

Resettlement Framework

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Viet Nam: Greater Mekong Subregion Biodiversity Conservation Corridors Project – Additional Financing

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CURRENCY EQUIVALENTS

(as of 19 June 2015)

Currency unit	–	Dong (D)
D1.00	=	0.00004602
\$1.00	=	D21,728.00

ABBREVIATIONS

ADB	–	Asian Development Bank
BCC	–	biodiversity conservation corridors
BCI	–	Biodiversity Conservation Initiative
CPC	–	Commune People's Committee
DMS	–	Detailed Measurement Survey
DPC	–	District People's Committee
DRC	–	District Resettlement Committee
GMS	–	Greater Mekong Subregion
MONRE	–	Ministry of Natural Resources and Environment
P/DRCs	–	Provincial/district Resettlement Committees
PPC	–	Provincial People's Committee
PPMU	–	provincial project management unit
SPS	–	Safeguard Policy Statement

GLOSSARY

Affected person	Means any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term affected person includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a subproject or any of its components.
Detailed Measurement Survey (DMS)	With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses, severity of impacts, and list of affected persons earlier done during Resettlement Plan preparation. The final cost of resettlement can be determined following completion of the DMS.
Compensation	Means payment in cash or in kind to replace losses of lands, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market

	rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-off date	Means the date of completing DMS for which land and/or assets affected by the Project are measured. The affected persons will be informed of the cut-off date for each subproject component, and any people who settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.
Entitlements	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the affected persons, depending on the type and severity of their losses, to restore their economic and social base.
Eligibility	Means any person who has settled in the subproject area before the cut-off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation will be entitled to be compensation and/or assistances.
Host community	Means the community already in residence at a proposed resettlement or relocation site.
Income restoration	This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration program	A program designed with various activities that aim to support affected persons to recover their income/livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
Inventory of Losses	This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of affected persons will be determined.
Land acquisition	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	This refers to additional support provided to affected persons losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.

Relocation	This is the physical relocation of an affected person from her/his pre-project place of residence and/or business.
Replacement cost	Means the method of valuing assets at current market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Replacement Cost Study	This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	This includes all measures taken to mitigate any and all adverse impacts of a project on affected person property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement Plan	This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Severely affected households	This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject.
Vulnerable groups	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, and (vi) indigenous people or ethnic minorities.

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I. INTRODUCTION

A. Project Description

1. The Socialist Republic of Viet Nam is part of the Greater Mekong Subregion (GMS) along with the Royal Government of Cambodia, Lao PDR, Myanmar, Peoples Republic of China, and Thailand. In 1992, the countries collaborated to form the GMS Economic Cooperation Program with assistance from the Asian Development Bank (ADB) to facilitate “sustainable economic growth and reduce poverty by strengthening economic linkages among member countries. Further, it aimed to realize and enhance development opportunities, encourage trade and investment, streamline cross border arrangements, and meet common resource and policy needs. The cooperative initiative adopts the following strategies: (i) increasing connectivity through sustainable development of infrastructure and transnational economic corridors; (ii) enhancing competitiveness through efficient cross-border movements of goods and people, and integrated markets and production processes; and (iii) building a greater sense of community that mutually recognize and jointly address shared environmental and social concerns.

2. The Biodiversity Conservation Corridor Initiative (BCI) is the flagship program of the Core Environment Program (CEP) 1 of the GMS endorsed by the GMS Leaders at the Second GMS Summit in July 2005. BCI–Phase I was implemented from 2006–2009 as a pilot phase in the provinces of Quang Nam and Quang Tri of Viet Nam. Biodiversity Corridors are geographic areas within or cutting across the GMS Economic Corridors that need to be placed under sustainable management regimes to secure local livelihoods and investments and maintain ecosystem services for future generations.

3. The Government of Viet Nam requested the ADB to follow up BCI–Phase I with an investment framework (\$30 million loan project) to replicate positive results of BCI in target communes in Quang Nam, Quang Tri, and Thua Thien Hue Provinces, which fall within the proposed Biodiversity Conservation Corridors (Figure 1) establishing North – South connectivity between Ngoc Linh / Song Thanh Nature Reserves to proposed Sao La Nature Reserves in Quang Nam and Thua Thien Hue, touching on Xe Xap National Protected Area in Lao PDR, connecting to the Phong Dien Nature Reserve in Thua Thien Hue and connecting to North Huong Hoa Nature Reserve in Quang Tri . At the same time, there is an East West connectivity between Bach Ma National Park in the East and Xe Xap NPA in the West.

Figure 1. Corridor Design and Coverage

4. The overall aim of Biodiversity Conservation Corridors (BCC) is to secure forest areas for the local communities against further outside pressure/economic concessions by delineating and demarcating community forest areas and protected forest areas and giving tenure instruments to communities and not resettle them or restrict access. Any restrictions on use of community forests will be made by them (local people). Capacity building leading to community empowerment is built in to address such and eventually, any activity will be the choice of participating communities. Connectivity between forest-blocks will be restored as a result of broad community support generated through appropriate consultation and participation modalities. Preference for BCC is a linear design of the biodiversity corridor, but may resort to the stepping stone model anchored on decisions of target communes within the landscape.

5. The project has four components: (i) institutional and community strengthening for biodiversity conservation management; (ii) biodiversity corridors restoration, ecosystem services protection, and sustainable management by local resource managers; (iii) livelihood improvement and small scale infrastructure support in target communes; and (iv) Project management and support services.

6. **The Additional Financing.** The ongoing BCC Project was originally prepared with the understanding that co-financing by the Global Environment Facility (GEF) would be available to address geographical and thematic gaps of the ongoing BCC Project. The funding was to become available under the regional Program Framework entitled the “Greater Mekong Sub-region Forests and Biodiversity Program” which was approved in November 2011. Under this umbrella program framework, a Viet Nam national project titled “Integrating Biodiversity Conservation, Climate Resilience and Sustainable Forest Management in Central Annamite Landscape” was approved by the GEF Council in November 2012 (hereinafter ‘the Additional Financing’). A Resettlement Framework has been prepared for the ongoing BCC Project and approved by Government and ADB. This Resettlement Framework is updated for the additional financing.

7. Overall, the Additional Financing aims to integrate biodiversity conservation, climate change mitigation, climate resilience, and sustainable forest management in Trung Truong Son Landscapes. Its specific objective is to strengthen the management and ecological integrity of the protected area network in the Trung Truong Son region of the country. This is to be achieved by maintaining and restoring forest biodiversity, ecosystems and related watershed processes, strengthening species conservation, enhancing forest carbon stocks and strengthening climate resilience at the landscape level,¹ and actively encouraging the participation and sharing of conservation benefits with local people. The project supports a unified approach for development of regional ecosystem connectivity, addressing forest land degradation, filling gaps in capacity required for sustainable forest management, and supporting climate mitigation, habitat restoration, and biodiversity protection² within and outside protected areas.

8. In conjunction with the ongoing BCC Project, the Additional Financing will develop tangible on-the-ground activities targeting spatial and thematic gaps within the Central Annamite landscape conservation framework. It was designed consisting of 2 components with 7 sub-components and targeted 12 communes and 40 villages, of which some communes (to be identified during project implementation) are of BCC project and 5 communes are of the new protected area (Ngoc Linh protected area):

- (i) **Component 1: Strengthened planning and management of the biodiversity and forests in the Protected Areas and their buffer zones in the Trung Truong Son landscapes.** This component seeks to ensure that government institutions responsible for protected area management have the capacity to use appropriate tools and methods and apply these tools and methods for effective and sustainable protected area, protected area’s buffer zone and corridor management. This component includes 4 sub-components:
 - a. **Sub-component 1.1: Improving Protected Area Operational Management.** The Additional Financing will (i) update and assist implementation of priority activities under all eight existing Operation Management Plans (OMPs); (ii) develop new strategic OMPs in 5 focal PAs, (iii) establish one new protected area (Ngoc Linh); (iv) establish two new management boards (Ngoc Linh and Ho Chi Minh Legendary Trail); (v) develop an protected area Investment Plan (Ngoc Linh); and (vi) prepare master

¹ A unit of land that contains a mosaic of land uses, but typically would include one or more protected and their buffer zones, and connecting biological corridors (the latter including protection and production forests, agricultural and other productively used lands, and village settlements).

² A mandate shared by Ministry of Agriculture and Rural Development (i.e. for forests and protected areas) and Ministry of Natural Resources and Environment (i.e. for biodiversity coordination).

- plans for two protected areas (Ngoc Linh and Ho Chi Minh Legendary Trail). See Table 1 for details of protected areas requirements.
- b. Sub-Component 1.2: Enhanced community participation in benefit sharing from conservation and sustainable use of biodiversity in Protected Areas and their buffer zones.³
 - c. Sub-Component 1.3: Strengthened conservation management of target species.
 - d. Sub-Component 1.4: Strengthened biodiversity planning and management at the Provincial level.
- (ii) **Component 2: Landscapes conservation measures at the community level in protected areas and their surrounding.** This component provides critical technical linkage between protected area management, sustainable buffer zone forestry and community and smallholder livelihood improvement measures to protect and enhance forest carbon stocks, reduce forest degradation and improve habitat connectivity. The component is consist of 3 sub-components:
- a. Sub-component 2.1: Improving financial sustainability through ecosystem services and Payment for Ecosystem Services.
 - b. Sub-component 2.2: Improving sustainable forest management and carbon sequestration in forest landscapes.
 - c. Sub-component 2.3: Establishing Provincial Monitoring.

Table 1: Eight Protected Areas in Trung Truong Son landscape

Protected Area	Legal Status of PA	Management Board for PA Exists	Master Plan Completed	Operational Management Plan Current	Area of PA (ha)	Area of Buffer Zone (ha)
North Huong Hoa	+	+	+	-	23,456.72	34,600
Dak Rong	+	+	+	-	37,681	88,755.90
Ho Chi Minh Legendary Trail	+	-	-	-	5,237.40	6,064
Phong Dien	+	+	+	+	41,508.70	43,600
Sao La TTH	+	+	+	+	15,519.93	16,533.90
Sao La QN	+	+	+	+	15,380	33,039.20
Song Thanh	+	+	+	-	75,274	135,477.90
Ngoc Linh	-	-	-	-	17,141	36,331.50
Total (hectares)					231,198.75	394,392.40

³ Through benefit sharing from assisted natural regeneration, forest co-management and sustainable alternative livelihood mechanisms.

9. The provinces, districts, and communes covered by BCC and the additional financing in Viet Nam are summarized in Table 2.

Table 2. Provinces, districts, and communes covered by the BCC project and the additional financing

Province BCC project	District	Commune
QUANG TRI Dakrong	Dakrong	1. Dakrong 2. Huc Nghi 3. Ta Rut 4. A Bung 5. Mo O 6. Trieu Nguyen 7. Ba Long 8. Hai Phuc
Dakrong Protected Area Subtotal	1 district	8 communes
Ho Chi Minh Legendary Trail	Dakrong	9. Ta Long 10. Ba Nang
Ho Chi Minh Legendary Trail Subtotal	1 district	2 communes
North Huong Hoa	Huong Hoa	11. Huong Lap 12. Huong Viet 13. HuongPhung 14. Huong Son 15. HuongLinh
North Huong Hoa Protected Area Subtotal	1 district	5 communes
QUANG TRI Subtotal	2 districts	15 communes
THUA THIEN HUE Phong Dien	Phong Dien	16. Phong My 17. Phong Son 18. PhongXuan
	Phong Dien Subtotal A Luoi	3 communes 19. Hong Ha 20. Hong Kim 21. Hong Trung 22. Bac Son 23. Hong Van 24. Hong Thuy
Phong Dien Protected Area Subtotal	2 districts	9 communes
Sao La	A Luoi	25. A Roang 26. Huong Nguyen
	A Luoi Subtotal (both in Phong Dien Protected Area and Sao La Protected Area) Nam Dong	8 communes 27. ThuongQuang 28. Thuong Long

	Nam Dong Subtotal	2 communes
	Huong Thuy town	29. Duong Hoa
	Huong Thuy Sub total	1 commune
Sao La Protected Area total	2 districts, 1 town	5 communes
THUA THIEN HUE Subtotal	3 districts, 1 town	14 communes
QUANG NAM		
Song Thanh Protected Area	Nam Giang	30. CaDy 31. TaBhing 32. Ta Poo 33. Chal Val 34. Đac Pre 35. ĐacPring 36. ĐacToi 37. La Dee
	Nam Giang Sub total	8 communes
	Phuoc Son	38. PhuocXuan 39. Phuoc Nang 40. Phuoc My 41. Phuoc Cong
	Phuoc Son Sub total	4 communes
Song Thanh Protected Area Subtotal	2 districts	12 communes
Sao La	TayGiang	42. A Vuong 43. Bhalee 44. A Nong
	TayGiang Sub total	3 communes
	Dong Giang	45. Song Kon 46. Ta Lu 47. A Ting
	Dong Giang Sub total	3 communes
Sao La Protected Area Sub total	2 districts	6 communes
Additional financing⁴		
Ngoc Linh Protected Area	Nam Tra My district	48. Tra Don 49. TraLinh 50. Tra Tap 51. TraCang 52. TraLeng
	Nam Tra My district Subtotal	5 communes
Ngoc Linh Protected Area	1 district	5 communes
Quang Nam Sub total	5 districts	23 communes
Total for protected areas and buffer zones in 3 provinces	10 districts, 1 town	52 communes

⁴ Five (5) communes of Ngoc Linh protected area and 7 overlapped communes of BCC to be identified during implementation.

B. Anticipated Involuntary Resettlement

1. Current project (BCC):

10. Three provinces, six districts, and 34 communes are covered by BCC in Viet Nam. Social assessment was conducted in two sample communes per province in June 2010, which resulted in the identification of activities that may possibly trigger involuntary resettlement under the ADB's Safeguard Policy Statement (SPS) 2009). This will be reconfirmed at the feasibility and detailed design phase. These are:

- (i) **Component 1: Institutional and community strengthening for biodiversity conservation management** – Will entail management planning, corridor delineation and demarcation; Special corridor guidelines and rules will be issued and made public. If affected persons are not safeguarded, the exercise may result in restriction to access for marginalized members of the commune or even loss of assets and livelihood.
- (ii) **Component 2: Biodiversity corridors restoration, ecosystem services protection, and sustainable management by local resource managers** - Forest restoration which will cover about 10,000 ha in the form of enrichment planting, non-timber forest product (NTFP) planting and agroforestry. There is also possibility for restriction to access for marginalized members of the commune or even loss of assets and livelihood.
- (iii) **Component 3: Livelihood improvement and small scale infrastructure support** - Each selected commune has a block allocation for livelihood improvements through Commune Development Fund, which will provide micro credit facilities to households to borrow for their projects of choice. Aside from livelihood enhancement support, selected communes will receive small scale infrastructure support is expected to focus on (a) commune based potable water schemes; (b) provision of rural toilet and sanitation facilitations; (c) improvement / upgrading of rural access road from commune to main road or market; and (d) any other infrastructure prioritized by beneficiaries. Possible livelihood support activities proposed by prospective beneficiaries are small holder fishponds, rattan plantation establishment, and even forest restoration and enrichment planting. Again, if not sensitively attended to, may result in displacement and restriction to other commune members. As regards small infrastructure, resettlement impacts may occur when land is acquired for small-scale infrastructure improvement/rehabilitation or for storing construction materials or other temporary impacts caused by construction activities.

2. Additional Financing:

11. Among 7 sub-components of the additional financing, one activity of sub-component 1.1— establishment of one new protected area (Ngoc Linh) may cause restriction of land use or restriction of access to natural resources. However, according to social assessment conducted in 8 communes of protected areas in 2013, these restrictions are very minor because livelihoods of local people, especially of ethnic minority people are no longer subject to the natural resources thanks to the National Program of settled cultivation and resettlement for ethnic minority people, period of 2007-2010 and extension to 2015. Moreover, Sub-component 1.2-enhanced community participation in benefit sharing from conservation and sustainable use of biodiversity in protected areas and their buffer zones will also mitigate these potential restrictions. The additional financing does not cause land acquisition and relocation.

C. Rationale for Resettlement Framework

12. Technically and ideally, BCC promotes a sequential and sector-like approach at implementation. The necessary land use and capability assessment, and participatory management planning have to be in place prior to subproject implementation. However, it is recognized that planning is an ongoing facet of natural resource management and as such, some subprojects may be ready for implementation within the whole planning phase for the landscape. Specifically under Component 1 (Institutional and community strengthening), the Project aims to secure forest areas for the local communities against further outside pressure/economic concessions by delineating and demarcating community forest areas and protected forest areas. It will provide tenure instruments to communities that are found peripheral to protected areas, which by law have defined uses. Communities will craft restrictions appropriate to their concerns and needs in order to protect their rights to the land and the natural resources therein and in so doing, protect the biodiversity. Capacity building leading to community empowerment is built in to address the need for balancing resource use and protection and eventually, within this context, any activity will be the choice of participating communities.

13. Affected persons cannot be determined as land use zones and priority subproject investments have yet to be identified, under the sequential or simultaneous approach, after the conduct of Components 1 and 2. However, an indicative menu of options for Component 3 (livelihood improvement and small scale infrastructure support in target communes/clusters) was identified by stakeholders. Technical inputs for land use planning will be provided for executing and implementing agencies, local government units, Provincial/District/Commune Peoples Committee, relevant Ethnic Minorities Offices, and the Viet Nam Women's Union. Community ownership to subprojects is still subject to processing for and documentation of broad community support imperative not only for subproject investments, but on a higher plane, to ensure sustainability towards biodiversity conservation and protection. All these are processed during Component 1 geared at strengthening local institutions. Owing to the beneficiary process-driven approach, subproject resettlement plans cannot be prepared before project appraisal. The Resettlement Framework is therefore prepared in the event that any economic or physical displacement might occur in the course of project implementation.

14. Initial review conducted during the fact finding mission confirmed that the additional financing is category B for IR and IP in accordance with the SPS. This will be reconfirmed at the feasibility and detailed design phase.

15. The Resettlement Framework under the existing project (BCC) is updated to reflect the provisions under the ADB SPS and Government policies on resettlement. For subcomponent with impacts on restriction of land use or access to natural resources, a Resettlement Plan will be prepared and implemented during project implementation.

II. OBJECTIVE OF THE RESETTLEMENT FRAMEWORK

16. Physical resettlement is not expected for this project because the small-scale infrastructure subprojects will be improved along the existing rights of way or following the existing alignments. However, should involuntary resettlement impacts occur, whether minor or temporary, resettlement shall be prepared and implemented properly. This Resettlement Framework has been prepared and updated to guide the resettlement planning and implementation and provide protocols for due diligence in cases of voluntary acquisition and restrictions. The Framework reflects the Government's policies on resettlement issues and the

ADB SPS. The Resettlement Framework provides (i) the policy and legal framework of the Government and ADB; (ii) the compensation policy to be applied to all subprojects/components under the BCC Project and the additional financing; and (iii) procedures to be followed during the subproject preparation, appraisal, and implementation. The Resettlement Framework will be available in Vietnamese, and where local people do not understand Vietnamese, translated into the local languages and distributed to the project commune offices and affected people, and also submitted to the ADB for review and posting on the ADB website.

III. LEGAL FOUNDATION AND ENTITLEMENT POLICIES

A. Asian Development Bank Policy

17. The objectives of the ADB social safeguards policy are (i) to avoid involuntary resettlement whenever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced and vulnerable persons in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups. The policy indicates four important elements in involuntary resettlement:

- (i) Mitigate the need for resettlement and compensation as much as possible;
- (ii) Compensate for lost assets and loss of livelihood and income;
- (iii) Assist in relocation including provision of relocation sites with appropriate facilities and services; and
- (iv) Assist with rehabilitation so as to achieve at least the same level of well-being with the Project as before.

18. The policy further stipulates that the absence of legal title to land cannot be considered an obstacle to compensation for non-land assets and rehabilitation privileges. All persons affected by the Project, especially the poor, landless, and semi-landless persons should be included in the compensation, resettlement, and rehabilitation package. The SPS stipulates that those affected persons who are unable to demonstrate a legalizable or recognizable claim to the land being acquired will be eligible for compensation with respect to non-land assets only, and not the land itself. They will however be provided with other benefits and allowances as provided other affected persons.

B. Recent Vietnamese Regulations on Resettlement

19. In recent years, the Government has formulated many decrees, decisions and regulations to protect the interests of displaced persons and in accord with the policies of the international development assistance community. Relevant acts and bylaws that govern various aspects of land acquisition and resettlement include The Constitution of the Socialist Republic of Viet Nam (1992) confirms the right of citizens to own and protect the ownership of a house; the Land Law 2003, providing Vietnam with a comprehensive land administration law; Decree No. 197/2004/ND-CP, on compensation, assistance, rehabilitation and resettlement in the event of land recovery by the State, as amended by Decree No. 17/2006/ND-CP and Decree No. 69/2009/ND-CP;⁵ Decrees No. 188/2004/ND-CP and 123/2007/ND-CP guiding methods of land evaluation; Decree No. 84/2007/ND-CP specifying guidelines on issuance of land use certificate and resolving grievance of land acquisition.

⁵ <http://vci-legal.com/publications/decrees-no-692009nd-cp>

20. Laws, decrees and decisions relevant to public disclosure of information include the Land Law No. 13/2003/QH11, Article 39, requiring disclosure of information to the displaced persons prior to recovery of agricultural and non-agricultural lands of a minimum of 90 and 180 days minimum respectively.

21. At the local level, the provinces have issued a Provincial Decision, consolidating Decree 69/2009/ND-CP and other legal documents relevant to planning and implementation of resettlement at the provincial level. The Provincial Decision stipulates that compensation for land shall be at the market rate following the provincially regulated price-frame that is issued each January, and provides assistance/allowances for relocation, livelihood and production stabilization as well as occupational training and other changes.

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

23. However, ADB Policy does not consider the absence of legal rights of displaced persons on the acquired land as an impediment to receiving compensation for non-land assets and for rehabilitation assistance. Non-registration of an affected person's business also does not bar them from being assisted in restoring their business. Key differences between ADB Resettlement Policy and Viet Nam's resettlement legislation, including measures to address the differences, are outlined in the Table 3 below.

Table 3. Reconciliation of Government and ADB Policies on Involuntary Resettlement

Issues	ADB	Government of Viet Nam	Project Policy Frame
Lack of formal title to affected assets	The absence of formal legal title to land is not a bar to entitlements. Non-titled affected households including displaced tenants, sharecroppers and squatters are entitled to resettlement assistance that may include replacement land, ensure greater security of tenure and upgrading of livelihoods. All affected houses and structures, irrespective of land tenure status, need to be compensated at the full replacement cost through cash or replacement assets	Decree 69 Article 14, Clause 1: If persons who have land recovered by the State meet conditions related to land ownership set out in Article 8 Item 1,2,3,4,5,7,9,10,11 of Decree 197, they shall receive compensation; if they fail to meet all conditions for compensation, the Peoples, Committees of the provinces or centrally run cities shall consider providing such support. Decree 197 Article 18, 19, 20: (i) Houses and structures on non-eligible-for-compensation land, which have not violated announced land use plans or the right of way, will be assisted at 80% of compensated price; and (ii) Houses and structures on non-eligible-for-compensation land, which have violated announced land use plans or the right of way will not be assisted. In special cases, the Provincial People's Committee (PPC)	Those without titles to land or any recognizable legal rights to land are eligible for assistance and compensation for loss of non-land assets. Poor and vulnerable non-titled users will be provided appropriate assistance to help them improve their socioeconomic status. The type of assistance will be identified during Resettlement Plan preparation as per consultation with affected persons.

Issues	ADB	Government of Viet Nam	Project Policy Frame
Compensation principles	Lands and assets upon lands compensation should be based on replacement cost, which means the method of valuing assets to replace the loss at market value.	<p>will consider to assist on case-by-case basis.</p> <p>Decree 69, Article 3, Clause 14, Item 2: Persons who have land recovered shall be compensated with new land having the same use purpose; if there is no land for compensation, they shall receive compensation equal to the value of land use right which is calculated based on land price at the time of issuance of recovery decisions.</p> <p>Decree 197: Article 9: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. Decree 17/2006 provides for compensation to be based on replacement costs. Where there is difference between current use and market values, a Land Valuation Council has to be set up to establish current market values.(Article 4, item 1).</p>	Payment for lands and assets upon lands will be based on the principle of replacement cost. During preparation of Resettlement Plans, RSC shall be carried by safeguard consultants with participations of local authorities and provincial departments of finance, to identify the market rates and replacement costs for the lost lands and assets upon lands.
Businesses	All affected business is eligible for assistance	Decree 69, Article 3, Clause 20, Item 2 Only registered businesses are eligible for assistance.	All affected households regardless of registration status will be compensated for income loss as a result of disruption or cessation of business due to the Project, in addition to other forms of assistance, as needed and in a manner consistent with their requirements, to help restore living standards to pre-Project levels.
Assistance for life stabilization and production stabilization	Severely affected households losing more than 10% of their productive asset and source of livelihood are entitled	Affected households losing 30% or more of their land are entitled to life stabilization assistance. The amounts are higher for those required to relocate, in particular if they must relocate to areas with difficult eco-social conditions. Living stabilization is 30 kg of rice per month for each member of the household.	Assistance on life and production stabilization will be provided to those who lose 10% or more of their productive income or generating assets and/or being physically displaced. The Project will focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people.
Assistance for vulnerable groups	Particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and ethnic minorities, and those without legal title to land, and ensure their participation in consultations.	Assistance is only for the poor (and for ethnic minority in some provinces).	Assistance shall be provided in accordance with the current Provincial regulations for those below the national poverty line, and for vulnerable groups (e.g. ethnic minorities or female-headed households, etc. per results of consultation and the SIA.

24. The subprojects/components will avoid resettlement, land acquisition, and physical displacement or denial of access to resources currently under use by the beneficiaries without prior and informed consent. Small-scale infrastructure investments will only be undertaken on the basis of demand and agreement of the beneficiaries to in-kind contribution (e.g. labor, land, right of way, and willingness to undertake O&M etc.). For additional financing, no small-scale infrastructure is invested, so there is no land acquisition.

25. For BCC project, resettlement impacts will be minimized by observing the following: (i) improvement of small-scale infrastructure designs will be along existing rights of way or following existing alignments; (ii) ensure no subproject with the ADB's Category A resettlement criteria is financed under the Project; (iii) local stakeholders will be actively engaged during consultation to ensure the subproject designs are with minimized or no land acquisition.

26. Further, intensive capacity building across project cycle, and ensuring broad community support in subproject prioritization, planning, selection, and implementation will be observed. Zoning will primarily protect the existing forest resources and ethnic minorities' rights to access NTFPs. Fast paced economic developments, if conducted in an unplanned manner, will heavily impact on the last remaining natural forests, ecosystem services, and forest based livelihoods. The Project will facilitate the provision of tenurial security to ethnic minorities. BCC aims at providing incentives, funding, and technical assistance enabling local people to grow trees of their choice in their homestead plantations and community forests for subsistence needs as well as for fuel wood consumption and construction. Micro credit schemes for commune level enterprises are to be encouraged for local (wood and nonwood) primary processing to emerge or existing ones to become vibrant. The establishment of management regimes in the corridors shall create jobs for local people.

C. Entitlement Eligibility Requirements

27. Eligibility will be determined with regards to the cut-off date, which is taken to be the date of completing Detailed Measurement Survey (DMS) for which land and/or assets affected by the subproject are measured. The affected persons will be informed of the cut-off date for each subproject/component, and any people who settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject. An Entitlement Matrix is provided (Appendix 1) and it summarizes the main types of losses and the corresponding nature and scope of entitlements.

IV. COMPENSATION, ASSISTANCE AND RESETTLEMENT

A. Compensation and Assistance

28. Compensation and assistance will be provided to ensure that the economic and social futures of affected persons are at least as favorable as they were before the Project. The compensation policy, which encompasses compensation for all affected assets, along with rehabilitation measures, will ensure that all affected persons are able to, at minimum, restore their incomes, standards of living, and productive capacities to pre-project levels if not better. Compensation will be based on results of the replacement cost.

1. Compensation and Assistance for Lands (this entitlement is not applicable for the additional financing due to no land acquisition)

29. Some lands will be acquired on a temporary basis (i.e., for access tracks and storage areas, etc). This land will be returned to its original owners and compensation paid for any temporary loss of income from standing crops or other, and the land will be returned to its owners in its original condition. If the temporary acquisition continues for longer than 12 months, as per Decree 69/2009, the affected person may request the contractor to pay for land rental.

30. In regards to productive land permanently acquired, land for land compensation is preferred if land fund of the area is available. Otherwise, affected persons will be compensated for the loss of land at full market value. For BCC project, it is expected no Affected Household will be acquired 10% or more of their productive land as well as relocation.

2. Compensation for restriction of land use or access to natural resources

31. In case, sub-component of both BCC project and the additional financing causes restriction of land use or access to natural resources due to establishment of protected areas, compensation is made for losses based on actual losses at replacement cost. Affected households are entitled to participation in the sub-component of livelihood improvement.

3. Compensation for Loss of Standing Trees and Crops

32. For annual standing crops, compensation will be paid to households who cultivate the land according to the full market value of the affected crops, regardless of the legal status of the land. For perennial plants, compensation will be paid according to the full market value of the affected plants, regardless of the legal status of the land. If the plants are not yet ready for harvest, compensation will include the total cost of initial investment and care until the time of the land acquisition. In case perennial plants can only be harvested once, compensation will be paid for the total cost of investments and care calculated until the time of the land acquisition. Compensation will be in cash.

4. Compensation for Loss of Structures (this entitlement is not applicable for the additional financing due to no structures damaged)

33. Affected persons losing structures will be entitled to the following: (i) Compensation in cash for all 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. The calculation of replacement cost will be based upon (a) fair market value; (b) transaction costs; (c) interest accrued; (d) transition and restoration costs, and (e) any other applicable payments; (ii) Compensation and assistance will be provided in the form of cash. No deductions will be made for depreciation or salvageable materials; (iii) The calculation of rates will be based on the actual affected area and not the useable area; and (iv) The level of compensation for the removal of graves will be for all costs of excavation, relocation and reburial. Current building materials prices will be used when calculating the amount of compensation if necessary. Compensation in cash will be paid to each affected family.

5. Impact of Registered and Unregistered Business (this entitlement is not applicable for the additional financing due to no businesses affected)

34. Affected persons who must relocate their shops or factories will be provided assistance to rebuild and/or relocate their premises regardless of whether or not the business is legally registered. The Commune People's Committee (CPC) must certify that the affected person is engaged in business and therefore eligible for the assistance provided. The affected person is entitled to transportation assistance to a new location, replacement cost for structures lost with no deductions for depreciation. Affected business owners are entitled to: (i) costs of re-establishing commercial activities elsewhere; (ii) loss of income during the transition period; and (iii) costs of transferring and reinstalling plant, machinery and equipment. In order to enable relocating affected persons who have shops at the affected locations to restore their incomes, the following measures will be adopted: (i) access to business locations within the same communes to permit affected persons to maintain their economic and social relationships; (ii) businesses are entitled for compensation of lost earnings during the transition period. Businesses that are legally registered and paying tax will receive cash assistance equivalent to 30% of after tax income in one year, based on average of last three years. Income levels must be substantiated either through taxation records; and (iii) those that are not fully legal and registered with the taxation authorities will be entitled to assistance based upon an estimate of net income and will not exceed more than 3 million VND per shop.

35. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging private and communal and State property during their construction activities. Where damages do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that shall be applied to all other assets affected by the Project. In addition, damaged property will be restored immediately to its former condition.

36. Assistance for job training/creation – Affected households who lose agriculture land will be assisted with a cash payment of at-least 1.5 up to 5 times of the value of the agricultural land acquired (but not exceeding a standard allocation) to assist with vocational change. affected persons of working age in the household who wish to receive training in a new vocation, a free training course will be provided (note that this is not a cash payment).

37. Special assistance to policy and vulnerable households – special assistance is available to certified policy households (Heroic Mothers, Heroes Armed Forces, Invalid, Martyrs, Revolution families) and vulnerable households. If the affected person is affected an additional allowance of between 2 to 10 million VND per household is paid depending upon province and extent of loss of household and, extent of need in case of vulnerable households.

38. Special assistance to poor households – affected poor households will receive an additional allowance of between 5 to 10 million VND per household, depending upon the province concerned.

39. In addition, affected households will be entitled to the following: (i) being contracted for rural infrastructure rehabilitation and conservation/reforestation/restoration activities; and (ii) be automatically included for Component 3 of the project (Livelihood improvement).

B. Voluntary Donation

40. The ADB SPS on Involuntary Resettlement does not apply to negotiated settlements even if among the stakeholders, unless expropriation would result upon the failure of negotiations. Thus, consultation processes, policies, and laws that are applicable to such transactions, third-party validation, mechanisms for calculating the replacement costs of land and other assets affected, and record-keeping requirements will be in line with this BCC and additional financing Resettlement Framework. This Resettlement Framework shall ensure asymmetry of information and bargaining power between involved parties.

41. Since small-scale infrastructure constructions will positively impact on the incomes and livelihoods of local people, following priorities and consensual agreement of the local people and considering that the scale of impact is very minor, the voluntary land acquisition for the BCC can be applied using a Voluntary Land Donation Form (See Appendix 4 for a sample form). The Form must be attached to the Resettlement Plan and following the following principles:

- (i) Subproject site is selected in full consultation with landowners and any non-titled affected people;
- (ii) Voluntary donations do not severely affect the living standards of affected people and the amount of agricultural or other productive land to be acquired from each Affected Household does not exceed 5% of the total productive landholdings of the household;
- (iii) Land donations are linked directly to benefits for the affected people;
- (iv) Any voluntary donation will be confirmed through written record and verified by an independent third party such as representative of the commune;
- (v) There is an adequate grievance process (as described in para. 53);
- (vi) No Affected Household will be displaced from housing or severely affected;
- (vii) Vulnerable affected person(s) will directly benefit from Components 2 and 3 of the BCC Project.

42. In the event affected persons who had long been utilizing resources that are eventually zoned off or established protected area will be restricted to access said areas, compensation entitlements will be provided following the consultations with them during the Resettlement Plan preparations. The affected households shall be automatically included in the Project components and entitled to benefit schemes of the BCC Project and the additional financing.

V. IMPLEMENTATION ISSUES

A. Information Disclosure, Consultation and Participation

43. **Information disclosure.** In the Resettlement Plan preparation following the DMS, the Provincial Project Management Unit (PPMU) will direct the DRC to provide information for local people and affected households on:

- (i) Description of the subproject;
- (ii) Potential resettlement impacts by the subproject;
- (iii) Project Resettlement Policy Framework (concentrate on the entitlements);
- (iv) Implementation schedule; and
- (v) Grievance redress mechanism.

44. The local people and affected households and other stakeholders will continue to be consulted during Resettlement Plan updating and implementation, following a two-way process – information dissemination and gathering of feedback and suggestions.

- (i) Affected households will be notified at least 6 months prior to the date that the land will be acquired by the subproject.
- (ii) Public Consultations: A first public consultation with local people and the affected households and other stakeholders will be held prior to the start of the inventory of losses (IOL), as a way of introducing the subproject and the resettlement policy to the local population. Focus groups are to be held with representatives of households affected by land acquisition and with all households affected by loss of a dwelling. During the focus groups participants can express their concerns that should be addressed in the resettlement process and on their preferences for compensation and income restoration.
- (iii) A second Public Consultation will take place to share the results of the IOL, the entitlements and the resettlement plan. This public consultation will include discussing the results of the impacts survey with the affected households and getting feedbacks and suggestions on their compensation and entitlements, including income restoration and relocation options.
- (iv) Further public consultations will continue during implementation. These consultations should take place (i) following completion of the DMS and review and updating of unit costs for affected assets, where the resettlement committees consults with the affected households individually and/or in group in connection with the updating of compensation and entitlements and, as warranted, income restoration programs and relocation plans; and (ii) following approval of the updated Resettlement Plan, to present to the affected households in the communes (i.e., also referred to as “final disclosure meeting”) the validated/updated list of affected people, compensation and entitlements due to them, and schedule of delivery of compensation and entitlements.
- (v) Disclosure of Resettlement Plan: The draft Resettlement Plan will be uploaded on the ADB website. Following approval of the draft Resettlement Plan by the executing agency and ADB, the final Resettlement Plan will again be disclosed to the affected households and uploaded on the ADB website.
- (vi) The updated Resettlement Plan (draft and approved) to be prepared following detailed design will likewise be disclosed to the affected households and uploaded on the ADB website.

45. Information disclosure is an ongoing process beginning early in the project cycle and continuing throughout project preparation and implementation. The process must provide timely information to communities in order that they may meaningfully contribute to project design, decisions and also mitigation. Provision of timely and accurate information will stem misinformation and inaccurate rumors from circulating in communities. During consultations particular attention is given to vulnerable subgroups in the community to ensure their understanding and collective input. In accordance with both ADB and Government policy (contained in Decree 69 Articles 29, 30 and 31 and 2) the Provincial People’s Committee (PPC) and District People’s Committee (DPC) must ensure that public notice is given and disseminate details of the approved draft resettlement plan, or framework, before project appraisal by the ADB. This draft will also be disclosed on the ADB website. Following the census of affected persons, the final resettlement plan, as endorsed by the Government, is further disseminated to the affected communities and posted on the ADB website. Any updates or revisions to the final resettlement plan must be further disseminated to

affected communities and again, posted on the ADB website.

46. The PPMUs will direct DRCs to conduct a series of public meetings to provide information regarding project activities and the proposed resettlement and compensation arrangements.

47. These public meetings will be needed to: (i) disseminate information on inventory and pricing results; (ii) inform the affected persons on amounts of compensation and supports of each affected household; (iii) to listen to their feedback and suggestions; and (iv) for revising or adjusting the inaccurate data, if any. It is important that affected persons are informed well in advance of the date, time and location of each meeting, and that reminders are also provided. It is essential that these meetings enjoy maximum participation as this will reduce misunderstandings and potential for conflict. The DRCs must ensure that they post this information on the announcement board at the CPC office for at least 20 days (Decree 69, Article 30(2c)).

48. In accordance with Decree 69 Article 30(2b) the posting must be recorded in official minutes and confirmed by the CPC, the Commune Fatherland Front and affected persons. As per Decree 609 Article 30 Clause 3(a), following expiration of this period the agency in charge of compensation will summarize all opinions and comments received, including numbers of affected persons and stakeholders who agree and disagree, with the compensation and land acquisition and assistance offered in the resettlement plan.

49. The contents of the public meetings will cover the following:

- (i) Subproject components. This includes the places where stakeholders can obtain more detailed information about the project.
- (ii) Subproject impacts. Anticipated impacts on the people living and working, making livings in the affected areas of the project including explanations about the need for land acquisition for the subproject components.
- (iii) Affected persons rights and entitlements. The rights and entitlements for different categories of affected persons, including the entitlements for those losing businesses, jobs and income. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each as well as opportunities for BCC project-related employment will be applied for all Aps.
- (iv) Grievance mechanism and the appeal process. All affected persons are to be informed that project policies and procedures are intended to ensure their pre-project living standards are at least restored if not improved. All affected persons must also be informed that if there is any confusion or misunderstanding about any aspect of the project, the commune or district 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. Affected persons will also receive an explanation about how to access grievance redress procedures, according to Project's mechanisms and Government's Grievance and Denouncement Law.
- (v) Resettlement activities. All affected persons are to be given an explanation regarding compensation calculations and compensation payments, monitoring procedures (which will include interviews with a sample of affected persons), reorganization, relocation to an individual location/self-relocation, and preliminary information about physical works procedures.

- (vi) Organizational responsibilities. All affected persons are to 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;
- (vii) Implementation schedule. All affected persons should receive the proposed schedule for the main resettlement activities and informed that physical works would start only after the completion of all resettlement activities and clearance from the project area. It should be clarified that affected persons would be expected to move only after full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

50. Following all public meetings with affected persons and stakeholders the DRC must complete the following activities:

- (i) Make a list of all affected persons who joined the meeting;
- (ii) Make a complete record of all questions, comments, opinions, problems and decisions that arose during the information and consultation meetings; and
- (iii) Deliver leaflets and project announcements to the affected persons.

51. **Documents disclosure.** According to the ADB SPS, the following documents are submitted to the ADB for Disclosure on the ADB website:

- (i) Draft Resettlement Plan or Resettlement Framework endorsed by the Client before project appraisal;
- (ii) Updated Resettlement Plan following any changes from the DMS or other changes introduced (if any); and
- (iii) Resettlement monitoring reports.

52. **Community Participation and Consultation.** Interviews with affected persons will be conducted in order to check the adequacy of compensation prices issued by the provinces. Further public consultations will be carried out during the implementation stage with a focus on specific activities including assessment of compensation, acquisition of land, and design of rehabilitation assistance planning, and design of resettlement sites. These measures are undertaken to ensure that affected persons are satisfied with the compensation arrangements and will not object to the disruption and that they will not suffer enduring negative impacts due to the project and be able to fully restore and further improve their livelihoods.

53. **Grievance Redress Mechanism.** In order to ensure that all affected persons grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to affected persons to air their grievances, a well defined grievance redress mechanism needs to be established following Article 138 Land Law 2003; Law on complaint No. 02/2011/QH13; Article 63 and Article 64 of Government Decree 84/2007/NĐ-CP; Clause 2, Article 40 of Decree 69/2009, and regulation on grievance at Government Decree 75/2012/ND-CP dated 20/11/2012. According to clause 2, Article 138, Land Law 2003. All affected persons can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration.

54. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort. The executing agency will shoulder all administrative and legal fees that might be incurred in the resolution of grievances and complaints.

- (i) **First Stage, Commune People's Committee:** The aggrieved affected household can bring his/her complaint in writing or verbally to any member of the CPC, either through the Village Chief or directly to the CPC. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days and maximum of 45 days following the lodging of the complaint, depending on complicated case or remote area, to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- (ii) **Second Stage, District People's Committee:** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing, to any member of the DPC. The DPC in turn will have 30 days or maximum of 70 days following the lodging of the complaint, depending on complicated case or remote area, 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 any determination made and the DRC is responsible for supporting DPC to resolve Affected Household's complaint. The DPC must ensure their decision is notified to the complainant.
- (iii) **Third Stage, Provincial People's Committee:** If after 30 days or 45 days (in remote area) the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing, to any member of the PPC. The PPC has 30 days or maximum of 70 days, depending on complicated case or remote area, to resolve the complaint to the satisfaction of all concerned. The PPC is responsible for documenting and keeping file of all complaints that reaches the same.
- (iv) **Final Stage, the Court of Law Arbitrates:** If after 30 days following the lodging of the complaint with the PPC, the aggrieved affected household does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a Court of law for adjudication. If the court rules in favour of the complainant, then PPC will have to increase the compensation at a level to be decided by the court. In case the court will rule in favour of PPC, then the complainant will receive compensation approved by PPC.

55. The above grievance redress mechanism will be disclosed and discussed with the displaced persons to ensure that the displaced persons understand the process. PPMU/ DRCs and monitoring unit are responsible for follow up of the grievance process. Notwithstanding the provisions of the grievance process, local laws and regulations will take precedence.

B. Preparation of Subproject Resettlement Plans: Procedures and Methods

56. Procedural requirements are outlined in the ADB SPS and further detail is found in the ADB's Operations Manual for Bank Policies (4/3/2010). Scoping and preparation for resettlement will be part of the updated social assessment.

57. A detailed socio-economic survey and census will be conducted with each affected household. This must cover 100% of the affected households and will be conducted by

the Compensation, Support, and Resettlement Committee or the consultants. This will include a detailed measurement study in order to formulate the inventory of losses and calculate compensation for lost land, dwellings, structures and other assets. This will identify severely affected households and those partially affected. Other social and development assistance measures needed will be discussed with the affected persons and confirmed, then the final resettlement budget calculated. It is important that the survey be gender responsive and must include the men and women of the household.

58. Participatory meetings will be convened with the community to explain the process that will be followed in obtaining information regarding the census and DMS and as to why these are necessary. Separate meetings should be held with members of vulnerable groups to ensure that these people understand the process. Holding separate meetings will allow them to freely ask questions without feeling intimidated or less knowledgeable than others. These meetings will allow the community to provide feedback in regards to the process and facilitate coordination of events.

59. In regards to the valuation of affected assets, each province has established a book value system for valuing land on a square meter basis. These values are updated on an annual basis by the PPC. These valuations will be obtained during the socio-economic data collection and concurrently, details of land transactions occurring over the past 12 months will be obtained by the survey teams from each affected commune. This will provide a better indication of the current market value of any land being acquired. In accordance with ADB policy, current market values will be applied. In regards to structures and dwellings, replacement cost surveys will be undertaken by the DRCs in each district in order to obtain unit prices for building materials and other components and assets lost. Any affected person not satisfied with the level of compensation applied will be able to appeal according to the Grievance Process established for the project. A guideline on socio-economic survey as well replacement cost survey is presented in the Appendix 3.

60. The following general steps will be followed in the formulation of each Resettlement Plan:
- (i) Step 1: In further refining of the subproject physical design, consult with potential affected persons and engineers and environment specialist who are working for BCC to avoid resettlement effects as much as possible as already mentioned in the Section III (D) to keep the impact minimum.
 - (ii) Step 2: Carry out a census and socio-economic survey of all the potential affected persons as part of the social assessment. This should include the socioeconomic data of the affected persons and the detailed measurement survey that inventories each household's losses. The socio-economic survey will be carried out by the resettlement committee or consultant and will be conducted on a participatory basis with all members of each household. The census survey establishes the cut-off date for the eligibility of entitlement. It will be carried out with the attendance of relevant local authorities. The following data should be collected:
 - a. Data about affected persons:
 - i. Total number of affected persons;
 - ii. Demographic, education, income, and occupational profiles;
 - iii. Inventory of all property and assets affected;
 - iv. Socio-economic production systems and use of natural resources;
 - v. Inventory of common property resources if any;
 - vi. Economic activities of all affected people, including vulnerable groups;

- vii. Social networks and social organization; and
- viii. Cultural systems and sites.
- b. Data on land and the area:
 - i. Map of the area and villages affected by land acquisition;
 - ii. Total land area acquired for the Project;
 - iii. Land type and land use;
 - iv. Ownership, tenure, and land use patterns;
 - v. Land acquisition procedures and compensation;
 - vi. Existing civic facilities and infrastructures; and
 - vii. Cultural systems and sites.
- (iii) Step 3: In parallel to affected person census survey, continue consultation with affected persons to identify their preferences and special needs that the Resettlement Plan needs to address. In addition, information on market prices for land, crops, and other assets need to be collected from respective provincial, district, and commune authorities and the local market, so that the cost estimates for the Resettlement Plan can be done.
- (iv) Step 4: Prepare the Resettlement Plan in approved format for the subproject. The Entitlement Matrix in this Framework will be used for each subproject and applied to the inventory of losses obtained from the DMS, specifying the number of affected persons, the size of land affected, the number of other assets affected, lost, and the compensation amount for each category of loss.
- (v) Step 5: Present the draft Resettlement Plan to the ADB and following approval, disseminate the Resettlement Plan at public meetings for the subproject as well as post on the ADB website. Any comments made during the meeting need to be minuted as per Decree 69, and where appropriate, incorporated into the finalised Resettlement Plan.

61. The outline of a Resettlement Plan is enclosed in the Appendix 2. The Resettlement Plan must be updated following the completion of the detailed designs and conducting of the DMS. This will provide up to date and accurate figure regarding the scope of impact, identification of affected persons and severity of impact, as well as an updated compensation calculation. The Resettlement Plan should be reviewed to update any changes in market prices for replacement values and would need to be reviewed again at the time compensation is due for payment. If rates and prices are found to be out of date, revised updated costs must be used. The procedure for updating is also discussed below under Resettlement Plan Implementation.

62. If after initial screening a subproject is deemed to have no land-acquisition, an Official Letter shall be submitted to the CPMU under the Ministry of Natural Resources and Environment (MONRE) by the PPMU confirming that there is no land acquisition required for the subproject improvement, rehabilitation. The CPMU, with support from its consultant, will verify the situation and submit an Official Letter requesting ADB to issue no-objection letter for the subproject. Once the no-objection letter is issued, civil works can be started. The subprojects with no-land acquisition will be the subprojects to be monitored during ADB'S missions and by external resettlement monitors.

B. Ethnic Minorities and Gender Issues

63. Inasmuch as the Project beneficiaries are 85% members of ethnic minority groups, any resettlement issues shall strictly refer to the project Ethnic Minorities Development Framework for guidance. Similarly, the Project Gender Action Plan will serve as reference as regards

gender concerns.

VI. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

64. **National.** MONRE is responsible for the BCC Project and additional financing, on behalf of the Government. As regards resettlement tasks, MONRE is responsible for allocating counterpart funds for timely compensation to affected persons. The CPMU will coordinate with the Provincial People's Committee and the PPMUs to ensure that the resettlement is administered according to the provisions of this Resettlement Framework. During project implementation, the CPMU will engage (i) an International Social Safeguards Specialist; (ii) a National Social Safeguards Specialist; and (iii) an External Monitoring entity to provide the technical support in implementing all social safeguards requirements, this Resettlement Framework included. The CPMU shall:

- (i) Provide overall planning, coordination, and supervision of the resettlement program;
- (ii) Guide implementing agencies (DRC) and the commune-level inventory working group to apply Resettlement Plans and to conduct resettlement activities in accordance with policy of the approved Resettlement Plan; and if any mistakes or shortcomings are identified through internal and/or external monitoring of Resettlement Plan implementation, to ensure that the objectives of the Resettlement Plans are met;
- (iii) Finalize Resettlement Plan and obtaining Government and ADB's approval before implementing approved Resettlement Plans;
- (iv) Award civil works contracts for the package after getting the approval of the Resettlement Plan;
- (v) Provide resettlement training to implementing agencies, all PPMB staff and RCs at all levels, and to the external monitoring organization;
- (vi) Coordinate with other implementation agencies and relevant institutions during periods of preparation, planning and implementation of the Resettlement Plan;
- (vii) Establish standardized affected person databases for each component, as well as for the Project as a whole;
- (viii) Establish procedures for ongoing internal monitoring and review of project level progress reports and for tracking compliance to project policies;
- (ix) Establish procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation of impacts to public and private assets during construction;
- (x) Recruit, supervising, and acting upon the recommendations of the external monitoring organization;
- (xi) Establish procedures for the prompt implementation of corrective actions and the resolution of grievances;
- (xii) Report periodically on resettlement activities to the ADB.

65. **Provincial.** The Provincial People's Committees (PPCs) of Quang Nam, Quang Tri and Thua Thien Hue are the principal authorities for all project resettlement undertakings at the Provincial level. The main responsibilities of the PPCs are:

- (i) Prepare, implement and supervise Resettlement Plan implementation;
- (ii) guide DRC and Commune-level Inventory Working Groups to implement all Resettlement Plan resettlement activities in compliance with Resettlement Plan policy and in accordance with the approved;
- (iii) Resettlement Plan, and if any mistakes or shortcomings are identified through

internal and/or external monitoring of Resettlement Plan implementation, ensure that all are corrected and the objectives of the Resettlement Plans are met; and otherwise, provide appropriate technical, financial and equipment supports to DRC and Commune-level Inventory Working Groups;

- (iv) Provide guidance and supervision to Commune-level Inventory Working Groups to conduct survey, asset inventory, measurements to identify accurately affected households and properties; guide Inventory Working Groups to apply procedures and compensation;
- (v) Entitlement identified in the policy of the approved Resettlement Plan, prepare and submit estimated costs of compensation, allowances and other support to responsible agencies;
- (vi) Implement information campaigns and stakeholder consultation in accordance with established project guidelines, supervise the compensation payment process and the implementation of the Resettlement Plan, and redress grievances concerning resettlement activities in collaboration with DRCs;
- (vii) Coordinate with other line agencies to ensure delivery of mitigation and support measures;
- (viii) Provide income restoration;
- (ix) Implement established procedures for internal monitoring, establish and maintain affected person databases for each component in accordance with established project procedures and provide regular reports to CPMU of project
- (x) Implement prompt corrective actions in response to internal and external monitoring, and resolution of grievances;
- (xi) Implement established project procedures for monitoring coordination between contractors and local communities and ensure prompt identification and compensation of impacts to public and private assets during construction.

66. **District.** The DPC has the responsibility to identify the legal right for land and structures. It undertakes comprehensive management on compensation, assistance and resettlement. The DPC is responsible to the PPC to report on progress, and the result of land acquisition. Specifically, the District-level People's Committees of districts have responsibility for:

- (i) Implementing all resettlement activities within the district territory under the DPC management;
- (ii) Establishing and strengthening commune-level Inventory Working Group;
- (iii) Cooperating with Provincial agencies to prepare valuation of land and structures, and compensation rates, preparing plan for land acquisition and allocation;
- (iv) Preparing a plan for compensation and submitting to PPC to value and approve;
- (v) Providing guidance of resettlement activities within DRC" responsibility;
- (vi) Guiding and supervising survey, inventory and measurement tasks;
- (vii) Accepting and handing over the sites to the implementing agencies; and
- (viii) Assisting DPC to redress affected persons complaints and grievances.

67. **Commune.** The CPC will assist the P/DRC in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- (i) In cooperation with District level and with commune level local mass organizations, inform people, especially affected persons about the compensation plan and process, income restoration plans, relocation strategy and land clearance requirements according to approved Resettlement Plans;

- (ii) To cooperate with working groups to notify reason of acquisition to the people whose land to be acquired; to notify, publicize all resettlement options on compensation, assistance and resettlement which was approved by DPC, answer people's questions and if not able to answer refer to District level for response;
- (iii) Assign Commune officials to assist the P/DRC in the updating of the Resettlement Plan and implementation of resettlement activities;
- (iv) Identify replacement land for affected households;
- (v) Assist in the resolution of grievances; and
- (vi) Actively participate in all resettlement activities and concerns.

VII. BUDGET

68. Resettlement budget is required for all resettlement activities, including compensation for land acquisition (if any), affected assets, administrative cost, monitoring, income restoration, etc. and included in the subproject cost. Estimated costs will be updated based on the DMS and Replacement Cost Survey results following detailed designs. The Resettlement Plan will identify key activities for which funds will be used. Land acquisition/resettlement cost will be funded under the Project to ensure that sufficient resettlement budget is provided, and in a timely manner.

69. Resettlement costs, including the income restoration and livelihood development, shall be from the counter-part fund. The provinces are responsible for arranging the resettlement budget sufficiently and timely allocated for resettlement activities.

VIII. MONITORING AND REPORTING

70. Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation. It provides systematic and continuous collection and analysis of information on the progress of the project. It is a tool to identify strengths and weaknesses and to enable timely decisions for corrections.

71. Implementing agencies shall assign staff responsible for internal monitoring of the Project Resettlement Plan implementation at provincial level, as well as regularly external monitoring by monitoring organization. Findings of monitoring should be included in quarterly project progress reports and PPMU takes responsibility to resolve any incompliance identified by the monitoring.

A. Internal Monitoring

72. All resettlement-related activities are monitored by internal monitoring experts who will follow-up the implementation of Resettlement Plan. The internal monitoring of Resettlement Plans of sub-projects and main components is the responsibility of PPMU staff and implementation consultants. All specialists working for internal monitoring will cooperate closely with DRC to implement and update resettlement data.

73. Monitoring Indicators are included:
- (i) An initial key indicator will be, as per assurances to the ADB, completion of compensation payment and rehabilitation assistance being in place before restrictions of land use or access to natural resources take place.
 - (ii) The other main indicators that will be monitored regularly are:
 - a. Payment of compensation to all affected persons in various categories, according to the compensation policy described in the Resettlement Plan.
 - b. Delivery of income restoration and social support entitlements.
 - c. Public information dissemination and consultation procedures.
 - d. Adherence to grievance procedures and outstanding issues requiring management's attention.
 - e. Priority of affected persons regarding the options offered.

74. The implementing agencies will periodically collect information from the different resettlement committees. A database of resettlement monitoring information regarding the Project shall be maintained and updated.

75. The DRCs, assisted by project consultants will submit to MONRE and ADB semi-annual/annual progress reports: a monitoring report on the progress of implementation of the Resettlement Plan every six months, from the ADB's approving of the updated Resettlement Plan. The internal monitoring reports shall include the following topics:

- (i) The number of affected persons by category of impact per component, and the status of compensation payment and relocation and income restoration for each category.
- (ii) The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.
- (iii) The eventual outcome of complaints and grievances and any outstanding issues requiring action from management.
- (iv) Implementation problems.
- (v) Revised actual resettlement implementation schedule.

B. External Monitoring (not applicable for the additional financing due to minor impacts)

76. The services of an external entity or institute as the qualified experienced external monitoring organization will be retained by project management to undertake objective monitoring and evaluation of Resettlement Plan implementation of BCC Project.

77. **Monitoring and Evaluation Indicators:** The following indicators will be monitored, upon approval of this Resettlement Plan, and evaluated by the monitoring organization:

- (i) Payment of compensation will be as follows: (a) Full payment to be made to all affected persons sufficiently before land acquisition; adequacy of payment to replace affected assets; and (b) Compensation for affected structures should be equivalent to the replacement cost of materials and labor based on standards and special features of construction with no deductions made for depreciation or the value of salvageable materials.
- (ii) Coordination of resettlement activities with construction schedule: the completion of land acquisition and resettlement activities for any component should be completed prior to award of the civil works contract for that component.
- (iii) Provision of technical assistance for house construction to affected persons who

are rebuilding their structures on their remaining land, or building their own structures in new places as arranged by the project, or on newly assigned plots.

- (iv) Provision of income restoration assistance under the Project.
- (v) Entitlements of project benefits
- (vi) Public consultation and awareness of compensation policy: (a) All affected persons should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) The
- (vii) monitoring team should attend at least one public consultation meeting each month to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) Public awareness of the compensation
- (viii) policy and entitlements will be assessed among all affected persons; (d) Assessment of awareness of various options available to affected persons as provided for in the Resettlement Plan.
- (ix) Affected persons should be monitored regarding restoration of productive activities.
- (x) The level of satisfaction of affected persons with various aspects of the Resettlement Plan will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.
- (xi) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

78. **Monitoring Methods:** The methodology for conducting monitoring and evaluation of the Resettlement Plan implementation includes the following activities, which will commence upon approval of this updated Resettlement Plan:

- (i) A socioeconomic survey is required before, during, and after resettlement implementation to provide a clear comparison of success/failure of the resettlement plan. The sample size should be 100% of relocating households and severely affected farmers, and at least 20% of all other households. The sample survey should be conducted twice a year, using the same or similar questionnaire as that used for the DMS baseline, and sampling the same
- (ii) 20% of marginally affected persons and 100% of severely affected persons.
- (iii) The survey should not omit women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents. Certain set questions in the interview should be specifically categorized to be answered by female members of the family only.
- (iv) A post-resettlement evaluation will be carried out 6 to 12 months after completion of all resettlement activities.
- (v) Periodic participatory evaluations and appraisals allow the monitoring organization to consult with the various stakeholders (local government; the Compensation, Support and Resettlement Committees, implementing agencies; nongovernmental organizations; community leaders; and affected persons). Participatory rapid appraisals will involve obtaining information, identifying problems and finding solutions through participatory means which will include the following:
 - a. Key informant interviews with selected local leaders, resettlement committee members.
 - b. Focus group discussions on specific topics such as compensation

- payment, income restoration, and relocation.
- c. Community public meetings to discuss community losses and impacts, construction work employment.
- d. Structured direct field observations on the status of resettlement implementation, plus individual and group interviews for cross-checking purposes.
- e. Informal surveys and interviews of affected persons, host communities, special interest or vulnerable groups and women.
- f. In-depth case studies of problems that have arisen during internal or external monitoring requiring special efforts for resolution.

79. The monitoring organization will maintain a database of resettlement monitoring information that will be updated every 6 months. It will contain certain files on each affected household and will be updated based on information collected in successive rounds of data collection. All databases compiled will be fully accessible by implementing agencies and P/DRCs.

80. The monitoring organization is required to submit the findings of the periodical monitoring every 6 months. These monitoring reports shall be submitted at the end of each quarter of monitoring activity to the PMU, which in turn will submit these reports to ADB as an annex of its progress report. All the semi-annual monitoring reports submitted to ADB will be disclosed on ADB's website.

81. The report will contain (i) a report on the progress of Resettlement Plan implementation; (ii) deviations, if any, from the provisions and principles of the Resettlement Plan; (iii) identification of problem issues and recommended solutions so that implementing 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.

82. The monitoring reports will be discussed in a meeting between the monitoring organization, P/DRCs and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

83. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. The external monitor will conduct an evaluation of the resettlement process and impact 6 to 12 months after completion of all resettlement activities, using the same survey questionnaire and sample as used during the monitoring activities.

Appendix 1. Entitlement Matrix

Impact/ Loss and Application (*)	Eligible Persons	Entitlements	Implementation Issues
Land use restriction or loss of livelihood sources because of conservation zoning and mapping	Disregard of legal status	(i) In-kind assistance to be decided in consultation with eligible Affected Households. Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. And (ii) Participation in income restoration programs.	The level of assistance will be finalized during consultations with the affected persons and during the Resettlement Plan preparation.
	Job training/Creation allowance	Cash assistance equal to 1.5 to 5 times of compensation value for affected land area but not exceed 5 (five) times of land quota in locality. If DP requests for training, he/she will be entitled to a free training course	Eligibility will be confirmed during DMS. Level of assistance for job training/creation decided by PPC <i>Not applicable for the additional financing</i>
Impacts on Crops, Trees and Aquaculture Products	Owners regardless of tenure status	a. Annual crops and aquaculture products equivalent to current market value of crops/aquaculture products at the time of compensation; b. For perennial crops trees, cash compensation at replacement cost equivalent to current market value given the type, age and productive value (future production) at the time of compensation. c. Timber trees based on diameter at breast height at current market value	
Special allowance for social and economically vulnerable households: Vulnerable households: (i) headed by women with dependents, (ii) headed by persons with disability , (iii) falling under the national poverty standard, (iv) with children and elderly who have no other means of support, (v) landless, and (vi) ethnic minorities.	Assistance to poor and vulnerable households to improve their social and economic conditions.	a) Poor households, cash assistance equal to 30 kg of rice (at market price) per family member per month for at least 36 months, according to Decree 17/2006/ND-CP. b) Other vulnerable households: assistance of minimum VND 2,000,000 per household to improve their social and economic conditions or based on regulation per province, whichever is higher c) All vulnerable households: participation in income restoration program regardless of severity of impact	Eligible households are those who are classed as vulnerable under relevant definitions of MOLISA and this document .

Appendix 2: Outline of a Resettlement Plan¹

1. This outline is part of the Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

4. This section: (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities; (ii) describes the scope of impact (provide maps) and explains why it is necessary for the main investment project; (iii) summarizes the key effects in terms of assets acquired and displaced persons; and (iv) provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

5. This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including: (i) define, identify, and enumerate the people and communities to be affected; (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account; (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

6. This section: (i) identifies project stakeholders, especially primary stakeholders; (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle; (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders; (iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan; (v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the

¹ For additional financing, the Resettlement Plan should be simplified due to very minor impact.

method of dissemination) and the process for consultation with affected persons during project implementation.

F. Grievance Redress Mechanisms

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

G. Legal Framework

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

H. Entitlements, Assistance and Benefits

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

I. Relocation of Housing and Settlements

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

J. Income Restoration and Rehabilitation

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

K. Resettlement Budget and Financing Plan

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

L. Institutional Arrangements

13. This section: (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan; (ii) includes institutional capacity building program, including technical assistance, if required; (iii) describes role of nongovernmental organizations, if involved, and organizations of affected persons in resettlement planning and management; and (iv) describes how women's groups will be involved in resettlement planning and management.

M. Implementation Schedule

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

N. Monitoring and Reporting

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

Appendix 3: Guidelines for Census, Socioeconomic Survey and Replacement Cost Survey

A. Census of Affected Persons and Inventory of Affected Assets

1. A census of affected persons and their households and the inventory of assets to be acquired serve two vital functions. The primary function is to identify affected persons eligible for resettlement entitlements, which is especially important if disclosure of subproject plans is likely to encourage land invasion and fraudulent claims for compensation. The census and inventory also supply an important part of the resettlement database to be used for project monitoring and supervision. The census and the inventory of assets can be done separately. As each requires visits to all affected households, however, doing them together is generally more efficient. Where establishing ownership or length of residency is difficult, the census should be conducted as soon as possible, to determine a cut-off date for eligibility for entitlements. In such situations an immediate partial inventory, sufficient to establish the number and general size of structures and other assets to be taken, may be advisable to supplement the census. The precise attributes of structures and an inventory of remaining fixed assets (such as boreholes) acquired or affected can be determined later. The census needs to be undertaken as soon as possible to ensure accurate determination of eligibility for entitlement. The formats for the census and the asset inventory must be adapted to the specific context and informational requirements of the subproject. In any case, the format needs to be field-tested, to ensure that the questions and the phrasing of them elicit the required information. The usual practice is for enumerators to code information while the teams are in the field. This way, incomplete or obviously incorrect information can be corrected on repeat visits. The information is then sent to the project office for data entry and filing.

2. Once the final technical design of the subproject is available, the Detailed Measurement Survey (DMS) needs to be carried-out, and the DMS results are used for the Resettlement Plan updating.

B. Socioeconomic Survey

3. The census and inventory are supplemented with data from socioeconomic surveys. The SES data and information are used to establish baseline information on household income, livelihood patterns, standards of living, and productive capacity. This baseline information constitutes a reference point against which income restoration and the results of other rehabilitation efforts can be measured lists other areas of socioeconomic analysis: land tenure and transfer systems; the patterns of social interaction in the affected communities; public infrastructure and social services that will be affected; and social and cultural characteristics of displaced communities. Interviews are conducted with a systematic sample and using uniform questionnaires. For some subproject under the BCC that affects a limited number of people, everyone affected may be interviewed. For the significant involuntary resettlement subprojects, affected person population can be sampled for the socioeconomic surveys. The sample should provide a sufficient number of cases for statistical analysis.

C. Replacement Costs Survey

4. Compensation is based on the principle of replacement cost. Replacement cost is the amount calculated before displacement which is needed to replace an affected asset without deduction for taxes and/or costs of transaction as follows:

- (i) Annual crops equivalent to current market value of crops at the time of compensation; and

- (ii) For perennial crops and trees, cash compensation at replacement cost is equivalent to current market value given the type, age and productive value (future production) at the time of compensation. Timber trees based on diameter at breast height at current market value.
5. The evaluation of replacement costs will be carried out based on information collected from both research and field work including surveys and data collection from people in the affected and adjacent areas, both those affected and those not affected.
 6. Desk research will focus on relevant publications, decisions of Government authorities at national, provincial, city and district levels. However, these materials will play the supporting role only. As the work is aimed at obtaining reasonable replacement costs for different types of affected assets, market evidences are the factors which most strongly base the formulation of these costs. Surveys with people in the affected area, both those, whose assets are affected by the project, and those whose assets are not, will produce reliable data for evaluation.
 7. For annual crops, the survey team needs to calculate the value of crops that are lost, the market price of the crops during last 3 years. For the data and information, focus grouped discussions with farmers to discuss the investment cost, production, yield and benefit for each crop type, interviews with people (affected and not affected) who owned the same crops in the locality, and interviews with agricultural experts, etc. are advisable.
 8. For perennial trees, the information about production and benefit of their fruit tree during last 3 years and the market price of the trees are needed.

Appendix 4: Sample Voluntary Contribution Consent Form

Socialist Republic of Viet Nam

[INSERT NAME]
Province [INSERT
NAME] District
[INSERT NAME]
Commune

CERTIFICATE OF LAND TRANSFER

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

Certify that I have been previously informed by local authority of my right to entitle compensation for any loss of property (house, land and trees) that might be caused by the project [INSERT IMPROVEMENT, I.E., WATER SUPPLY SYSTEM, ACCESS INFRASTRUCTURE, ETC...] in commune [INSERT NAME], district ([INSERT NAME]). I confirm that I voluntarily accept [INSERT TERMS FOR REPLACEMENT]. I also confirm that I do not request any compensation of loss of [INSERT OTHER LOSSES SUCH AS TREES STRUCTURES] and would request the local authority to consider this as my contribution to the Project.

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

Therefore, I prepare and sign this certificate for the proof of my decision.

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

Witnesses:

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

Certified by the Chief of the Village [INSERT NAME AND SIGN]

The Chief of [INSERT NAME] commune [INSERT NAME AND
SIGN] The Chief of [INSERT NAME] district [INSERT NAME
AND SIGN]