house for living purposes will be provided with transportation allowance for moving their assets. They will also be assisted in identifying alternative accommodation.</p>	
4. Crops and Trees, aquaculture products	Owners regardless of tenure status	For annual and perennial standing crops or trees, aquaculture products regardless of the legal status of the land, compensation in cash will be paid to the affected persons, who cultivate the land, at full replacement cost in local markets to ensure the compensation is sufficient to replace the lost standing crops, trees or aquaculture products.	PAPs will be given notice several months in advance regarding evacuation. Crops grown after issuance of the deadline will not be compensated.
5. Public structures	Loss of, or damage to assets	Either in (i) cash compensation to cover the cost of restoring the facilities or (ii) in kind compensation based on the negotiation between District Compensation Board and owners of assets.	For public structures, the displacement will be carried out by the owners prior to the start of works.
6. Communal-owned assets, collective assets	Loss of, or damage to assets of village, ward, commune,	Either (i) cash compensation to cover the cost of restoring the facilities or (ii) in kind	For the communal owned assets directly affecting lives and production

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
	district, provincial government unit.	compensation based on the negotiation between DCB and owners of assets.	activities of the community, restoration must be done prior to the start of works.
7. Graves	Have to move the graves or tombs	<ul style="list-style-type: none"> - All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family. - Graves to be exhumed and relocated in culturally sensitive and appropriate ways. 	
8. Loss of Income/ Livelihood due to loss of productive land	<p>Impacts due to permanent loss of 20% or more of their total productive land or where <20% land affected but the remaining land is rendered unviable.</p> <p>(Legal, legalizable land users and PAPs with lease agreement over the affected land)</p>	<p>- Allowance for Loss of Livelihood: Affected person will be compensated with 30kg of rice/person/month, including:</p> <p>(a) : Affected households losing 20% to 70% of their agricultural land will be assisted for 6 months if the remaining land is viable for continued use, and for 12 months in case the remaining land is rendered unviable and entire land is acquired by the project. In some special cases, in extremely difficult areas, the assistance may be given up to a maximum of 24 months;</p> <p>(b) Affected households losing more than 70% of their agricultural land acquired will be</p>	

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>assisted for 12 months if the remaining land is viable for continued use, and for 24 months in case the remaining land is rendered unviable and entire land is acquired by the project. In some special cases, in extremely difficult areas, the assistance may extend to a maximum of 36 months; In addition, these PAPs will be targeted for livelihood restoration program;</p> <p>(c) households affected by loss of <20% of land and the remaining land is rendered unviable for continued use, the PAPs will be provided assistance for 12 months;</p> <p><i>Assistance for agricultural, garden and pond land in the residential area adjacent to residential land, but not recognized as residential land:</i> Additional assistance (40% of the cost of compensation for the adjacent residential plot) for garden land and pond land; and (at 50% of the cost of compensation for the adjacent residential plot) for agricultural land.</p> <p>In case of land-for-land compensation, PAP will be assisted with seedlings, agricultural-forestry extension programs, husbandry etc.</p> <p><i>Vocational conversion assistance:</i> Every PAP</p>	

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>affected by loss of productive land, irrespective of the degree of impact, will be provided with additional assistance equivalent to at most 5 times the agricultural land price established by PPC.</p> <p><i>Support for vocational training and job creation:</i> At least one member of households affected by loss of productive land will be entitled to vocational training and assistance in getting employment in the province. The PAPs participating in such training programs will be exempted from payment of tuition fees course will be paid directly to the vocational training centers. After finishing training courses, they will be given priority to be recruited in local manufacturing industries.</p>	
<p>9. Loss of Income/ Livelihood due to relocation of business</p>	<p>Marginal impacts</p>		

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
	<i>Owner of the affected business and employees</i>	<p>For PAPs losing income and/or business/productive assets as a result of land acquisition, the mechanism for compensating will be:</p> <p>(i) Allowance for Business Loss: All affected businesses and production households whose income is affected will be compensated or supported for losses in business equivalent to 50% of their actual annual income: (a) For licensed businesses the compensation will be based on their average yearly income declared with the taxation agency over the previous three years, and (b) For unregistered affected businesses but have made their tax obligations the compensation will be supported by 50% of the specified (ii) Employees who are affected by acquisition of residential/commercial land acquisition, public land or land of enterprises: Allowance equivalent to the minimum salary as per the provincial regulations to affected employees during the transition period for a maximum of 6 months, and will be assisted in finding alternative employment.</p>	

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
	<i>Relocating shop owners regardless of tenure status.</i>	If the business has to be relocated, the project will provide alternative site with local advantage and physical attributes similar to the land lost with easy access to customers base, satisfactory to the PAP, OR compensation in cash for the affected land and attached structures at replacement cost, plus transportation allowance for movable attached assets.	PAPs will be given priority for business relocation at conveniently located in order to maximize their benefit from business opportunities. At the time of compensation, allowances will be adjusted to account for inflation.
10. Allowances /Assistance Targeted to Vulnerable Households	Loss of land and non-land assets <i>Affected vulnerable groups regardless of severity of impacts. The vulnerable groups were defined as in Terms of Terminology</i>	<p>Specific assistance to vulnerable groups would be as follows:</p> <ul style="list-style-type: none"> - For landless households, assistance through provision of an apartment that PAP can either pay in installment to buy or rent it for living. -Social Policy: (i) Relocated Households that include heroic mothers, heroic armed force, heroic labor, war veterans, wounded or dead soldiers families will be provided with support as regulated by the PPCs; (ii) Poor Relocated Households or Poor Households where 20% or more of their productive land is affected or where <20% land is affected but the remaining land is rendered unviable and to be certified by 	<p>- Allowance for households as per Government regulation (social policy households, heroic mothers, wounded, dead soldiers). If the household eligible to more than one additional support allowance for the vulnerable people, only one package with the highest value will be applied</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>local authority).</p> <ul style="list-style-type: none"> - <i>Other vulnerable groups</i> affected by the Project, whether they have to relocate or not, (female headed households with dependents, households with disabled persons, elderly without any source of support, ethnic minority households) will get the same support given to poor households in accordance with the provincial policy. - These households are entitled to take part in Income Restoration Program 	
<p>11. Other Allowances/ Assistances</p>	<p>Loss of land and non-land assets</p>	<p><i>Incentive Bonus:</i> All PAPs who vacate the affected land immediately after receiving compensation and allowances will be given an incentive allowance in accordance with the provincial policy.</p> <p><i>Repair Allowance:</i> If house/structure is partially affected and the remaining structure is viable for continued use, the project will provide a repair allowance equivalent of 20% of compensation for the affected part of the structure to enable PAPs to restore it to former or better conditions.</p>	

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
		<p>The relocating households with children who are going to schools will be supported with 1-year tuition as regulated by the Ministry of Education</p> <p>Based on the actual situation of the locality, the PPC Chairman issues other allowances to ensure accommodation and livelihood restoration for PAPs.</p>	
12. Temporary impacts	Temporary loss of land and assets.	<p>Compensation for all damaged or lost assets, including trees, crops at full replacement cost</p> <p>Rental in cash for the land acquired at a rate which will be no less than the net income that would have been derived from the affected property during disruption;</p> <p>Restoration of the land within 3 months after use: The contractor is expected to return the land in its original condition within 3 months of the termination of the civil works.</p>	<p>If the quality of land is radically changed when returned to PAPs, requiring PAPs to change in the types of land use; then PAPs should be compensated for all envisaged cost of losses.</p>
	Households whose income generation activities, or livelihoods are affected as a result of water cut during	<p>Compensation for all lost will be at replacement costs.</p> <p>Priority of participation in agricultural extension, and other assistance of local.</p>	<p>People to be assisted must be specified and consulted fully.</p>

Type of Loss/ Impacts	Application	Entitlements	Implementation Arrangements
	dam/reservoir rehabilitation (temporary impact)		
13. Any other impacts that may be identified during implementation	Individuals, organizations in the project area	Entitlements to compensation and other assistance would be provided in accordance with the compensation policy. Secondary impacts on production and business or PAPs isolated from access to resources temporarily have to be compensated and supported in accordance with RAP.	In case of impacts on livelihoods of PAPs, the contractors, construction units have to agree with the households on payment for disruption of business.

3.3 Resettlement and Income Restoration Strategy

55. For *households with affected residential land and have to resettle*. Households that have to resettle, relocate will identify and select options of relocation on their existing plots or to move to plots provided by the district or to receive cash compensation to make their own arrangements for relocation. In the case that any businesses have to relocate, they will be assisted to find viable new sites.

56. For *households with acquired agricultural land*. Apart from the compensation and assistance foresaid, they are entitled to assistance policy for job creation and vocational training for the persons at the working age (Decree 52/2012, Decree 47/2014). They will be provided with assistances:

- Assistance for vocational training including: short-term vocational training courses (primary level and vocational training of less than 3 months) or vocational training at mid-level and college levels and the local authority pays tuition for one training course. The expenditure for vocational training is taken from total expenditure of the investment project or the approved plan on compensation, assistance and resettlement;
- Assistance for job creation in the country: providing consultation on vocational training, free introduction of jobs at the job introduction centre under DOLISA. The businesses receive many labors whose agricultural land is acquired will be entitled to preferential policy on land, credit and taxes as regulated by the laws.

57. Besides, the AHs who are compensated by agricultural land will be assisted stable production, including: Assistance for plant varieties and animal breeds for agricultural production, agriculture and forestry services, plant protection services, veterinary medicine, cultivation techniques, breeding techniques and professional techniques for production and business. Appropriate livelihood restoration programmers will be designed and implemented in consultation with the APs in the project implementation stage.

3.4 Vulnerable Group, Gender, and Ethnic Minorities

58. The Project realizes that there are certain social groups that have fewer possibilities to restore their living conditions, livelihoods, and income levels and the Project has integrated these issues in project preparation and implementation activities through application of APs-participated planning and decision making. Women in villages contribute to economic development of the family and community livelihood. They will be empowered to become active members in community activities as well as in supporting project implementation and monitoring.

59. During the implementation process, the Project will pay special attention to the women and female-headed HHs as the project beneficiaries. Women will participate equally in the whole process of project implementation to enhance the project sustainability. Active participation of women and the ethnic minority group will ensure that design of restoration measures suits their specific needs or concerns, e.g. groups of people without land, the poor

and female householder, disables, the elders and children who have no assistance sources. In case of having a full resettlement action plan that is suitable and agreed by all relevant parties, a strategy of gender and specific actions for the ethnic minority groups, will be incorporated.

IV. ELIGIBILITY CRITERIA AND ENTITLEMENTS

Project affected people

60. People directly affected by a project through the loss of land, residences, other structures, business, assets, or access to resources, specifically are:

- Persons whose agricultural land will be affected (permanently or temporarily) by the Project;
- Persons whose residential land/houses will be affected (permanently or temporarily) by the Project;
- Persons whose leased-houses will be affected (permanently or temporarily) by the Project;
- Persons whose businesses, farming activities, occupations. or places of work will be affected (permanently or temporarily) by the Project;
- Persons whose crops (annual and perennial)/ trees will be affected in part or in total by the Project;
- Persons whose other assets or access to those assets, will be affected in part or in total by the Project; and
- Persons whose livelihoods will be impacted (permanently or temporarily) due to restriction of access to protected areas by the Project.
- Persons whose will be impacted due to stopping irrigation water supply when construction

Identification of vulnerable groups or Households (HHs)

61. The initial rapid socioeconomic surveys, the vulnerable groups will generally include the following:

- Poor and near poor households as identified by MOLISA and according to local regulations;
- Poor landholders that have limited productive land (this will be determined by the minimum amount of farm land needed to be a viable farmer in the project area);
- Ethnic minority Households;
- Mentally and physically handicapped people or people in poor physical health; infants, children and women without assistance;
- Poorest women-headed households or women-headed households with no other support;
- Other PAP identified by the project management unit and who may not be protected through national land compensation or land titling; or

- Any additional groups identified by the socio economic surveys and by meaningful public consultation.

Eligibility

62. The eligibility for entitlement to compensation is determined by asset ownership criteria:

- (i) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country. In the consideration, it is also useful to document how long they have been using the land or the assets associated with it);
- (ii) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement action plan;
- (iii) Those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (i) and (ii) are provided compensation for the land they lose, and other assistance. Persons covered under (iii) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the GoV and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (i), (ii), or (iii) are provided compensation for loss of owned or used assets other than land.

Entitlements

63. With respect to a particular eligibility category, entitlements are the sum of compensations and other forms of assistance provided to project affected persons. Please refer the Entitlement Matrix.

New households after the cut-off-date

64. Those households splitting from the large families after the cut-off-date who meet the following conditions will be eligible for resettlement benefits as stand-alone households and are recognized as PAPs:

- a. Households splitting from a family with minimum of two couples and having minimum of six persons; and
- b. Endorsement by the District authority, with verification of commune's People's Committee that the household has split.

65. Newly born children, spouses of persons named in the household registration books, people who have completed military service, and people who have just returned from schools to live with the affected households prior to the cut-off date will be entitled to the compensation and support measures outlined in this document.

V. CONSULTATION WITH PROJECT AFFECTED PEOPLE'S

5.1. Objectives of Public Information and Consultation

66. Disseminating information to people affected by the project and the involved agencies is an important part in the work of project preparation and implementation. The consultation with affected persons and the active participation of APs will reduce the potential conflict and risk of slowing the project. This allows the project to design a resettlement and rehabilitation program as a general development program, in accordance with the needs and priorities of affected people and therefore, maximizes economic and social efficiency of investment. Objectives of the information and community consultation program include:

- (i) Ensuring that local competent authorities as well as representatives of affected persons will be involved in the planning and making decisions. The PPMUs will work closely with the district/commune PCs during the sub-project implementation. The participation of affected persons in implementation stage will be continued by requesting each district/commune to invite representatives of affected persons to play as members of the Council/Board of Compensation and Resettlement of the district and participate in resettlement activities (property evaluation, compensation and resettlement and monitoring).
- (ii) Sharing all information about planned work items and activities of the sub-project with the affected people.
- (iii) Collecting information on needs and priorities of affected persons as well as receive their response information on planned policies and activities.
- (iv) Ensuring that affected persons can be informed fully the decisions which directly affect their income and living standard and they have the opportunity to participate in the activities and make decisions about issues directly affecting them.
- (v) Gaining the cooperation and participation of affected persons and communities in the activities, which are necessary for planning and implementing the resettlement.
- (vi) Ensuring the transparency in all activities related to land acquisition, compensation, resettlement and restoration.

5.2. Consultation approach adopted when preparing this RPF

67. The purpose of the Resettlement Policy Framework is to provide a set of principles for compensation, assistance and resettlement, the institutional organization, funding mechanisms and design criteria applicable to the preparation of subproject project during project implementation (OP 4.12, paragraphs 26-28). In order to facilitate the implementation of activities on land acquisition, compensation and resettlement in the Dam Rehabilitation and Safety Project institutional, policy, resettlement, and social experts have to review the contents of the laws of the land and resettlement of Vietnam, involuntary Resettlement Policy Framework of World Bank OP4.12. RPF for Project includes the following contents: (i) The objectives and principles of appropriate policies as well as requirements of safety policy for

the preparation and implementation of sub-projects or components; (ii) Explaining the potential impacts of the sub-projects or the investment components of the project; (iii) The request will be made to review, classify, evaluate and plan for the project, including the dissemination of information and consultation on measures relating to vulnerable groups including women, complaint resolution mechanisms; (iv) A description of the procedures, including funds, institutional arrangements, and the requirement of capacity building; (v) The requirements for monitoring and reporting; and (vi) Identifying the responsibilities and powers of the stakeholders involved in the preparation, submission, review and approval of documents on social security policies, monitoring the implementation of the social safety plan.

5.3. Consultation during Subproject Identification and Preparation

68. The sub-project investment preparation stage, public information and consultation aims to gather information for assessing sub-project resettlement impacts and clarify recommendations on possible alternative technical options. This will reduce or mitigate potential negative resettlement impacts on local population and to proactively address issues or problems that may emerge during the implementation. The methods of the sub-project information and public consultation may include participatory rapid assessment and stakeholder's consultation, using techniques of site and household visits, public meetings, group meetings and focus group discussions and the household socio-economic survey.

69. At the early stage of the project preparation, local authorities and leaders of different administrative levels in each sub-project will be informed about the project, its objectives and proposed activities. They were intensively consulted and actively participated in discussions on their development needs and priorities of their locality. HHs will also be consulted on assessment of the potential impacts by the sub-project and possible mitigation measures and measures on improvement of project benefits for themselves. The local authority is consulted on their agreement and commitments to follow the project resettlement policy described in the RPF, reflecting both the Government and WB resettlement objectives.

70. After the sub-project is approved, the project information including RAP, objectives, components and on-going activities at public sites shall be publicly disclosed.

5.4. Consultation Proposed During Subproject Implementation

71. Information dissemination and community consultation: during the project implementation, the PMUs/DRCs, with the assistance of the project consultants, will undertake the following tasks:

- (i) Providing information to relevant agencies at all levels throughout training workshops. Provide detail information on the project policies and implementation procedures.
- (ii) Organizing information dissemination and consultation to all affected persons during the project implementation.

- (iii) The DRC carries out DMS, updates the unit prices based on the results of replacement cost survey, and reconfirm the scale of land acquisition and impacts on properties based on the results, consultation to affected persons, develop and complete property compensation plan for each affected household.
- (iv) The property compensation plan finalizes affected assets and compensation entitlements of households, which must be signed by affected persons to demonstrate their concurrence with the evaluated results. Any questions of affected persons on the content of the compensation plan must be recorded at this time.
- (v) A letter/questionnaire about resettlement options will be given to all APs entitled to relocation (a) to inform them about resettlement options (a clear explanation of the consequences of choosing each option will be given), (b) to request that APs confirm their choice of resettlement option and their preliminary confirmation of resettlement site location, and (c) to propose the APs to clarify services that they are using such as education/health/market and distance of access to those services to ensure development of the future infrastructure service.
- (vi) Consulting affected people about their desire for the rehabilitation plan. This will be applied for severely affected and vulnerable people. The DRCs will notify affected persons the plan and their entitlement to receive technical assistance before requesting them to make clear their desire on the rehabilitation assistance.

72. **Community Consultation:** Before updating the RAP according to the detail design, the PMU/DRC will organize community meetings at each affected commune to provide the APs with additional information and give them an opportunity to participate in the open discussions on resettlement policy and procedures. Invitations will be conveyed to all affected persons before the meeting is held in such place. The purpose of this meeting is to clarify the information updated at the meeting time and create opportunities for affected people to discuss the concerned issues and clarify information. In addition to notification letters addressed to affected people, other measures of information dissemination to them and the public in general like posters in prominent places in the headquarter of communes/districts where the affected people are living by means of local radio and newspapers. Both men and women of affected households as well as community members who are interested in the Project are encouraged to participate. In the meeting, there will be explanations about the Project, rights and entitlements of households, and the meeting will be an opportunity to raise related questions. Similar meetings will be organized periodically throughout the project cycle. The consulting organization must be established record of certified CPC committee representing Vietnam Fatherland Front and communal representatives who have acquired land.

Public Meetings

73. Prior to the beginning of the detailed design, a public meeting will be held in each ward/commune to provide PAPs with additional information and an opportunity for open discussion about resettlement policies and procedures in each affected commune. A letter of invitation will be sent to all PAPs before the meeting in their area. This meeting is intended to

clarify information that has been given to date and to provide PAP with the opportunity to discuss issues of concern and obtain clarification. In addition to a letter informing the PAP, other means will be used to inform PAP and the general public such as posters in prominent locations in the communes and districts where PAP currently reside. Radio and newspapers will also be used to convey information and elicit response. These announcements and notices will advise the time and location of the meeting, and who can attend. Both men and women from affected households will be encouraged to attend, as well as other interested community members. The meeting will explain the Project, and households' rights and entitlements. There will be opportunities to ask questions. Such meetings will be conducted periodically during the Project implementation.

74. Relevant information will be given to the PAP at the meetings (verbally, graphically, and/or on printed information sheets). Extra copies of the printed information sheets will be available at township and district offices throughout the project area. The meetings are proposed to have the following format:

- i. Explanations given verbally and in visual format, including written information and drawings of the proposed design for the different works supported by the Project.
- ii. Adequate opportunities will be provided for PAPs to respond with questions and comments. PAPs will be encouraged to contribute their ideas for PAP rehabilitation options.
- iii. DRCs will establish a complete list of all PAPs present at the meetings.
- iv. DRCs will make a complete record of all questions, comments, opinions and decisions that arise during the information/consultation meetings, and present a report of all the meetings to the Project Management Unit.

The following information will be given to PAPs:

- i. **Project components and projects.** This includes the places where they can obtain more detailed information about the Project.
- ii. **Project impacts.** Impacts on the people living and working in the affected areas of the project, including explanations about the need for land acquisition for each project.
- iii. **PAPs rights and entitlements.** These will be defined for PAPs. A cut-off date will be announced to establish eligibility. The rights and entitlements for different impact on PAPs, including the entitlements for those losing businesses, jobs and income will be explained. Available options include for land-for-land and cash compensation, options regarding reorganizing and individual resettlement, provisions and entitlements to be provided for each PAP, entitlement to rehabilitation assistance and opportunities for project-related employment will all be discussed and explained.
- iv. **Grievance mechanism.** PAPs will be informed that the project policies and procedures are designed to ensure their pre-project living standards are restored. PAPs will also be informed that if there is any confusion or misunderstanding about any aspect of the Project, the resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard.

PAPs will receive an explanation about how to access grievance redress procedures. They will be given information with details of which office to contact and local contact points for grievance redress.

- v. **Right to participate and be consulted.** The PAPs will be informed about their right to participate in the planning and implementation of the resettlement process. The PAPs will be represented in District's resettlement committees, and the representative for the PAP will be present whenever commune/district/provincial committees meet so that their participation in all aspects of the project is assured.
- vi. **Resettlement activities.** PAPs will be given an explanation regarding compensation calculations and compensation payments; monitoring procedures which will include interviews with a sample of PAPs; relocation to an individual location/self-relocation; and preliminary information about physical works procedures.
- vii. **Organizational responsibilities.** PAPs will be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the government officials with phone numbers, office locations, and office hours if available.
- viii. **Implementation schedule.** PAPs will receive the proposed schedule for the main resettlement activities and informed that physical works will start only after the completion of all resettlement activities and clearance. It will be clarified that they will be expected to move only after receiving full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

75. *Project Leaflet.* A Project Leaflet providing project information will be prepared and handed out to the APs in the project preparation and implementation stages to ensure that the people are well aware of the project benefits. The project leaflet will provide detail of the compensation and assistance policies mentioned in this RPF so as to propose social impact mitigation measures in case of land acquisition and site clearance by the sub-project. A sample of the leaflet is presented in Annex 2.

VI. INFORMATION DISCLOSURE

76. As per Bank's requirement, the RPF will be disclosed in Vietnamese at local level, particularly at the office of PMU, District PCs, Ward/Commune PCs and the World Bank's Vietnam Development Information Center (VDIC) in Hanoi before and after it is approved by the Government of Vietnam. The English version of this RPF will be also disclosed at the World Bank Info Shop in Washington D.C. prior to project appraisal.

VII. IMPLEMENTATION ARRANGEMENTS

77. The implementation of resettlement activities requires the involvement of agencies and organizations at the national, provincial, district and commune level. Each provincial people's committee will take general responsible for the implementation of the general policy framework and specific resettlement plan of the sub-project of that province. Compensation, Assistance and Resettlement Committees shall be established at district/province level according to the provisions of Decree 47/2014/CP. The provisions and policies of the RPF

and the RAPs will form the legal basis for the implementation of compensation and resettlement activities in the Dam Rehabilitation and Safety Improvement Project (DRASIP/WB8).

7.1. Organizational Arrangements

At Central Level

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

79. The Central Project Office (CPO) in the MARD will take the overall responsibility to supervise and monitor the resettlement activities in order to assure the compliance with RPF:

- Cooperate with PPCs to conduct compensation and resettlement to assure compliance with RPF and suit with construction progress;
- Organize training and building capacity for project implementing agencies (PPMU and Resettlement Committee) on implementation procedure of RPF and RAP;
- Cooperate with PPMU to monitor internally compensation and resettlement of overall project;
- Select and coordinate the independent monitoring consultants for overall project;
- Report periodically on resettlement to MARD and WB.

Provincial Level (Provincial People's Committees -PPC):

80. PPCs take the overall responsibility for compensation, site clearance, and resettlement within the province. The PPCs are responsible for:

- Inform or authorize DPCs to announce about land acquisition when the sub-project location is selected;
- Issue decision on land acquisition to land-owners;
- Approve RAPs of their respective sub-projects;
- Approve overall plan on land acquisition;
- Instruct DPCs to implement compensation, resettlement, and site clearance;
- Provide adequate funds for compensation in a timely manner;
- In special cases, the provincial authority's approval is needed for compensation plans, the provincial authority establishes an appraisal council at provincial level to appraise the compensation plans submitted by the DRCs so that advice will be provided for the

provincial authority to approve such plans in accordance with the Government's regulations on compensation, assistance and resettlement, and the WB's involuntary resettlement policy (OP4.12) applied to the project;

PMU level

81. Subproject owner shall be responsible for managing compensation and site clearance of their respective sub-projects, encompassing:

- Prepared and update of RAP;
- Submit sub-project RAPs to the PPCs before making compensation payment;
- Co-operate closely with Departments, agencies, sectors, and the project DPCs in implementing resettlement and site clearance to ensure that the implementation of compensation and resettlement is in line with the construction schedules;
- Monitor internally implementation of compensation and resettlement of the sub-projects, preparing quarterly reports on implementation progress of compensation and resettlement of the sub-projects to CPO.

District Level (District People's Committee):

82. District People's Committees (DPCs) are responsible for:

- Approving compensation plans prepared by DRCs and submitting the PPC for endorsement;
- Issuing decisions on land acquisition from individuals and households;
- Settling complaints and grievances of the APs within jurisdiction.

83. District of Compensation, Resettlement shall take responsibility for implementation of compensation and site clearance for works located in their respective districts, including:

- Preparing compensation plans to submit to DPCs for approval;
- Implementing the approved plan on compensation and site clearance.

Commune/Town Level (Commune People's Committee):

84. Commune/ Town People's Committees (CPCs) are responsible for:

- Disseminating and mobilizing people to implement RPF;
- Planning land use and protecting public safety corridors of reservoirs and dams to maintain security in the locality;
- Providing cadastral maps for Resettlement Committees, determining the origin of land use and mobilizing their staffs to be members of DMS teams;
- Co-operating with DRCs in delivering information and organizing community consultation;
- Settling APs' queries relating to inventory of their assets;

- Facilitating and assisting APs in restoring their livelihoods, incomes, and stabilizing their lives.

7.2. Preparation and Approval procedures for a Resettlement Action Plan (RAP)

7.2.1. Preparation of RAP

85. Where a RAP is required during project implementation, it will be prepared by PMU in compliance with the requirements of this RPF, and in consultation with PPC and relevant departments, District PC(s). The following section presents typical elements that would be required for a RAP, and steps in RAP preparation

Elements of RAP:

86. Depending on the scope of land acquisition impact, a full RAP or an abbreviated RAP could be prepared.

87. A full RAP is required when the project social assessment identifies significant resettlement effects. It must be prepared before the appraisal of the subproject. A full RAP should contain the following elements:

- (i) Description of the Project;
- (ii) Project potential resettlement impacts;
- (iii) Objectives;
- (iv) Socio-economic studies;
- (v) Legal framework;
- (vi) Eligibility for compensation and rehabilitation;
- (vii) Valuation of assets and compensation for losses;
- (viii) Resettlement measure site selection, site preparation and relocation;
- (ix) Housing, infrastructure and social services;
- (x) Organizational responsibilities;
- (xi) Public participation, consultation and grievance resolution mechanisms;
- (xii) Implementation schedule for resettlement activities;
- (xiii) Cost estimates and budget, and
- (xiv) Monitoring and Evaluation.

88. Where impacts on the entire affected population are minor (if the affected people are not physically displaced and less than 10 percent of their productive assets are lost), or fewer than 200 people are affected, an abbreviated RAP may be prepared.

As a minimum, an abbreviated RAP should cover the following:

- (i) a census survey of APs and affected assets;
- (ii) a description of compensation and other resettlement assistance to be provided;
- (iii) consultations with affected people about alternatives;
- (iv) institutional responsibility for implementation, and
- (v) a timetable and budget.

89. Please contact the Social Consultant of the project for further guidance on preparation of site-specific RAP when required.

RAP Preparation

90. The preparation of RAP involves community participation, and a multi-dimensional analysis, including a social assessment. In the planning stage of the project, the following steps may be followed:

Step 1. Based on the preliminary project design for the subproject, preliminary assessment will be made on the magnitude of social impact to determine the scope of social assessment of the project (magnitude of land acquisition, or resettlement).

Step 2. On the basis of the known social impact, make recommendations to project design, if needed, to avoid, minimize, or mitigate the subproject impact.

Step 3. If Step 2 is not necessary, conduct a census survey to understand clearly the magnitude of impact at household level. This may involve collection of socioeconomic data on the affected households against the magnitude of land acquisition impact. The following types of data should be collected as part of the socioeconomic survey:

(i) Data about APs, total number of APs:

- Demographic, education, income, and occupational profiles;
- Inventory of all property and assets affected;
- Socioeconomic production systems and use of natural resources;
- Inventory of common property resources if any;
- Economic activities of all affected people, including vulnerable groups;
- Social networks and social organization;
- Cultural systems and sites;
- Public utilities such as clinics, post offices, water supply, power supply, markets, etc.

(ii) Data on land and the area:

- Map of the area and villages affected by land acquisition;
- Total land area acquired for the Project;
- Land type and land use;
- Ownership, tenure, and land use patterns;
- Land acquisition procedures and compensation;
- Existing civic facilities and infrastructures.

Step 4. In parallel with the AP census survey, consultation with APs will continue to identify their preferences and the special needs that should be addressed in the RAP. In addition, study on replacement costs for land, crops, and other assets needs to be conducted so that the cost estimates for the RAP can be provided.

Step 5. Prepare a RAP. The Entitlement Matrix in this framework (Table 5) should be used for the project.

Step 6. Once the draft RAP is acceptable to the Bank, disclose the RAP at public meetings for the project to consult with potentially affected households, and the general public.

7.2.2. RAP Approval Procedure

91. A RAP prepared for the project must be in accordance with this RPF. Once the RAP document is finalized, it should be sent to the World Bank for review and No Objection. After that, PPC will be responsible for approval of the RAP and all resettlement-related issues, to enable RAP implementation. The WB shall not approve any civil works contracts for any project's sections to be financed from the loan unless the compensation payment and provision of rehabilitation measures in the respective sections have been satisfactorily completed, in accordance with the project's RPF.

7.3. Replacement Costs Survey

92. As required by the World Bank's OP 4.12 on Involuntary Resettlement, Replacement Costs Survey (RCS) will need to be done to establish basis for calculation of replacement costs for all the lands/crops/structures/assets that will be affected by the Project. An independent price appraisal consultant is specialized in assessing costs of land/crops/assets/structures to be affected under the Project, will be engaged by PMU to conduct replacement costs survey.

District People's Committee and DRC will ensure compensation payment proposed to affected households is at the replacement costs (for land and structures), and at market prices (for crops/trees). Replacement costs survey will be conducted in the participatory manner with relevant stakeholders.

7.4. Implementation of RAP

93. The detail resettlement implementation plan of each sub-project will be shown in the RAP reports. This plan will provide a timetable based on the construction schedule.

94. *Procedures of compensation and resettlement implementation* must comply with regulations and procedures stipulated in Decree 47/2014/ND-CP of the Government and regulations in the RPF. Specific steps and procedures are as follows:

- a) Basing on detailed technical design of works, the design consultants and PMUs hand over benchmarks of site clearance to DRCs to determine AHs and carry out DMS of affected assets.
- b) Holding meetings with AHs to disseminate information and compensation policies, including the project objectives and benefits, positive and negative impacts of the project, mitigation measures, methods used to evaluate prices of affected assets, amounts for compensation, allowances and restoration, and grievance redress mechanism.
- c) The BLS undertakes surveys of affected HHs and inventories their affected assets to collect information on APs, identifying quantities of affected assets, entitlements to compensation, resettlement and restoration allowances for APs. Consulting APs about mitigation measures for the project impacts and assistance measures for livelihood restoration.

- d) Conduct a social economic survey for full RAPs and limited surveys to assess impacts for Abbreviated RAPs.
- e) Carrying out replacement cost survey;
- f) Preparing compensation plans, announcing compensation plans in public to obtain APs' comments, finalizing compensation plans and submitting to DPCs for approval.
- g) Paying compensation and restoration allowances
- h) Implementing resettlement (if any), with delivery of compensation before handing over sites for construction
- i) Internal and external monitoring activities will be implemented during the whole process of compensation and resettlement implementation to ensure that the implementation of compensation and resettlement complies with the RPF.

95. *Co-operation between resettlement implementation and civil works.* To sub-projects where land acquisition is applied, implementation of compensation and resettlement needs to be in line with construction schedules of each sub-project component. Therefore, an implementation time frame for compensation and resettlement integrated with construction schedules should be established and monitored closely to ensure that all APs are provided with compensation satisfactorily before any construction activities commences. Compensation payment and resettlement for APs must be completed as one condition for land acquisition and prior to construction commencement. The WB will not approve any civil works contracts when compensation payment for APs has not been made satisfactorily.

96. If land acquisition for sub-projects causes relocation of AHs, consultation needs to be made with affected people about various relocation options, such as receiving cash and self-relocation or relocation at resettlement sites. In the former case, Resettlement Committees and local authorities need to assist the affected people in finding new living places. In the later case, DPCs need to develop resettlement sites with full development conditions for APs. Relocation of APs to resettlement sites is only carried out after infrastructure of resettlement sites is completely constructed and ensures proper living conditions.

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

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

98. The payment of compensation, assistance and resettlement to the affected HHs (in cash or land for land) must be completed before awarding contract of construction.

VIII. GRIEVANCE AND REDRESS MECHANISM

8.1. Requirements of the OP 4.12

99. The World Bank's resettlement policy mentioned in the OP 4.12 requires each sub-project to establish for grievance redress mechanism and determines that the prime responsibility for handling grievances raised by the APs is the project developers. This mechanism aims to ensure APs' satisfaction with implementation of the RAP, and provide the APs with a legal platform for monitoring and reporting on the RAP implementation. Specifically, the purposes of the grievance mechanism are to allow APs to seek satisfactory resolution to grievances they may have in relation to possible land acquisition or other project interventions. The key principles of the grievance mechanism are to ensure that:

- a) The basic rights and interests of APs are protected
- b) The concerns of APs arising from the project implementation process are adequately addressed
- c) Entitlements or livelihood assistance for APs are provided on time and accordance with the above safeguard policies of the Government and the WB.
- d) APs are aware of their rights to access and shall have access to grievance procedures free of charge for the above purposes; and
- e) The grievance procedures will be an important part of the conflict resolution mechanism that is community-based, involving ethnic minorities and representatives of other vulnerable groups, and therefore, collectively managed.

100. At the beginning of the project implementation, Grievance Redress Committees will be established from communal to provincial levels based on the existing structures consisting of concerned departments, mass organizations, women and ethnic representatives. At the communal level the community-based organization will incorporate the existing grievance mechanisms that will be chaired by leader of Communal People's Committee (CPC). The grievance mechanism and procedures will resolve complaints, and with the availability of local resources resolve conflicts not only on safeguard issues but also others during project implementation. Based on this structure, the community-based organization would assist during the project preparation, design, implementation, and future developments. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively.

101. APs, if not satisfied or unclear about the RAP implementation and compensation may raise their complaints to the CPC. The claim may be made orally or in writing with assistance from the CPC who shall provide response to the claimant within 5 days after receipt of the grievance. If the claimant is not satisfied with the decision made at the commune level, she/he may submit the claim to the district PC with support from the PPMU. Within 15 days after receipt of the claim, the district committees shall make decision and provide response to the

claimant. The claim may be lodged with Provincial Court of Law whose judgment would be final.

102. All complaints and grievances will be properly documented and filed by the commune and district PCs as well addressed by PPMUs through consultations in a transparent and proactive manner. These grievance documents and report will be made public accessible. All costs associated with grievance handling process incurred by the claimant and/or her/his representatives are to be covered by the project developer. The grievance handling process is described below:

8.2. Grievance Redress Mechanism

103. In order to ensure that all APs' 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 APs to air their grievances, a well-defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition and grievance redress. APs are not required to pay any fee during any of the procedures associated with seeking grievance redress including if resolution requires legal action to be undertaken in a court of law. This cost is included in the budget for implementation of RAPs.

104. The steps of Grievance Redress Mechanism are as follows:

First Stage - Commune/Ward People's Committee

An aggrieved APs may bring his/her complaint to the One Door Department of the Commune/Ward People's Committee, in writing or verbally. The member of CPC/WPC at the One Door Department will be responsible to notify the CPC/WPC leaders about the complaint for solving. The Chairman of the CPC/WPC will meet personally with the aggrieved APs and will have 30 days following the receiving date of the complaint to resolve it. The CPC/WPC secretariat is responsible for documenting and keeping file of all complaints handled by the CPC/WPC.

Second Stage - At District People's Committee (DPC)

If after 30 days the aggrieved affected household does not hear from the CPC, or if the APs is not satisfied with the decision taken on his/her complaint, the APs may bring the case, either in writing or verbally, to any member of the DPC or the DRC of the district. The DPC in turn will have 30 days following the receiving date of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DRC of district of any decision made. Affected households can also bring their case to Court if they wish.

Third Stage - At Province People's Committee (PPC)

If after 30 days the aggrieved PAP does not hear from the DPC, or if the PAP is not satisfied with the decision taken on his/her complaint, the PAP may bring the case, either in writing or

verbally, to any member of the PPC or lodge an administrative case to the District People's Court for solution. The PPC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The PPC secretariat is also responsible for documenting and keeping file of all complaints that it handles. Affected households can also bring their case to Court if they want.

Final Stage - Court of Law Decides

If after 45 days following the lodging of the complaint with the PPC, the aggrieved PAP does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication. Decision by the court will be the final decision.

105. Decision on solving the complaints must be sent to the aggrieved APs and concerned parties and must be posted at the office of the People's Committee where the complaint is solved. After three days, the decision/result on solution is available at commune/ward level and after seven days at district level.

106. In order to minimize complaints to the provincial level, PMU will cooperate with the District Resettlement Committee to participate in and consult on settling complaints;

107. Personnel: The Environmental and Resettlement staff assigned by PMU will formulate and maintain a database of the APs' grievances related to the Project including information such as nature of the grievances, sources and dates of receipt of grievances, names and addresses of the aggrieved PAPs, actions to be taken and current status.

108. In case of verbal claims, the reception board will record these inquiries in the grievance form at the first meeting with affected people.

109. The independent monitoring Consultant will be responsible for checking the procedures for and resolutions of grievances and complaints. The independent monitoring Consultant may recommend further measures to be taken to redress unresolved grievances. During monitoring the grievance redress procedures and reviewing the decisions, the independent monitoring agency should closely cooperate with the Vietnam Fatherland Front as well as its members responsible for supervising law enforcement related to appeals in the area;

110. The grievance resolution process for the Project, including the names and contact details of Grievance Focal Points and the Grievance Facilitation Unit (GFU), will be disseminated through information brochures and posted in the offices of the People's Committees at the communes and districts and PMU.

111. At the same time, an escrow account for resettlement payments should be used when grievance is resolving to avoid excessive delay of the project while ensuring compensation payment after the grievance has been resolved.

112. To ensure that the grievance mechanism described above are practical and acceptable by APs, it were consulted with local authorities and communities taking into account of specific

cultural attributes as well as traditional-cultural mechanisms for raising and resolving complaints and conflicting issues. The ethnic minority objects and efforts were also identified and determined which are culturally acceptable ways to find the solution.

IX. COSTS AND BUDGET

113. In order to prepare the budget for the project costs, it is necessary to make preliminary cost estimation, to ensure the AP's livelihood restoration. Cost for RAP of each sub-project will be calculated based on updated compensation unit prices and cost for organization of compensation, assistance and resettlement according to the RPF. The project's land valuation will be at replacement cost, and which will follow an independent land appraiser recommendations. These unit prices must reflect market replacement costs of all affected assets at the time of RAP implementation.

114. Budget for compensation and resettlement for the sub-projects, independent land appraiser will be taken from the project counterpart fund of WB. Training cost for RAP implementation, and cost for independent RAP monitoring will be taken from the IDA loan.

115. Estimated cost of compensation and resettlement for the overall project is 31 million USD, funded by the province's counter-budget.

116. Estimated cost of compensation and resettlement for the first-year sub-projects is 1,100,000 USD (Table 6).

Table 6- Cost Estimate for Compensation and Resettlement of first year sub-projects

Subprojects			Estimated cost (VND)		
No.	Province	Name of subproject	RAP		
			Compensation	Allowance	Sub-total
1	Tuyen Quang	Ngoi La 2	416,277,000	325,125,000	741,402,000
2	Phu Tho	Ban	393,800,000	0	393,800,000
3	Hoa Binh	Dai Thang	1,273,114,290	2,764,082,471	4,037,196,761
4	Quang Ninh	Khe Che	0	15,000,000	15,000,000
5	Thanh Hoa	Dong Be	298,672,500	0	298,672,500
6	Nghe An	Khe Gang	297,550,000	0	297,550,000
7	Nghe An	Khe San	1,850,245,000	16,000,000	1,866,245,000
8	Quang Binh	Phu Vinh	40,907,000	805,844,000	846,751,000
9	Quang Ngai	Dap Lang	979,652,000	1,982,483,000	2,962,135,000
10	Binh Dinh	Thach Ban	2,806,173,180	261,120,000	3,067,293,180
11	Binh Thuan	Song Quao	8,622,590,000	233,600,000	8,856,190,000
12	Lam Dong	Da Teh	1,023,878,500	0	1,023,878,500
	Total		18,002,859,000	6,403,254,000	24,406,113,000
	Total (USD)				1,100,000

Exchange price: 1USD = 21,600VND

X. MONITORING AND EVALUATION

10.1. Monitoring

117. Monitoring is a continuous evaluation process of the project implementation which is related to the unified implementation schedule on the use of the project inputs, infrastructures and services. Monitoring provides concerned agencies with continuous reflections on the implementation status. Monitoring determines the reality, successful possibility and arising difficulties as soon as possible to facilitate the due adjustment in the project implementation.

118. Monitoring includes 2 following purposes:

- (i) Monitor whether the project activities complete efficiently or not, including quantity, quality and time.
- (ii) Assess whether these activities reach the objectives and purpose of the Project or not, and how much do they reach.

119. The executive agency (the PMU) as well as the independent monitoring Consultants which are contracted with the CPO shall monitor and supervise the RAP implementation regularly.

10.2. Internal Monitoring

120. Internal monitoring of the RAP implementation of the Sub-projects is the main responsibility of the implementation agency with the assistance of the project consultants. The implementation agency will monitor the progress of RAP preparation and implementation throughout the regular progress reports.

121. The criteria of internal monitoring includes but not limit to:

- (i) Compensation payment for affected households for the different types of damage pursuant to the compensation policies described in the resettlement plans
- (ii) Implementation of technical assistance, relocation, allowance payment and relocation assistance.
- (iii) Implementation of income recovery and entitlement to recovery assistance.
- (iv) Dissemination of information and consultation procedures.
- (v) Monitoring of complaint procedures, existing problems that require the manageable attention.
- (vi) Prioritizing affected persons on the proposed selections.
- (vii) In coordination to complete RAP activities and award construction contract.

122. The executive agencies will collect information every month from the different resettlement committees. A database tracking the resettlement implementation of the Project will be maintained and updated monthly.

123. The executive agencies will submit internal monitoring reports on the RAP implementation as a part of the quarterly report they are supposed to submit the WB. The reports should contain the following information:

- (i) Number of affected persons according to types of effect and project component and the status of compensation, relocation and income recovery for each item.
- (ii) The distributed costs for the activities or for compensation payment and disbursed cost for each activity.
- (iii) List of outstanding Complaints
- (iv) Final results on solving complaints and any outstanding issues that demand management agencies at all levels to solve.
- (v) Arisen issues in the implementation process.
- (vi) RP Schedule is actually updated.

10.3. Independent Monitoring

124. *Objectives.* The general objectives of independent monitoring are to periodically supply independent monitoring and assessing results on the implementation of the resettlement objectives, on the changes of living standard and jobs, APs income and social foundation restoration, effectiveness, impacts and sustainability of APs' entitlements, and on the necessity of mitigation measures (if any) in an attempt to bring about strategic lessons for making policy and planning in the future.

125. *Responsible Agencies.* In accordance with the WB requirements for consultant employment, the CPO will hire an organization for the independent monitoring and evaluation of RAPs implementation. This organization is called the Independent Monitoring Consultant (IMC) which expertise in social science and has experiences in independent monitoring of RP. The IMC should start their work as soon as the project implementation comments.

126. *Monitoring and Evaluation Objectives.* The following indicators will be monitored and evaluated by the IMC, including but not limited to:

- (i) Payment of compensation will be as follows: a) full payment to be made to all affected persons sufficiently before land acquisition; (b) adequacy of payment to replace affected assets
- (ii) Provision of assistance for APs who have to rebuild their houses on their remaining land, or building their houses in new places as arranged by the project, or on newly assigned plots.
- (iii) Assistance for recovering livelihood/income sources.
- (iv) Community consultation and public dissemination of compensation policy: (a) APs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) the IMC should attend at least one community consultation meeting to

monitor community consultation procedures, problems and issues that arise during the meetings, and propose solutions; (c) public awareness of the compensation policy and entitlements will be assessed among the APs; and (d) assessment of awareness of various options available to APs as provided for in the RAP.

- (v) Affected persons should be monitored regarding restoration of productive activities.
- (vi) APs' satisfaction on various aspects of the RAP will be monitoring and recorded. Operation of the complaint mechanism and speed of complaint settlement will be monitored.
- (vii) Through the implementation, trends on living standard will be observed and surveyed. Any potential issues in the recovering living standard are reported and suitable measures will be proposed to ensure the project objectives.

10.4. Methodology for Independent Monitoring

A. Database Storage

127. The IMC will maintain a database of resettlement monitoring information. It will contain files on results of independent monitoring, HHs monitored and will be updated based on information collected in successive rounds of data collection. All databases compiled by the PMU will be fully accessible by the IMC.

B. Reports

128. The Independent Monitoring Consultant must submit periodical reports every 6 months which states the findings in the monitoring process. This monitoring report will be submitted to the CPO, and then the CPO will submit to the WB in the form of appendixes of the progress report.

129. The report should contain (i) a report on the progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of outstanding issues and recommended solutions so that the executive agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.

C. Follow-Up Monitoring Report

130. The monitoring reports will be discussed in a meeting between the IMC and PMU. PMUs will hold meetings immediately after receiving the report. Necessary follow-up activities will be carried out based on the problems and issues identified in the reports and follow-up discussions.

D. Ex-post Evaluation Report

131. In fact, this is the evaluation at a given point of time of the impact of resettlement and the achieved objectives. The external monitor will conduct an evaluation of the resettlement process and impacts 6 to 12 months after the completion of all resettlement activities. The survey questionnaires for evaluation are used based on the database in the project database system and the questions used in the monitoring activities.

132. Ultimately, a summary of ex-post resettlement evaluation included in Project Completion Report (PCR) will be prepared before closure of the Project. The evaluation covers project impacts (number of affected households, scope of land acquired by subproject, compensation paid to APs, any pending issues resulting from land acquisition and provides information if the AP's livelihood is restored, or at least maintain to pre-project implementation.

133. Resettlement Action Plan cannot be considered complete until an ex-post evaluation and a project completion audit confirm that all the affected HHs have received fully all compensation, assistance and life restoration processes as planned.

Annexes:

Annex 1: The indicators for monitoring and evaluation

Type of Indicators	Indicators	Information Required in Monitoring and Evaluation
Process Indicators	Staffing	<ul style="list-style-type: none"> ✓ Number of CPMU; PMUs and district staff/social development and resettlement specialist assigned for project implementation.
	Consultation, Participation, and Grievances Resolution	<ul style="list-style-type: none"> ✓ Number of consultations and participation programs held with PAPs and various stakeholders; ✓ Number and types of grievances received from beneficiaries and PAPs and the number of days consumed in resolving them by concerned GRCs; ✓ Number and names of representatives who participated in the consultations and in the implementation of the investment project.
	Operational Procedures	<ul style="list-style-type: none"> ✓ Types of forms used in recording the activities undertaken in the project implementation; ✓ Efficiency of coordination with PMUs, district authority; PAPs and other institutions/stakeholders; ✓ Efficiency of CPMU; PMUs. and district government staff; ✓ Efficiency of compensation payment system; ✓ Adequacy of logistical support for implementing the investment project; ✓ Assess if the project policies in RAPs have adequately been complied with. ✓ Indicate the issues and problems encountered in staffing, during consultations and grievances resolution, and in the execution of operational procedures.
	Compensation and Entitlement	<ul style="list-style-type: none"> ✓ Number of PAPs awarded with housing units, if any; ✓ Indicate if the type of compensation delivery is either one time or installment; ✓ Indicate the number of PAPs engaged transform crops/livelihood, whose income generation activities, or livelihoods are affected as a result of water cut during dam/reservoir rehabilitation; ✓ Indicate if the number of relocated PAPs provided with transportation assistance; ✓ Indicate if food assistance were given to PAPs who transferred to staging area or to other destinations; ✓ Indicate if the PAPs were given allowance/assistance for the dismantling and reconstruction of their housing units in as well as for the dismantling of their structures upon transfer.
	Social Rehabilitation	<ul style="list-style-type: none"> ✓ Indicate the number of person avoidance of potential losses of agricultural production and farm income resulting from dam failure/breaks; ✓ Indicate if the PAPs at the downstream will be safety through avoidance of potential flood damage to houses, farm areas and infrastructures;

		<ul style="list-style-type: none"> ✓ Indicate the number of person (attention to women) that attended the livelihood, Participatory Irrigation management (PIM), Integrated Crop Management (ICM) trainings; ✓ Indicate the number of PAPs, especially women, who have improving livelihood after the training on livelihood development.
	Issues and Problems Encountered	<ul style="list-style-type: none"> ✓ Indicate the issues and problems encountered in the implementation of investment/s, payment of compensation and entitlement and social rehabilitation of PAPs.
Impact Indicators	Household Earning Capacity	<ul style="list-style-type: none"> ✓ Present income as compared to income from pre-project level; ✓ Employment of affected household members in investment construction; ✓ Change in income of farming households; ✓ Increased agricultural area;
	Health and Environment	<ul style="list-style-type: none"> ✓ Problems/issues on waste management disposal; ✓ Improved access to safe fresh water; ✓ Improvement on health conditions of women and children.
	Changes in Socio-cultural Pattern	<ul style="list-style-type: none"> ✓ More women participating in PIM and training for ICM;