

SFG2792 REV

**HO CHI MINH CITY PEOPLE'S COMMITTEE**  
SUPPORT FOR AUTONOMOUS HIGHER EDUCATION PROJECT  
(SAHEP)

**RESETTLEMENT POLICY FRAMEWORK**

**21 January 2017**

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## ACRONYMS

BP	Bank Procedure
CPMU	Central Project Management Unit
DBCLA	District Board for Compensation and Land Acquisition
DMS	Detailed Measurement Survey
DPC	District People’s Committee
EA	Executing Agency
EMC	External Monitoring Consultant
FPIC	Free, Prior and Informed Consultation
HCMC	Ho Chi Minh City
HCMC PC	Ho Chi Minh City People’s Committee
HH	Household
LURC	Land Use Rights Certificate
M&E	Monitoring and evaluation
MOET	Ministry of Education and Training
MOIT	Ministry of Industry and Trade
NEU	National Economics University
OP	Operational Policy
PC	People’s Committee
PAH	Project affected household
PAP	Project affected person
PIC	Public Information Booklet
RAP	Resettlement Action Plan
SAHEP	Support for Autonomous Higher Education Project
VND	Viet Nam Dong

## DEFINITION OF TERMS

<b>Affected person</b>	<p>Persons who, as a direct consequence of the Project and without their informed consent or power of choice, are either (a) physically relocated or lose their shelter, (b) lose their assets or access to assets, or (c) lose a source of income, or means of livelihood, whether they are physically relocated to another place or not.</p> <ul style="list-style-type: none"> <li>• Persons whose agricultural land will be affected (permanently or temporarily) by the Project;</li> <li>• Persons whose residential land/houses will be affected in part or in total (permanently or temporarily) by the Project;</li> <li>• Persons whose leased houses will be affected (permanently or temporarily) by the Project;</li> <li>• Persons whose businesses, including farm and non-farm business, or places of work, will be affected (permanently or temporarily) by the Project;</li> <li>• Persons whose crops and trees (annual and perennial) will be affected by the Project;</li> <li>• Persons whose other assets or access to those assets, will be affected or restricted in part or in total by the Project.</li> <li>• Persons who are squatters in public safety zones (i.e. right of the way) who are usually poor and rely on their retailed business (located on the right of the way) for income generation activities.</li> </ul>
<b>Cut-off-date</b>	<p>The cut-off date (by Article 67.1 of Land Law 2013) is the date when the Notice of Land Acquisition was officially released and sent to all identified project affected households. Under this project, the cut-off date is 16 August 2016.</p> <p>With this cut-off day established, people who encroach upon the project area after the cut-off date are not entitled to compensation, or any form of resettlement assistance.</p>
<b>Eligibility criteria</b>	<p>A set of criteria that was developed in line with the World Bank’s OP 4.12 to define the affected persons based on a) land ownership</p>

	<p>of the affected persons and b) severity of impact, including:</p> <ul style="list-style-type: none"> <li>• Persons whose agricultural land will be affected (permanently or temporarily) by the Project;</li> <li>• Persons whose residential land/houses will be affected in part or in total (permanently or temporarily);</li> <li>• Persons whose leased-houses will be affected (permanently or temporarily);</li> <li>• Persons whose businesses, including farm and non-farm business, or places of work will be affected (permanently or temporarily);</li> <li>• Persons whose crops and trees (annual and perennial) will be affected;</li> <li>• Persons whose other assets or access to those assets, will be affected or restricted in part or in total by the Project;</li> <li>• Persons who are squatters in public safety zones (i.e. right of the way) who are usually poor and rely on their retailed business on the safety zone for income generation activities;</li> <li>• Persons who rent houses for purpose of living.</li> </ul>
<p><b>Resettlement</b></p>	<p>Resettlement covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to its usual meaning - physical relocation. Resettlement can, depending on the case, include (a) acquisition of land and physical structures on the land, including businesses; (b) physical relocation; and (c) economic rehabilitation of affected people, to improve (or at least restore) incomes and living standards.</p>
<p><b>Remaining Land Investment Cost</b></p>	<p>Include costs that the land user has invested in land (for the land use purpose) but have not been fully recovered by the time the land is acquired. These includes costs for: a) landfill, b) soil fertility improvement, soil erosion prevention (for farming purpose), c) foundation preparation (for business purpose), d) other investment as appropriate to the land use purpose (as defined at Article 7 of Decision No. 23/2015/QD-UBND of HCMC PC issued May 15, 2015.</p>

<b>Replacement costs</b>	The amount of compensation sufficient to replace lost assets, covering transaction costs, which may include taxes, fees, transportation, labor, etc. With regard to land and structures, "replacement cost" is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is cost to build the new house/structure with similar technical standard without depreciation and deduction of salvageable materials, plus the cost of any related registration and taxes.
<b>Entitlements</b>	Refer to compensation, assistance and resettlement packages that are designed for provision to eligible persons affected by the project.
<b>Livelihoods restoration program</b>	Refers to series of activities that are implemented to support affected persons who severely suffers loss of income sources or means of livelihoods to restore their income and living standards to the pre-project level.
<b>Stakeholders</b>	Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.
<b>Severely affected household</b>	Households who lose 20% (10% or more for the poor/near poor/vulnerable) more of their total landholding, and/or have to relocate.
<b>Vulnerable groups</b>	Those who may be more heavily affected by economic or physical displacement than others and who may be more limited than the population at large in their ability to claim or take advantage of resettlement assistance and related development benefits. Vulnerable people/group can be (i) woman headed household with



	dependents, (ii) social policy persons, (iii) Poor/near poor household as identified by national poverty standard; (iv) landless person; and (v) lonely elderly.
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## EXECUTIVE SUMMARY

The purpose of this Resettlement Policy Framework (RPF) is to establish resettlement principles, organizational arrangements, eligibility criteria, entitlements matrix, grievance redress mechanism and monitoring and evaluation process to be applied to RAP(s) that will be prepared during project preparation and implementation. This RPF was prepared in compliance with the World Bank's Operational Policy on Involuntary Resettlement (OP 4.12) and the Vietnam's Land Law 2013 as well as pertinent laws and regulations.

Principles for compensation, resettlement, and rehabilitation set forth in the RPF are in accordance with OP 4.12, and are as follows:

- 1) Physical displacement, economic and physical adverse impacts should be avoided where feasible or, if not possible, minimized by examining all available design alternatives, technology, and/or site selection.
- 2) If the need for resettlement is unavoidable, resettlement activities should be conceived and executed as an integral part of the project, providing sufficient investment resources to enable the persons displaced by the project to enjoy the project benefits; and
- 3) All project affected people will be meaningfully consulted, and have the opportunities to participate in planning and implementing resettlement programs.

The RPF is organized in nine chapters:

Chapter 1 (Introduction) presents project overview, including Project Development Objective, Project Beneficiaries and Project Description. It describes briefly the key project impact, as well as how these impacts are avoided, mitigated, and compensated for.

Chapter 2 (Legal Frameworks) describes the legal documents of both World Bank and the Government of Vietnam, and compare legal documents of two parties to identify the gaps and propose harmonization measures to achieve the objective of Bank's OP 4.12.

Chapter 3 (Principles and Policies for Compensation) sets forth principles and policies for compensation, support, resettlement and livelihood restoration. It provide details of compensation policies for types of impact and support and livelihood restoration measures.

Chapter 4 (Eligibility Criteria and Entitlements) defines how to identify affected households, and their respective entitlements.

Chapter 5 (Information Disclosure, Public Consultation and Participation) describe the objective, mechanism and methods for disclosure on information as well as how to engage public consultation and informed participation with affected population.

Chapter 6 (Implementation Arrangements) set outs specific responsibilities of project stakeholders, including steps for preparation, updating and implementation of the RAP.

Chapter 7 (Grievance Redress Mechanism) establishes a grievance redress mechanism to address grievance and complaints that may arise from affected households during RAP implementation.

Chapter 8 (Monitoring and Evaluation Arrangement) describe how the RAP implementation is monitored and evaluated. This provides a brief guidance on how internal and external monitoring is carried out.

Chapter 9 describes briefly the arrangement of budget allocation for RAP implementation.

# I. INTRODUCTION

## 1.1 Project overview

### 1.1.1 Project Development Objective

The project development objective (PDO) is to improve research, teaching, and institutional capacity at selected autonomous universities and strengthen the national higher education system.

### 1.1.2 Project Beneficiaries

The direct beneficiaries of SAHEP will include: (i) more than 55,000 students of benefiting faculties/schools at VNUA, HUST and IUH; (ii) 3,900 lecturers and researchers of VNUA, HUST and IUH who benefit from better quality research facilities and support; (iii) over 600,000 students and lecturers from various higher education institutions who benefit from the access to better quality learning resources via a digital library developed under the project; (iv) ministries and provincial People's Committees who have access to an up-to-date and comprehensive Higher Education Management Information System (HEMIS); and (v) MOET staff. Indirect beneficiaries will be employers who have higher quality employment resources and/or cooperation opportunities with universities in terms of education and research.

### 1.1.3 Project Description

The project has two main components. Component 1 will focus on supporting three selected autonomous universities by investing in physical, technical, human and institutional resources to improve the quality and quantity of their research, teaching and management, and to become more financially sustainable institutions. Vietnam National University of Agriculture (VNUA), Hanoi University of Science and Technology (HUST), and the Industrial University of Ho Chi Minh City (IUH) located in District 12 of Ho Chi Minh City have been identified by the Government of Vietnam to participate in the project. Component 2 will support the strengthening of four key national higher education sub-systems: Accreditation, Higher Education Management Information, Higher Education Financial Management System and eLibrary. The first three of these systems are based in MOET, and the eLibrary will be based initially in the National Economic University (NEU) located in Ha Noi.

#### **Component 1: Improved research, teaching and institutional management in three selected autonomous universities**

This component will support three autonomous universities, including Vietnam National University of Agriculture (VNUA), Hanoi University of Science and Technology (HUST) and

Industrial University of Ho Chi Minh City (IUH). Each university will implement their components independently and will be responsible for own project management.

*Subcomponent 1: VNUA*

*Subcomponent 2: HUST.*

*Subcomponent 3: IUH*

## **Component 2: Strengthening Higher Education Management System**

This component will support (i) strengthening of the system of higher education accreditation (to be managed by MOET) (ii) development of a higher education management information system (to be managed by the IT Department of MOET); (iii) development of an electronic library to benefit about 50 universities nationwide (to be managed by the National Economic University); and (iv) improvement of financial management of higher education (managed by MOET).

A fifth sub-component will include project management, knowledge sharing and M&E. This component will be managed by MOET to monitor the project as a whole and to expand impact to the whole sector. This component will support the review and update of policy on higher education, project communication and knowledge sharing. The overall project monitoring and evaluation and independent audit will also be financed under this sub-component.

### **1.2 Project Impacts**

#### **1.2.1 Project Impact**

Among two components, Component 1 will cause land acquisition for construction of a new campus for the IUH. There are some construction activities taking place at the VNUA and HUST. However, this construction takes place within the existing campus of these two universities and no additional land (outside the existing campus) is required.

With regards to the potential impact at the new campus of IUH, the construction of IUH will take place in Tan Chanh Hiep Ward of District 12. The construction will require a permanent acquisition of 267,019m<sup>2</sup> of land, affecting an estimated 331 households (263 land owner households, 01 company, and 68 renter households). During the construction of the new campus, some temporary impacts are envisaged, such as impact on environment, local traffic, business. However, efforts will be made to avoid/minimize these temporary impacts - through appropriate construction measures. For the IUH, a RAP has been prepared in accordance with this RPF (See RAP for IUH for details).

#### **1.2.2 Mitigation Measures**

Efforts have been made by the IUH to minimize the need of land acquisition and resettlement. Where avoidance of land acquisition is not feasible, compensation will be made to the affected

households for the assets that are lost/affected, including their loss of income as a result of land acquisition. The compensation payment will be made on the basis of the principles set forth in this RPF (See Section III below). In addition to compensation, households who are severely affected will be provided with additional financial support to support their relocation/house rebuilding. They are also eligible for participating the Livelihood Restoration Program that was designed based on their needs to assist them in promptly restoring their livelihood as a result of loss of land/business/crops, or as a result of physical relocation).

### 1.3 Resettlement Policy Framework (RPF)

#### 1.3.1 Rationale for RPF Preparation

The World Bank policy on involuntary resettlement (BP/OP 4.12) requires that the borrower prepares and submit to the Bank a resettlement policy framework (RPF) consistent with the policy prior to project appraisal in cases, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In this particular case, location and boundary of the new campus and resettlement site of the Industry University of Ho Chi Minh City have been clearly identified in Tan Chanh Hiep ward, district 12. Therefore, Resettlement Policy Framework is not required for this project from the World Bank side, however, according to the Land Law 2013 of Viet Nam, Resettlement Policy Framework needs to be prepared for ODA project to identify gaps between both policies and propose measures to address the policy gaps to meet the resettlement objective.

#### 1.3.2 Objective, Principles of the RPF

*Objective.* The purpose of this Resettlement Policy Framework (RPF) is to establish resettlement principles, organizational arrangements, funding mechanisms, and eligible criteria, entitlements matrix, grievance redress mechanism and monitoring and evaluation process to be applied to RAP(s) that will be prepared during project preparation and implementation. This RPF was prepared in compliance with the World Bank's Operational Policy on Involuntary Resettlement (OP 4.12) and the Vietnam's pertinent laws and regulations.

*Principles.* Principles that govern the RPF, including the principles for compensation, resettlement, and rehabilitation in accordance with OP 4.12 are as follows:

- 1) Physical displacement, economic and physical adverse impacts should be avoided where feasible or, if not possible, minimized by examining all available design alternatives, technology, and/or site selection. Where avoidance is not possible, impacts have to be mitigated;

- 2) If the need for resettlement is unavoidable, resettlement activities should be conceived and executed as an integral part of the project, providing sufficient investment resources to enable the persons displaced by the project to enjoy the project benefits; and
- 3) All project affected people will be meaningfully consulted, and have the opportunities to participate in planning and implementing resettlement programs.

In addition, the objectives of the RPF are to:

- i. Ensure that no impoverishment of people shall result as a consequence of land acquisition, acquisition of assets, and resettlement for purposes of Project implementation.
- ii. Ensure no affected person is worse off as a result of the project.
- iii. Make all affected persons aware of processes available for the redress of grievances that are easily accessible and responsive.
- iv. Have in place a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by project owner and the affected persons.
- v. Provide adequate assistance in the form of transport, temporary accommodation, housing, training, capacity building, service provision etc. to project affected persons.

### 1.3.3 Coverage of the RPF

This RPF covers project activities associated with the Industrial University of Ho Chi Minh City's new campus which is located in District 12 of Ho Chi Minh City. It also covers all other activities that may result in involuntary resettlement related to the SAHEP project.

## II. LEGAL FRAMEWORK FOR THE RESETTLEMENT POLICY FRAMEWORK

This Resettlement Policy Framework (RPF) has been prepared on the basis of currently applicable laws and regulations (related to land acquisition, compensation, support and resettlement) of the Government of Vietnam, and the World Bank's operational policy, namely Involuntary Resettlement (OP 4.12). This RPF was also developed on the basis of the consultations with different stakeholders under the SAHEP project, particularly with the affected peoples who will be compensated for the assets to be affected, and supported in the restoration of their livelihoods.

## 2.1 The Legal framework of the Government of Vietnam

A set of legal documents of the Government of Vietnam was employed under this project to establish a legal framework for this RPF, including:

- The Constitution 2013 of Viet Nam;
- The Land Law No. 45/2013/QH13, effective in July 1, 2014;
- The Law on Complaints 02/2011/QH13 dated 11 November 2011;
- The Law on Denouncement 03/2011/QH13 dated 11 November 2011
- Decree No.43/2014/ND-CP dated 15 May 2014, guiding in detail some articles of Land Law 2013;
- Decree No.44/2014/ND-CP dated 15 May 2014, provides the methodology for land pricing; adjustment to land price brackets, land price lists; specific land pricing and land price consultancy activities;
- Decree No.47/2014/ND-CP dated 15 May 2014, guiding in detail some articles of Land Law 2013 for compensation, assistance, resettlement when land is acquired by the State;
- Decree No. 16/2016/ND-CP dated 16 March 2016, on management and use of official development assistance (ODA) and concessional loans of donors;
- Circular No. 36/2014 / TT-BTNMT dated 30 June 2014, regulating method of valuation of land, construction, land price adjustment, specific land valuation and land valuation advisory;
- Circular No. 37/2014/TT-BTNMT dated 30 June 2014, regulating compensation, assistance and resettlement when the State acquires land;
- Decision No. 1956/2009/QĐ-TTg, dated 17 November 2009, by the Prime Minister approving the Master Plan on vocational training for rural laborer by 2020;
- Decree No. 75/2012/ND-CP of the Government dated 3 Oct 2012, specifies some of articles of the Complaint Law;
- Decree No. 76/2012/ND-CP of the Government dated 3 Oct 2012, specifies some articles of the Denouncement Law;
- Circular No. 30/2014/TT-BTNMT date 2 June 2014 regulations on allocation of land records, lease and transfer of land use, land acquisition.
- Decision No. 63/2015/QĐ-TTg dated 10 December 2015, on the assistance policies for employment and vocational training to labors (households) whose land are acquired by the State;
- Decision No. 23/2015/QĐ-UBND of HCMC PC issued May 15, 2015 on compensation, assistance and resettlement when the State acquires the land in Ho Chi Minh City;
- Decision No. 66/2012/QĐ-UBND dated 28 December 2012 issued standard rates on productivity of capital construction works in Ho Chi Minh City;



- Decision No 70/QĐ-UBND date 07 January 2014 regulations on limits to land in Ho Chi Minh City;
- Others relevant regulations of central government and local governments under the project.

## 2.2 The World Bank's Operational Policy on Involuntary Resettlement (OP 4.12)

On the basis the World Bank's experience, involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks. For instance, the production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost.

Given the above, World Bank's Operational Policy on Involuntary Resettlement (OP 4.12) was developed for use under the World Bank finance project. The overall objective of the policies are:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs;
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs;
- (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

## 2.3 Gaps between the World Bank's policy and Government of Vietnam's policy on involuntary resettlement and harmonization measures.

The resettlement and compensation policies applied for the project are to be in accordance with the World Bank's requirements and laws of the Socialist Republic of Viet Nam. Under the WB policy, it is a condition of funding that the Bank's requirements are met in relation to resettlement, compensation and rehabilitation to all affected households as defined in the OP4.12. With the promulgation of the Land Law No. 45/2013/QH13 and relevant Decrees stated above, the policies and practices of the Government have become more consistent with the WB's social safeguards policies. Nonetheless, provisions and principles adopted in this RPF will

supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Item 2, Article 87 of the land law 2013 and Article 51 of Decree 16/2016/ND-CP on the management and use of official development assistance fund.

The differences between the Government's Laws and Decrees and the WB's policy with regard to resettlement and compensation, and how to address these gaps for this project are shown in the table below.

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
<b>1. Land Property</b>			
1.1. Policy objectives	PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	There is a provision of support to be considered by PPC to ensure they have a place to live, to stabilize their living and production. (Article 25 of Decree 47).  In case the amount of land compensation/support is not enough for resettled people to buy a minimum resettlement plot/apartment, they will be cash supported to be able to buy a minimum resettlement plot/apartment (Article 86.4 of Land Law 2013 and Article 27 of Decree 47)	Livelihoods and income sources will be restored in real terms, at least, to the pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
1.2. Compensation for land and non-land assets of PAPs without LURC.	Those PAPs without legal title to land will be included in consultations. Ensure that PAPs without titles to land, or any recognizable legal rights to land, are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full	Land Law 2013, Article 77, item 2 and article 92: Persons who has used land before 1st July 2004 and directly be involved in agriculture production on the acquired land without LURC or legalizable documents will be compensated for the acquired land area but not exceed quota of agricultural land allocation. But no compensation for non-land assets in the following cases: (i) the assets subject to the land recovery as	Project affected people, without legal or recognizable legal claims to land acquired, who were in the project area prior to the cut-off date, will be equally entitled to participation in consultations and project benefit schemes , and be compensated for their lost non-land assets such as dwellings and structures occupied before cut-off date without deduction of salvageable materials. They will be entitled to resettlement assistance and other

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
	replacement cost, if they have been constructed/created before cut-off date.	stipulated in one of items a, b, d, đ, e, I, clause 1, article 64 and items b, d, clause 1, article 65 of the Land Law 2013; the assets created after the notification on land acquisition; and (iii) unused public infrastructures and other works.	compensation and social support to assist them to improve or at least restore their pre-project living standards and income levels.
<b>2. Compensation rate</b>			
2.1. Compensation rates for land and non-land assets	Compensation for lost land and non-land assets including houses and structures should be paid at full replacement costs without depreciation and deduction of salvageable materials.	Compensation for land at specific land price of affected land; Compensation for living house at the cost enough for constructing new house with similar technical standard; Compensation for other structures at current value.	Independent appraiser identifies replacement costs for all types of assets affected to apply for compensation.
2.2. Assistance for severely affected household	Provision of livelihood restoration and assistance for severely affected households who lose 20% (10% for the poor/vulnerable households) of productive land to achieve the resettlement objectives.	Providing subsistent support for affected household who lose 30% or more of productive land.	Provision of livelihood restoration and assistance measures for severely affected households who lose 20% (10% for the poor/vulnerable households) of productive land to achieve the objectives of resettlement
<b>3. Grievance Redress Mechanism</b>			

Subjects	Bank's OP 4.12	Government of Vietnam	Project Measures
Grievance redress	Grievance redress mechanism should be independent	The same governmental body makes decisions on compensation and resettlement, and also make decision on grievance redress.	An effective Grievance Redress Mechanism is established, built on the existing governmental system, with monitoring by an external monitoring consultant.
<b>4. Monitoring and Evaluation</b>			
Monitoring and evaluation	Internal and external monitoring are required.	Citizens are allowed to supervise and report on breaches in land use and management on their own (or through representative organizations), including land recovery, compensation, support and resettlement (Article 199, Land Law 2013). There is no explicit requirements on monitoring of the resettlement works, especially independent (external) monitoring.	Both internal and external (independent) monitoring is to be regularly maintained (on a monthly basis for internal and bi-annual basis for independent monitoring) and reported to the WB. An end-of-project evaluation on the implementation of resettlement is required and report will be prepared to confirm whether the objectives of OP 4.12 were achieved.

## III. PRINCIPLES AND POLICIES FOR COMPENSATION, SUPPORT, RESETTLEMENT AND LIVELIHOOD RESTORATION

### 3.1 General principles

- Households/individuals whose assets such as lands, houses, structures, crops, etc. and, or business are affected as a result of land acquisition are entitled to compensation and support. Severely affected households – as defined by the project will receive support in cash (or in kind in case of agricultural land for land) to restore their livelihood to the pre-project level.
- The eligibility criteria to such entitlements are defined on the basis of the World Bank’s Operational Policy on Involuntary Resettlement (OP 4.12), relevant Laws of Vietnam, and consultation with affected households.
- Compensation rates for affected assets will be determined based on the replacement costs survey to be conducted by an independent price appraiser engaged by Project Owner/District People’s Committee.
- Compensation will be paid at full replacement costs for affected lands, houses, structures without taking into account depreciation and or deduction of the salvageable materials and at full market prices for affected crops/trees.
- Productive land is not available in the project area, so it will be compensated in cash. The form of “land for land” compensation will be applied for residential land of relocated households if they prefer, otherwise cash compensation is applied. At least a standard land plot in resettlement site with full infrastructure will be provided to relocated households. In case amount of compensation is less than value of a standard plot in resettlement site, the government will support the difference. For affected agricultural land, cash compensation will be applied because agricultural land is not available in the project area.
- All fees and taxes related to land and/or resettlement, such as LURC which is updated in case of re-organization, or issued for new land (in case of physical relocation) will be either waived or included in a compensation package.
- The resettlement area will be planned properly and implemented in full consultation with PAPs. All basic infrastructures, such as paved roads, sidewalks, drainage water supply, electricity, telephone lines, etc. will be constructed at Project Owner’s costs.
- Households who have to relocate but ineligible for compensation for affected land and have not any land or house within the project commune/ward will be entitled to buying a standard plot or house in resettlement site and resettlement assistance in cash.
- Full compensation and allowance must be provided to affected households prior to the taking of affected land.

- By the end of the project, if the livelihoods of affected households have not yet restored to pre-project levels, additional support measures will be provided.
- As RAP is one of the project components, the project will not be considered as completed until the RAP has been fully implemented and met OP 4.12 policy objective.

## 3.2 Compensation Policies

All households who are affected by the project as a result of land acquisition will be entitled to compensation at replacement cost for their legal assets affected by the project such as land/crops/structures/businesses. In addition to compensation, those who are severely and vulnerably affected are supported for livelihoods restoration.

### 3.2.1 Compensation for Permanent Impact

#### a. Agricultural land

##### ***PAP with formal right to affected land (with LURC or eligible for LURC)***

Compensation will be made at full replacement costs plus support for job training/creation, equal to not exceeding 5 times of compensation price for the acquired agricultural land. The supported area is not exceeding quota of land allocation in locality.

Households losing 20% or more of their total agricultural landholding, and 10% for poor/near-poor, and/or vulnerable groups, are considered *severely affected* and are entitled to allowance for life stabilization and participating in livelihoods restoration program (See Section 3.2.3 for allowances and 3.2.4 for livelihood restoration support).

If the remaining land area (not affected) is not economically viable, the area will be acquired and cash compensation will be paid for the remaining land area at replacement cost ((*Article 77 of Land Law 2013, Article 4 of Decree 47/2014-ND-CP*))

##### ***PAP without LURC or customary rights to affected land***

Compensation will not be paid for land but for trees/crops if they have been created before the project cut-off date and cash assistance will be provided on the basis of land origin, land use history, reasons for ineligibility, and the time when the land was put into use.

##### ***PAP with leased rights***

- ***PAP leasing land managed by government***

Households who lease government-managed land (with annual rental payment, or a one-off rental payment for the entire lease period) will not be compensated for the affected land, but compensated for the Remaining Land Investment Cost which will be calculated on the basis of survey (Article 76 of the Land Law 2013). Affected assets on rental land

including crops and/or structures will be compensated at full replacement costs if created before the cut-off date.

- ***PAP leasing private-owned land for farming purpose:***

Households who rent private-owned land for agricultural purpose will not be compensated for land but for crops and structures, if any and created before the cut-off date, on the affected land at replacement costs. Compensation for affected land will be paid for the eligible land owner at replacement cost.

In addition to compensation payment for the affected land, severely affected and/or vulnerable/social-policy households are provided with allowance, and eligible to participate in livelihoods restoration program, and provided with conditional bonus.

## **b. Residential Land**

### ***Loss of residential land with no houses/structures thereon:***

(i) ***PAP with formal right to affected land (legal or legalizable):***

Compensation for loss of land will be paid in cash at full replacement cost.

(ii) ***PAP without formal right to affected land (illegal or illegalizable):***

No compensation for land but financial support for loss of land depending on the time when the affected land was used according to the Land Law 2013.

### ***Loss of land with houses built thereon, and the remaining (non-acquired) land is adequate to reorganize:***

(i) ***PAP with formal right to affected land (legal or legalizable):***

- Compensation for loss of land will be paid in cash - at replacement cost.
- Compensation for partly or entirely affected houses/structure (See Section c. below). Costs to repair the remaining houses are covered by the Project.

(ii) ***PAP without formal right to affected land:***

- Compensation for affected land as regulated in item (ii) below. If the remaining land is large enough for reorganization according to regulation of the PPC and no violence with master planning of locality, AHs can reorganize on the remaining land and have to pay land use fee. PPC will decide case by case.

Compensation for partly or entirely affected houses/structure (See Section c. below). Costs to repair the remaining houses are covered by the Project (See Section 3.2.3. Support/Allowances).



***Loss of land with houses built thereon, and have to relocate:***

***(i) PAP with formal right to affected land (legal or legalizable):***

- Eligible households can opt: Compensation in cash for loss of land at replacement cost or allocation of a land plot/apartment in resettlement site;
- Compensation for affected houses/structure (see Section c. below).

***(ii) PAP without formal right to affected land:***

Compensation for land is as follows:

- If PAP uses non-agricultural land<sup>1</sup> with house on it - prior to 1 July 2004, and the land was obtained by encroachment, PAP will be provided a new residential land plot in the project's resettlement site with levy collection, or are entitled to buying a new resettlement house, if they have no place in the project commune/ward to move [Article 7 of Decree 47/2014/ND-CP, Article 80 of Land Law 2013]. If the households use land with house thereon from 1 July 2004 to before 1 July 2014, they will not be financially assisted. The remaining affected land will be acquired. PAP will be provided a new residential land plot in the project's resettlement site with levy collection, or are entitled to buying a new resettlement house, if they have no place in the project commune/ward to move [Article 7 of Decree 47/2014/ND-CP, Article 80 of Land Law 2013]
- If PAP is not eligible for LURC (as specified at Article 22 of Decree 43/2014/ND-CP) and is using land with house thereon and violation of the Land Law without preventive action from local authority, depending on land use history, PAP will be considered for cash assistance and compensation for house/structure if created before the cut-off date - in accordance with regulations of City's People's Committee.

Compensation for affected land and house as regulated in item (ii) above. In case, PAP has no other residential land/house within project commune/ward, they are entitled to buying a standard land plot/apartment in resettlement site. Price of land/apartment is decided by C/PPC.

**c. Compensation for house and secondary structures.**

- *For entirely affected house and secondary structure*, regardless of the legal status of the affected land and if the affected house/structure has been constructed before the cut-off date compensation will be paid at replacement costs for affected house and structure to construct

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<sup>1</sup> Non-agricultural land – as prescribed at Article 10 of Land Law 2013, include land such as public land, river land, industrial land, production land, etc.

new house/structure with similar technical standard, without depreciation and deduction of salvageable materials. For partially affected house and structure, addition to compensation for affected part at replacement cost, compensation for expenses to repair the remaining part will be paid at rate with concurrence of the affected household.

- *For equipment and/or production line*, affected business household who own the equipment or production lines will be compensated for all costs associated with the disassembly, transportation, re-installation of the affected equipment and/or production line. In case irremovable or broken during removal. Compensation for the equipment and/or production line will be paid at replacement cost. An appraiser specialized in appraisal for such equipment/production lines will be engaged by the project owner to evaluate the costs - subject to review and approval of the District PC.
- *For small assets requiring specialized installation*, including landline phone, water connection, electric connection, cable TV, internet connection, etc., all costs related to uninstallation and re-installation at new house/business premise will be compensated at replacement costs.

**d. Compensation for affected Standing Crops, Trees, and Animal, Aquaculture products.**

For annual and perennial trees, standing crops, or aquaculture products, compensation in cash will be paid at replacement cost, irrespective of the legal status of the affected land, and are in line with Article 90 of the Land Law 2013.

Movable crops and animals will not be compensated but all actual costs associated with transportation of the trees to new location will be paid for affected household. If replanting of trees in new location incurs costs, such full costs will be compensated for.

Aquaculture that reaches harvest time by the time of land acquisition will not be compensated for, otherwise compensation at replacement cost will be paid.

**e. Compensation for affected businesses**

*For economic loss resulting from contract termination:* For households/individual who rent government or private-owned land for non-farm business, and the land rental is made on renewable contract basis. By the time when the affected land must be returned to government but the land lease contract is still valid, compensation will be paid – as agreed upon in the land lease contract, if any.

*For loss of income incurred by business owner,* compensation and support according to regulation of C/PPC regardless status of registration. In case of IUH, the mechanism for compensation is as follows:

- For registered businesses, compensation will be paid in cash for the loss of net business income, equivalent to 50% of the annual average net income - as declared with the tax agency during the recent three years (this amount is equivalent to 100% of monthly net income for 6 months).
- For non-registered businesses, whose operations are recognized by local authority and whose net income from non-registered businesses is affected, compensation will be paid in cash for the income losses for at least 3 months.
- For households who do retail business. They do not have business license and do not pay tax, including also *squatter* whose business is located on the right of the way, compensation will be a one-off allowance of 3 million VND per household.

*For loss of income incurred by business employees*, employees who permanently lose their existing job due to acquisition of land on which the business are located will receive an unemployment allowance at the basic wage level for up to 6 months. Cash assistance for vocational training will be provided to the affected employee. HCMC PC will decide on the assistance level for vocational training.

If they lose their income only temporarily during the business transition period, they will be supported with an allowance as specified by District PC.

#### **f. Compensation for Graves.**

The relocation of graves should be done on the basis of full consultation with the affected households to meet the customs and habits of affected households with regards to relocation of graves. Compensation payment for affected graves includes full costs associated with a) land for re-burial, b) excavation, c) relocation, d) reburial, e) construction of new tombs, and f) other reasonable related costs which are necessary to meet local customs and habits.

Land for relocation of all affected graves will be provided to the affected households - at a graveyard as designated by the District PC. Affected households will be informed of the location of this graveyard so that they can decide where to relocate the affected graves – to the designated graveyard. If AHs decide to relocate the affected graves on their own, the replacement cost for buying land will be compensated for.

In case owner of the affected graves could not be identified, public announcement have to be made (on TV, popular newspaper) for a number of times to look for the grave owners. Within a reasonable time, if grave owners could not show up, the relocation of graves should be done by a specialized unit in consultation with the District Department of Health. The geographical location and status of the graves (with photos taken in details), the procedure of grave relocation, and the new location of the graves have to be documented carefully for the owner's use at a later time.

### **g. Compensation for Loss of Public Structures and Community Assets.**

Where public structures such as schools, health centers, libraries or other cultural centers, recreational parks, public roads, water transmission pipelines, and electricity transmission lines are affected, such affected works will be restored, and repaired or compensated to ensure normal operation at no cost to the local community.

#### **3.2.2 Compensation for Temporary Impact (during construction)**

During the construction process, if local households outside the project area are affected temporarily as a result of the construction, the impact will be assessed and included in the updated Resettlement Action Plan. Depending on the nature of impact, compensation for the adverse impact will be compensated for, as follows:

##### **a. Temporary impact on land/ local business:**

- In case residential land without house/structure thereon is temporarily acquired during construction, the affected land will be compensated equal to the rent of such land in locality for the duration of temporary use. Upon return of affected land to affected people, the affected land must be restored to its pre-project condition – as agreed with the affected households.

- In case business activities of households are temporarily affected during construction, resulting in loss of income that derive from such business, the loss of income should be compensated for the entire period of impact – as agreed with the affected households.

- Contractors will be informed of the RPF/RAP and should explore alternative construction method to avoid temporary impact. If avoidance is not possible, contractors will compensate for the above temporary impact in accordance with the RPF and RAP. Temporary impact is subject to both internal and external monitoring (See Section VIII for monitoring requirements).

##### **b. Compensation for damages caused by contractors to private or public structures.**

Damaged property will be restored to its former condition by contractors, immediately upon completion of civil works. Under construction contracts, contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages occur, the contractor will be required to repair the damage or pay compensation to affected families, groups, communities, or government agencies at the same compensation rates as specified in this RPF.

##### **c. Compensation for unpredictable impacts.**

Any other impacts identified during project implementation will be compensated in accordance with the compensation principles and policies set for in this RPF and in line with the World Bank's OP 4.12.

### 3.2.3. Support/Allowances

Besides the compensation for affected assets, AHs, especially severely and vulnerably AHs will be provided with allowances to support them during the transition period to restore or improve their livelihood and lives. The assistance levels will be adjusted and decided by C/PPC, taking into account inflation factor and price increase - as appropriate, at the time of resettlement implementation.

#### **For affected residential land/houses (applicable for the case of IUH).**

##### **a. *Transportation Allowance:***

- For households who need to resettle in a new residential area, an amount of 6,000,000 VND will be provided if they physically relocate within the area of City. If relocating outside of the City, the transportation allowance will be 10,000,000VND.
- Relocated households who rent private house for living purpose will be provided with a transportation allowance not exceed the rate mentioned above.

##### **b. *House Renting / Temporary Accommodation Allowance:***

House renting or temporary accommodation allowance will be provided to relocated households for 6 months, and also to re-organized households for 3 months for establishment of new house. Married adult offspring sharing house with their parents are provided with house rental as an affected household.

Relocation plan needs to be discussed clearly with affected households to minimize the time duration for temporary accommodation as this may affect the income generation activities/livelihoods of the affected households.

- ##### **c. *House Repair compensation and support:*** If house/structure is partially affected and the remaining structure is viable for continued use subject to appropriate repair, all actual repairing costs for the affected part of the house/structure are paid by the Project, to enable PAPs to restore it to former or better conditions.
- ##### **d. *Land Use Right Certificate:*** For resettled households, all costs related to issuance of Land Use Right Certificate for their new land/houses - either located in the project's resettlement site, or elsewhere (if PAP relocates on their own) will be covered by the Project – by either including the estimated costs for LURC issuance included in the compensation package for self-relocating households, or providing by the Project Owner (later on) for those resettling in the project's resettlement site at no additional cost to them. For re-organizing households whose land and house are partially affected, the costs relating to updating the LURC will be covered by the Project.

**For significantly affected agricultural land:**

- **Allowance for subsistence and Livelihood Stabilization (during transition period):** (i) PAPs losing 20% - 70% of their agricultural landholding (or 10% - 70% for the poor, near-poor, and vulnerable groups) will be provided with an allowance of 500,000VND/person/month for 6 months if no relocation, and for 12 months if relocation. In some special cases, allowance may be provided up to 24 months; (ii) PAPs losing more than 70% of their agricultural landholding will be assisted at the above rate for a period of 12 months if no relocation, and 24 months if relocation. In some special cases, the allowance may be provided up to a maximum of 36 months; (iii) PAPs affected with less than 20% of their agricultural landholding and their remaining land is cannot be used will receive the above allowance for 12 months.

HHs without LURC and illegalizable will receive allowance equal to 60 % of the above rate.

*[Article 19 of Decree 47/2014/ND-CP]*

**Allowances for job training/job change/job creation:**

- **Affected households who are directly engaged in agricultural production:** these households will be supported in job training/job change and job creation with an amount of cash allowance which is not exceeding 5 times compensation value of affected agricultural land *[Article 20 of Decree No. 47/2014/ND-CP]*. For those who are at work age and wish to be trained for a particular job will be admitted to local training school and will be supported to find a new job and borrow loan to start a new job.
- **Affected households who are running their business at their residential land with the main income coming from this business:** For those who are at working age and wish to be trained for a particular job will be admitted to local training school and will be supported to find a new job and borrow loan to start a new job.

Specifically,

- Affected households who are eligible for this support are entitled to participating in one training program at no costs to them within a period of five years (from the date the Decision for Land Acquisition is issued). Free job consultation/orientation are offered at local Job Service Center.

*[Decision No. 63/2015/QĐ-TTg, Decree No.47/2014/ND-CP]*

**Note:** During the preparation of the training/job change/job creation program, consultation must

be done with the affected households [Article 84, Land Law 2013]

#### **Allowances for Vulnerable Households (applicable for the case of IUH)**

- Female headed households with dependents and economic difficulties, households with disabled persons, elderly without any source of support will be provided with an amount of not less than VND 3 million per household.
- Relocating households with heroic mothers, heroic armed force personnel, labor hero, war veterans, wounded or dead soldiers, will be provided with support - from 3 million to 6 million VND per household;
- Poor households with certificate<sup>2</sup>, or near-poor households, will be supported with an amount of 5 or 3 million VND/household, respectively.

#### **Incentive Bonus:**

- All affected households who hand the affected land over to the project on time as scheduled after receiving full compensation and allowances will be given an incentive bonus. Bonus value will be determined by the time of compensation payment.

#### **3.2.4 Livelihoods Restoration Program**

- All households who are *severely affected* and/or *vulnerable* will be eligible to participate in the Livelihood Restoration Program (LRP), which include trainings on agricultural extension, vocational training, credit access and other measures as recommended and appropriate to support their livelihoods restoration to the pre-project level – as a minimum. The LRP will be developed in consultation with affected households on the specific measures that they need to assist in the livelihoods restoration. Vocational training will be provided to all labor-age members of the affected household, if they need.
- Livelihood Restoration Programs will be designed on the basis of assessment of needs of affected households. LRP will be mainstreamed into on-going local development program that support affected/poor households who relocate as a result of development project.
- Costs related to implementing LRP will be provided by the Project Owner.

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## IV. ELIGIBILITY CRITERIA AND ENTITLEMENTS

### 4.1 Eligibility Criteria

The eligibility of affected people for entitlement to compensation is determined by asset ownership criteria:

- Those who have formal legal rights to land;
- Those who do not have formal legal rights to land at the time the census begins but have claim to such land and/or assets - provided that such claims that are recognized under or recognizable under the laws of the country, or become recognized through a process identified in the resettlement action plan; PAP will be considered for cash assistance, resettlement assistance, and compensation for house/structure if created before the cut-off date.
- Those who have neither formal legal rights nor recognized or recognizable claims to such land that they are occupying.

Persons covered under (i) and (ii) are eligible for compensation at replacement cost for the land and non-land assets that they lose, and other assistance. Persons covered under (iii) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary to achieve the objectives of resettlement set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the World Bank. Persons who encroach upon the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (i), (ii), or (iii) are provided with compensation for loss of owned or used assets associated to land, including businesses associated to land.

#### ***New households after the cut-off-date.***

Households with various generations sharing the same house are allowed to split after the project's cut-off-date if they are eligible for splitting as per the national Law of Residence (dated 29 November 2006, effective as of July 1, 2007) – as specified at Article 6 of Decree 47/2014/ND-CP and Land Law 2013. Where splitting is allowed under Decree 47/2014/ND-CP, the allocation of land plots for families sharing the affected land will be considered by HCMC PC.

### 4.2 Entitlements

With respect to a particular eligibility category, entitlements are the sum of compensation payments, relocation and other forms of support, including allowances, bonus (conditional), and opportunities to participate in livelihoods restoration program (See Appendix 1 - Entitlements Matrix, for details).



## V. INFORMATION DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

### 5.1. Objective of Information Disclosure, Public Consultation and Participation

**Information disclosure:** The World Bank requires that sufficient information about project's potential risks and impacts be made available to the affected project people - in a form and language that is understandable to project affected people and project's stakeholders, and in an accessible place and in a timely manner, enable affected peoples to provide meaningful feedback for project design and mitigation measures.

**Consultation and participation:** The World Bank requires that Project Owner has to engage with project affected people through information disclosure, consultation, and informed participation. Depending on the nature of the project, the consultation and participation of project stakeholders should be done in a way that is proportionate to the risks to and impacts of the project on the affected peoples. In case where ethnic minority peoples are present in the project area, Free, Prior and Informed Consultation (FPIC) need to be conducted with the affected ethnic minority peoples - in a way that is culturally appropriate to them.

### 5.2. Mechanism for Information Disclosure, Public Consultation and Participation

**During project preparation:** During this stage, a RAP is prepared on the basis of preliminary information on magnitude of impact, key principle of compensation, preliminary feedback of affected households. As such, during this early stage of project preparation, the following information was disclosed to the project affected household and project stakeholders:

- Project description and objectives
- Brief information on project donor (World Bank)
- Process and methods of consultations
- Tentative project timeline
- Outline of potential social impacts
- Existing principles for compensation, support, resettlement, and livelihoods restoration (WB's OP 4.12 on Involuntary Resettlement).
- Mitigation measures
- Key consultation points

As the project preparation progresses, detailed project related information will become available, such as information on engineering design, infrastructure planning within resettlement sites, compensation policies, support, and resettlement, and livelihood restoration program. Once available, these detailed information will be disclosed to affected households – through

consultation and informed participation of the affected people to allow them to provide meaningful feedback for adjustment, and make informed choice on preferred mode of compensation, such as compensation in cash or plot of land in the resettlement site, attending course on job training or cash compensation.

When RAP preparation is completed, the RAP will be disclosed in English at the World Bank's website in Washington D.C and in Vietnamese at the office of PMU and Tan Chanh Hiep Ward People's Committee.

### **During project implementation:**

As the project starts its implementation, more information will be become available, such as results of replacement costs survey, updated compensation package, detailed design of resettlement, and updated RAP implantation plan. These information need to be disclosed to affected households in a manner similar to those applied during project preparation. For severely affected households, such as those who need to relocate, or change their job, these people will be invited to consultation as the detailed and final information about project's compensation policies, resettlement and livelihoods options are important and help them make informed choice on mode of compensation and resettlement.

## **5.3 Methods**

In addition to the type of information – as mentioned in section 5.2 (above) that should be disclosed, it is important to identify which stakeholder that should be invited to consultation meetings.

### **5.3.1 Identification of Stakeholders:**

Identification of project stakeholders is one of the important steps in consultation exercise. Under this project, the following stakeholders are typical and should be informed of this project purpose and project's potential impact:

- Affected households;
- Non-affected households who live adjacent to the project area;
- Potential project beneficiaries
- Heads of residential groups;
- Representatives of Ward's Peoples' Committee;
- Representatives of District's Peoples' Committee;
- Representatives of Provincial/City Peoples' Committee
- Representatives of project owner;
- Representatives of mass organizations, i.e. Women's Union, Farmers' Associations, etc.
- Representatives of the donor agency (World Bank), and

- Relevant NGOs, local governmental agencies.

Because the level of adverse impact is high on people whose land, economic and living activities are affected, priority will be given to affected groups, particularly the severely affected households (which includes families who need physical resettlement, households who lose 20% or more of their productive land) and those who are vulnerable.

### 5.3.2 Consultation Techniques

The following key techniques should be used to promote the communication among projects stakeholders: a) Community meetings, b) Leaflets, c) Focus group; and d) Loudspeakers. The above techniques are used with a purpose to ensure the reliability and validity of the feedback from the project stakeholders, particularly the group affected by the project.

Prior to planned consultation events, information on compensation and entitlements will be summarized in information sheet, and will be explained verbally to participants during consultation meetings to enable them to understand clearly the policies and provide meaningful feedback. During project implementation, Leaflets summarizing key policies points will be provided to affected households during consultation meetings. Leaflet are useful for affected households to share with their family members and for future reference.

In case where affected households are from ethnic minority groups, Free, Prior and Informed Consultation (FPIC) needs to be done with them – as per the World Bank’s Operational Policy on Indigenous Peoples. The identified ethnic minority households need to be included in the socioeconomic household survey.

### 5.3.3 Consultation process and recording

As the consultation for preparation of RAP is a process of consensus building, consultation will be done at two important stages – RAP preparation and RAP updating. Where necessary, consultation should be maintained during compensation and physical resettlement process) using various techniques as aforementioned. It is also important that the information collected during the consultation process be recorded and kept carefully for analysis and reference.

## 5.4 Consultation approached adopted for preparing this RPF

This Resettlement Policy Framework (RPF) has been developed on the basis of consultations with the households which are likely to be affected by the project – through qualitative research (public meeting, focus group discussions) and quantitative study (household socioeconomic survey<sup>3</sup>). The socioeconomic survey and focus group discussion was conducted from 29 September to 20 October 2016, and public consultation on 30 October and 13 November 2016 in

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<sup>3</sup> Socioeconomic survey was conducted primarily for the purpose of RAP preparation for the new campus of IUH

the IUH’s proposed campus area.

The following consultation sessions have been conducted to support the RPF preparation.

No.	CONSULTATION ACTIVITIES	TIMING					
		Sep 2016	Sep 2016	Oct 2016	Oct 2016	Nov 2016	Nov 2016
1	Socioeconomic Survey		X	X	X		
2	Community Meeting				X		
3	Focus Groups Discussion			X			
4	Key Informant Interview			X			
5	Consultation with WB					X	X

This RPF was disclosed in English on Bank’s website on 21 December 2016 and locally in Vietnamese at project site.

## VI. IMPLEMENTATION ARRANGEMENTS

The implementation of the resettlement activities, as set forth under this Resettlement Policy Framework, requires the participation of governmental agencies at national, city/provincial, district, and ward levels. The provisions described in this RPF are the legal basis for the implementation of resettlement activities – as detailed in the site-specific Resettlement Action Plan – to be prepared for land acquisition as needed by the Industrial University of Ho Chi Minh City.

### 6.1 Responsibilities of stakeholders

- **Central level – MOET, MOIT and Central Project Management Unit:**

**MOET and MOIT** - The Ministry of Education and Training and the Ministry of Industry and Trade, on behalf of the Government, is the project owner at central level and have an overall responsibility for the implementation of the Project. Four universities participating in the project as project beneficiaries, including IUH, VNUA, HUST, NEU, will have the responsibility for investment decisions under their respective sub-projects which are managed by their line Ministries.

### **Central Project Management Unit (CPMU):**

A CPMU will be established to take the overall responsibility to supervise and monitor the project's investment activities and activities related to land acquisition, compensation, support and resettlement under the Project. CPMU will assure all resettlement activities taking place under the Project area in compliance with the Project's RPF. Specifically, CPMU will:

- Cooperate with City PCs, and relevant local competent agencies to conduct compensation and resettlement.
- Organize training and building capacity for PMU where land acquisition will take place.
- Cooperate with PMU to monitor internally compensation, resettlement;
- Report periodically on resettlement progress to MOET, MOIT
- **Ho Chi Minh City People's Committee (HCMC PC):**

HCMC PC is responsible for:

- Review and approve the Resettlement Policy Framework, and the Resettlement Action Plan;
  - Appraise and approve the results of Replacement Costs Survey;
  - Direct relevant Departments and District 12 PC in appraising and approving RAP within the line of authority;
  - Solve complaints/grievances – as appropriate.
  - Maintain an overall oversight of the RAP preparation and implementation, and provide guidance to relevant departments, District People's Committees, where required, to ensure effective and timely collaboration and coordination between these agencies in the preparation and implementation of site specific RAP.
  - Ensure the RAP is prepared in accordance with the requirements set forth in this RPF. Once a RAP is concurred by the World Bank (via a No Objection), HCMCPC will approve the final RAP, or designate a relevant District PC to ratify the RAP to enable RAP implementation.
  - Ensure that compensation resettlement and livelihoods restoration of affected households will be implemented and monitored in accordance with this RPF.
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- **Project level - Project Management Unit (PMU)**

For the IUH subproject, the PMU – already established, will represent the Industrial University of Ho Chi Minh City (herein referred to as Project Owner) and will be responsible for day-to-day implementation of the Project, including preparation, implementation, and monitoring and evaluation of the approved RAP. The key tasks include the followings:

***During RAP preparation:***

- Coordinate closely with related agencies and the WB to prepare the agreed RAP in accordance with the RPF;
- Develop and provide orientation training on the requirements of the RPF to ensure District PC, and relevant stakeholders involved in RAP planning and implementation understand the requirement for RAP as set forth in this RPF;
- Coordinate with the relevant departments under HCMC PC and relevant District PCs to obtain their comments/suggestions, and their consensus on RAP preparation and implementation;

***During RAP implementation:***

- Take lead in recruitment of two consultants – one carrying out a replacement costs survey (as mentioned at Section 6.4), and one conducting periodic social monitoring of RAP implementation (as mentioned at Section 9.2).
  - Ensure the required budget for RAP implementation is timely and sufficiently allocated for planned compensation payment/resettlement – as described in the RAP.
  - Update RAP and conduct internal monitoring of RAP implementation - as per requirements set forth under Section 8.3 of this RPF;
  - Designate staff with solid experience in resettlement and familiar with Bank’s OP 4.12 to act as a social safeguards focal point for PMU. This focal point will provide regular support to District 12 People’s Committee in RAP implementation.
  - Recruit a social safeguards consultant to support PMU and resettlement committee of District 12 for implementation of RAP. The Terms of Reference for this consultant will be subjected to Bank’s prior review;
  - Prepare quarterly progress reports and submit those reports to the WB;
  - Conduct training on requirements of project’s RPF and RAP; work closely with District 12 People’s Committee and District Board for Compensation and Land Acquisition in updating RAPs based on the completed Detailed Measurement Survey, consultation and Replacement Costs Survey;
  - Submit updated RAP to the Bank for review and concur before implementation.
- **District level - District 12 People’s Committee (DPC):**

DPC shall be responsible for:

- Preparing annual land use plan and submit to competent authorities for review and approval of changed land use plan - as prescribed by law.

- Issuing Notice of Land Acquisition and direct District Board for Compensation and Land Acquisition, and commune-level People's Committees to implement the approved RAP.
  - Directing the implementation of the RAP;
  - Directing District Board for Compensation and Land Acquisition and ward/commune People's Committees in disseminating information and compensation and resettlement policies, conducting surveying, geodesy and DMS and implementing the RAP.
  - Directing the evaluation of compensation, support and resettlement, compensation plan approved, support, resettlement and issued a decision to withdraw the land under their jurisdiction;
  - Adjusting or grant a new land use right certificate for the land to be acquired, and for relocated households.
  - Settling complaints related to land acquisition, compensation, support and resettlement in the district within its jurisdiction.
  - Approving the compensation support and resettlement assessment to be carried out by the DBCLA
- **District Board for Compensation and Land Acquisition (DBCLA):**

DBCLA shall be responsible for:

- Coordinating with PMU and ward -level People's Committee to disseminate information and policies on project's compensation, support and resettlement to affected households, and conducting community consultation, surveys, surveying, detailed measurement survey (DMS) for affected assets to formulate plan for compensation, support and resettlement; being responsible for the accuracy and completeness of the survey data, surveying, and DMS;
- Preparing the plan for compensation, support and resettlement and conducting consultation with affected households on plan for compensation, support and resettlement for review and approval by District PC; disclosing the approved plan for compensation, support and resettlement to the affected households;
- Organizing compensation payment and provision of assistance to affected people;
- Arranging resettlement for relocated households, land acquisition, and handover of acquired land to the construction units;
- Leading and coordinating with PMU and ward-level People's Committee to implement Livelihood Restoration Program;
- Assisting district People's Committee to settle complaints concerning land acquisition, compensation and resettlement.
- Supporting DPC in issuance of LURCs for land plot in the resettlement site.

- Support the external monitoring consultant for conducting independent resettlement monitoring— as required under this RPF.

- **Ward/Commune level – Tan Chanh Hiep Ward People’s Committee:**

The Ward/Commune PC shall be responsible for:

- Cooperating with DBCLA in arranging compensation payment, resettlement and livelihood restoration implementation;
- Providing documents related to the origin of land use by affected households; confirming the eligibility of affected persons and affected assets;
- Assisting competent authorities to resolve land disputes and complaints of affected people.
- Assisting DPC, DBCLA in organizing meetings, public consultations, socioeconomic survey during RAP preparation and implementation;
- Establishing working groups at the Sub-ward level to support DPC and DBCLA in conducting Detailed Measurement Survey, Replacement Costs Survey, Socioeconomic Survey, and provision of required information to support the preparation and implementation of RAP;
- Identifying replacement land for the affected households who are eligible and propose livelihoods restoration programs appropriate to the conditions of the people and the locality;
- Resolving complaints at the ward/commune level - as prescribed by the existing law;

- **Community level - Responsibilities of affected people:**

- Cooperating DBCLA and Ward/Commune PC in all activities related to land acquisition, compensation, support and resettlement;
- Handing over of the affected land to the project on time upon receiving full compensation and support package;
- Supporting in reconciliation of households with regards to land disputes, and helping affected households in the process of resettlement and livelihoods restoration;
- Appointing representatives in the Compensation Board to participate in monitoring the implementation of the plan for compensation, support and resettlement.

All stakeholders, particularly stakeholders at project level, including HCMC PC, District 12 PC, Thanh My Loi Ward PC, have extensive experience implementing resettlement program in Vietnam, including experience implementing projects financed by the World Bank and the ADB that involve resettlement and livelihoods restoration. During RAP preparation, there has been an active participation from District 12 PC and Thanh My Loi Ward PC, which contributes to the



effective preparation of the RAP for the IUH. During project implementation, these agencies will continue to contribute to the updating of RAP to reflect the results of the detailed measurement survey, replacement costs survey, and consultation with affected households on the proposed compensation and support packages. In terms of monitoring, these governmental agencies will continue to cooperate closely with the PMU of the IUH to implement and monitor the RAP implementation. An external monitoring consultant will be engaged by IUH to provide an independent assessment of RAP implementation – in addition to internal monitoring done by PMU, District 12 PC, and HCMC PC. Despite of the fact that these stakeholders are experienced with resettlement program, when the project starts implementation, these agencies will be invited to participate in additional trainings organized by PMU - with WB technical support, in order to update them on the new policies requirements and good implementation practices, as well as the new requirements on gender mainstreaming to ensure smooth and satisfactory RAP implementation.

## 6.2 Preparation for a RAP

When the area where land needs to be acquired for the project's civil works is identified, a RAP will be prepared – either during project preparation as Year 1 subproject RAP, or during project implementation when the site local has been finalized. RAP preparation should be initiated by PMU – in consultation with the World Bank. Once agreed upon, the RAP will be prepared in accordance with the guidance set forth in the project's RPF.

### 6.2.1 Steps in RAP Preparation

The preparation of RAP requires public consultation with the potentially affected projects – either adversely or positively affected. Various techniques could be used as part of the public consultation. Typically, the following exercise could be carried out, including census survey, inventory of loss, socioeconomic survey. In addition to these survey which is quantitative, consultation using qualitative techniques should be used to enhance the validity of the findings. The following steps could be followed in preparing a RAP.

- Step 1. Conduct a census survey/ inventory of loss, including public meetings;
- Step 2. Conduct a socioeconomic survey, including public meetings (Please refer to Appendix 2 for typical information required in a socioeconomic survey).
- Step 3. Data analysis;
- Step 4. RAP writing and finalization;
- Step 5 - Disclose RAP in project localities and Bank's website.

The RAP needs to be prepared in accordance with the guidance provided in the RPF (See Appendix 3 for a suggestive elements typically required for a RAP). It is also important to note that during RAP preparation, gender based consultation should be maintained, particularly under

socioeconomic survey, public meetings, and focus groups to ensure gender based concerns are recorded in the RAP with regards to gender analysis, gender action plan, and monitoring and evaluation. Analysis of gender refers to identifying project-relevant gaps between males and females especially in light of RAP preparation. Gender action refers to specific action(s) that should be taken to address the gender gaps identified in gender analysis exercises that were done during RAP preparation. Gender monitoring refers Indicators that are developed – based on the result of gender analysis to ensure the gender action is monitored – based on developed Indicators, to track the gender mainstreaming outcomes.

It also noted that once the social impact become known, recommendations could be made to PMU if there is any measures that could be taken to avoid land acquisition, or to minimize, or mitigate the project impact.

### 6.2.2 Approval of RAP

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

### 6.2.3 Disclosure of RAP

During project preparation stage, once accepted by the World Bank, the RAP will be disclosed on Bank’s website in English, and locally at project site in Vietnamese so that the Bank can proceed project appraisal. Final RAP version which both World Bank and HCMC PC agree will be disclosed.

During project implementation stage, new or updated RAP, once approved by City/Provincial PC and accepted by the Bank, will be disclosed on Bank’s website (the English version) and in project site (the Vietnamese version).

## 6.3 Updating of a RAP

### 6.3.1 Rationale for RAP Updating

During project implementation, there are changes in technical design leading to change in scope of impacts, then the RAP should be updated and submitted to Bank for review prior to implementation.

### 6.3.2 Issues that need to be updated

When updating RAP, the following issues need to be updated:

- *Detailed Measurement Survey*;
- *Additional Socioeconomic Survey*, in case there is significant changes in technical design which change the number of affected households.
- *Public Consultation* with affected households, particularly on the resettlement options and livelihood restoration program that affected households prefer. Additional gender based consultation, as needed.
- *Replacement Costs Survey*;

Once the RAP updating is completed, PMU will submit the updated RAP to the Bank for review and No Objection.

The approved RAP will be disclosed on Bank's website in English and locally at project site in Vietnamese - prior to RAP implementation.

## VII. GRIEVANCE REDRESS MECHANISM

### 7.1 Requirements of the Grievance Redress Mechanism

The World Bank's OP 4.12 on Involuntary Resettlement requires any RAPs that are prepared for Bank financed projects need to establish a grievance redress mechanism to address grievance and complaints that may arise from affected households during RAP implementation.

A mechanism will be put in place to ensure all concerns and complaints of PAP are recorded/registered appropriately, and addressed in a manner that is fair, timely, and constructive. PAP will be informed of the grievance management procedure, as well as their rights to take their grievances to the agencies responsible for handling their complaints as well as informational queries. PAP will also be informed that their use of this grievance mechanism will be free of charge, even when their cases are elevated to the Courts of Law. All costs related to handling and solving of the complaints are covered by PMU, and are included in the budget for RAP implementation.

### 7.2 Grievance Redress Procedure

The following steps can be taken by the complainants. However, the complainants maintain the right to resort to the courts at any time.

#### ***First Stage – Thanh My Loi Ward People's Committee (WPC):***

PAP may submit their complaint – either in written or verbal, to the One Door Unit of the Ward

People's Committee. A member of the One Door Unit will receive the complaints and will notify the WPC leaders of the complaint. The Chairman of the WPC will meet the complainant in person and will solve it within 15 days following the receipt of the complaint.

***Second Stage - District 12 People's Committee (DPC):***

After 15 days since the submission of the complaints, if the aggrieved person does not have any response from the One Door Unit of the WPC, or if the aggrieved person is not satisfied with the decision taken on his/her complaint, the PAP may take the case, either in written or verbal, to the Reception Unit of District 12 People's Committee. The District People's Committee will have 30 days since the date of receipt of the complaint to resolve the case. The District 12 People's Committee will register all the complaints submitted and will inform the District 12 Board for Compensation and Land Acquisition of the District 12 PC's resolution/assessment results. Aggrieved person may elevate the case to the Courts of Law if they wish.

***Third Stage - Ho Chi Minh City People's Committee (HCMC PC):***

After 30 days, if the aggrieved PAP does not hear from the District PC, or if the PAP is not satisfied with the decision taken on his/her complaint, the PAP may escalate the case, either in writing or verbal, HCMC People's Committee, or lodge an administrative case with the District People's Court for resolution. The HCMC PC will have 45 days to resolve the complaint to the satisfaction of all the concerned. The HCMCPC secretariat is also responsible for registering all complaints that are submitted. Aggrieved person may elevate the case to the Courts of Law if they wish.

***Final Stage - Courts of Law:***

After 45 days following the submission of the complaint at HCMC PC, if the aggrieved PAP does not hear from the HCMC PC, or if PAP is not satisfied with the decision taken on his/her complaint, PAP may take the case to a Courts of Law for adjudication. Decision by the court will be the final decision.

Decision on solving the complaints must be sent to the aggrieved PAPs and concerned parties, and must be posted at the office of the People's Committee where the complaint is solved. After 3 days, the decision/result on resolution must be made available at ward level and after 7 days at the district level.

### **7.3 Grievance Management & Monitoring**

- **Grievance Management**

  - District PC and Ward PC**

District 12 People's Committee, Tan Chanh Hiep Ward People's Committee will maintain a

logbook for recording queries, suggestions and grievances of PAP. All complaints will be assessed and resolved in accordance with the a fair, timely and constructive manner -

### **PMU**

A focal point who is responsible for administering grievance mechanism on behalf of PMU will be appointed by PMU. This staff will act as a liaison officer (with DBCLA and WPC) and will perform the following key tasks:

- Work closely with DBCLA and WPC to respond to any informational queries from PAP;
- Keep track of overall grievance management process on behalf of PMU.
- Maintain a grievance log with basic information, including a) **Receipts** (name of complainant, complainant's story and expectation; date the grievance was received and recorded, b) **Tracking** (progress – pending/solved, agreements and commitments made), and **Closeout** (resolution outcome).

- **Monitoring:**

An External Monitoring Consultant (EMC) will be engaged by PMU to evaluate the effectiveness of the grievances mechanism. The monitoring will identify common or recurrent claims that may require structural solutions or adjustment to compensation policy. The EMC may recommend measures to be taken to redress unresolved grievances. During the monitoring of grievance redress procedures, EMC may cooperate with the Vietnam Fatherland Front, if needed.

## **VIII. MONITORING AND EVALUATION ARRANGEMENT**

### **8.1 Objective of monitoring**

To ensure activities and commitments described in the approved RAP is implemented fully and timely, monitoring and evaluation of the RAP implementation should be maintained by the Project Owner. While monitoring of the RAP implementation aims to collect, on a regular basis, information reflecting the RAP implementation results (See Appendix 4 for suggestive indicators) the evaluation of RAP implementation aims to analyze the information collected throughout monitoring process, to evaluate - at outcome level, to extent to which the RAP is executed in accordance with the agreed schedule and methods, and that the RAP implementation meets the objective of the World Bank's Operational Policy 4.12 on Involuntary Resettlement. In case where gaps (between resettlement action plan and actual implementation) are identified during the implementation process, corrective measures will be proposed for timely action by PMU.

## 8.2 Internal Monitoring

### 8.2.1 Requirements for internal monitoring

PMU is responsible to conduct internal monitoring on resettlement implementation. PMU will assign a specialized PMU staff to conduct internal monitoring with key assignments as below:

- Coordinate with related agencies in process of RAP implementation;
- Collect necessary data – as required by this RPF, to set up a database of resettlement for RAP implementation progress reports for internal monitoring purpose;
- Identify any pending issues/non-compliance issues during RAP implementation;
- Work closely with the Independent Monitoring Consultant to oversee the implementation of RAP;
- Receive and report complaint of affected people to competent authorities for resolving

Depending on the nature and complexity of the RAP, and RAP implementation stages, the internal monitoring can be maintained weekly, monthly, and quarterly. A quarterly report should be prepared, as a minimum, to ensure PMU members are aware of the a) RAP implementation progress, b) any issues that may arise so as to take timely and appropriate action.

### 8.2.2 Key indicators for internal monitoring

The following suggestive criteria could be used for internal monitoring by PMU:

- Number of affected persons according to types of impacts;
- Status of compensation payment, resettlement, and income restoration;
- List of outstanding complaints;
- Final results on solving complaints and any outstanding issues that demand management agencies at all levels to solve;
- Issues that arise during the implementation process;
- RAP schedule updated.

Monitoring done by PMU could be coordinated with external monitoring when the external monitoring consultant is engaged and start the service.

## 8.3 External Monitoring

### 8.3.1 Purpose of external monitoring

In addition to internal monitoring, PMU needs to engage an External Monitoring Consultant (EMC) to conduct periodically independent monitoring on implementation of RAP.

The purpose of EMC is to monitor the implementation of the approved RAP to ensure the implementation is in compliance with regulations and policies stipulated in the RAP. EMC also

conduct a final monitoring and evaluation of resettlement implementation when all resettlement activities have been completed for 6 months. Periodical and final reports should include all findings from monitoring and evaluation and corrective action plan (if needed) to submit to EA and the World Bank.

### 8.3.2 Assignments of EMC

As a specialized unit, EMC is expected to monitor and evaluate the results of the RAP implementation with regards to the following three key aspects:

- *Performance* (Process, including compliance),
- *Impact* (Outcome); and
- *Sustainability* (upon Completion of the RAP implementation).

The EMC will be recruited based on their experience on application of Bank's safeguards policy and on monitoring and evaluation of RAP implementation. The IUH – as Project Owner, will prepare a TOR for this assignment which will be reviewed by the World Bank prior to recruitment. The recruitment will be based on the bidding process in accordance with the relevant laws of Vietnam.

While monitoring of RAP implementation process should be maintained quarterly, or even monthly, depending on the nature and the complexity of the RAP, evaluation should be conducted at two important milestones: 1) when compensation payment is completed for most affected households (to evaluate the compensation payment), and 2) six months following the completion of resettlement (to evaluate the livelihood restoration process). Monitoring report must be submitted to PMU for each monitoring trip to keep PMU aware of issues arising from the monitored time. Every six months, EMC must prepare a bi-annual report, consolidating all the findings from the reporting quarter, and submit to PMU and World Bank. EMC will also submit two evaluation reports for two milestone – as mentioned above. The reporting requirements will be detailed in the Terms of Reference for EMC.

### 8.3.3 Key indicator of external monitoring

The following suggestive indicators should be used by the EMC:

- Payment of compensation: a) full payment to be made to all affected persons before land acquisition; (b) adequacy of payment to replace affected assets.
- Provision of assistance for PAPs who have to rebuild their houses on their remaining land, or building their houses in new places as arranged by the project, or on newly assigned plots.
- Assistance for recovering livelihood/income sources.
- Community consultation and public dissemination of compensation policy: (a) PAPs

should be fully informed and consulted about land acquisition, and relocation activities; (b) community consultation procedures and how to solve these problems; (c) public awareness of the compensation policy and entitlements will be assessed among the PAPs; and (d) assessment of awareness of various options available to PAPs as provided in the RAP.

- Affected persons should be monitored regarding the restoration of productive activities.
- PAPs' satisfaction on compensation, assistance and resettlement will be monitored and recorded. Effectiveness of the complaint mechanism and speed of complaint settlement will also be monitored.

## IX. COSTS AND BUDGET

At time of RAP preparation, the costs for implementing RAP will be estimated taking into account the costs as regulated by City/District PC. The costs will be updated prior to RAP implementation incorporating results of detailed measurement survey, replacement cost survey, and consultation with affected households.

All costs related to compensation, support, resettlement and livelihood restoration, independent prices appraisal, monitoring and evaluation, and resettlement implementation management for the new campus of the IUH (located in Tan Chanh Hiep Ward in District 12) will be borne by the Project Owner (Industrial University of Ho Chi Minh City).

## APPENDICES



## Appendix 1 – Entitlements Matrix

Type of Impacts	Application	Entitlements	Implementation Arrangements
<b>A. PERMANENT IMPACT</b>			
<b>1.AGRICULTURAL LAND</b>	<i>Land users with LURC, or eligible for LURC</i>  Marginal loss (<20% of land holding or <10% for vulnerable group), the remaining area is still economically viable for use or meets expected personal yield.	Compensation will be at full replacement costs	PAP will be notified at least 90 days prior to land acquisition and receive compensation and allowances at the latest one month before land acquisition.  The owner of land will hand over the land within 20 days since full compensation and allowances have been paid.
	Significant loss $\geq$ 20% or $\geq$ 10% for poor/near-poor/vulnerable groups	Compensation will be at full replacement costs. Severely affected households will be provided with additional allowances for life stabilization and participating in livelihoods restoration program (see ALLOWANCES below).	PAP will be notified at least 90 days prior to land acquisition and receive compensation and allowances at the latest one month before land acquisition.  The owner of land will hand over the land within 20 days since full compensation and allowances have been paid.
	<i>Land users without formal rights to land</i>	Compensation will not be paid for land but cash assistance will be provided depending on land origin, reasons for un-eligibility, and the time when the land was put into use.	

Type of Impacts	Application	Entitlements	Implementation Arrangements
	<i>Leased Right</i>	<ul style="list-style-type: none"> <li>• <b><i>PAP renting land managed by government</i></b>  No compensation for the affected land, but for the Remaining Land Investment Cost.  Compensation paid at full replacement cost for affected assets (structures, crops, trees) on rental land if they have been created before the cut-off date.</li> <li>• <b><i>PAP renting private-owned land for farming purpose:</i></b> Compensation for land at replacement cost for the land owner; Compensation for a) affected assets (structures, crops, trees) at replacement cost for the renter if the affected assets have been created before the cut-off date; and b) the remaining rental contract value.</li> </ul>	Remaining Land Investment Cost will be calculated on the basis of survey – in line with Article 76 of Land Law 2013.
<b>2.RESIDENTIAL LAND</b>	<i>Land Users with LURC, or eligible for LURC</i>	<p><b><i>Loss of residential land with no houses/structures on it:</i></b> compensation for loss of land will be paid in cash at full replacement cost.</p> <p><b><i>Loss of land with houses built thereon, and the remaining (non-acquired) land is adequate to reorganize</i></b></p> <ul style="list-style-type: none"> <li>- Compensation at full replacement cost for the affected land. Compensation for affected house is as follows: <ul style="list-style-type: none"> <li>• <i>Partially affected house and remaining part is usable: compensation at full replacement cost for the affected part and actual costs for repairing the remaining part without deduction of salvageable materials.</i></li> <li>• <i>Fully affected house: compensation at full replacement cost for the entirely affected house.</i></li> <li>• <i>In case the remaining land is insufficient to build a new house, the affected household could request converting the agricultural land adjoining with the affected residential land into residential land but not exceed residential land quota – as specified by City’s PC.</i></li> </ul> </li> </ul>	• PAP will be notified at least 180 days prior to land acquisition.

Type of Impacts	Application	Entitlements	Implementation Arrangements
		<p><b><i>Loss of land with houses built thereon, and remaining (non-acquired) land is not adequate to rebuild the house (relocated PAP):</i></b></p> <p>Compensation for loss of land and houses will be paid at full replacement cost. Affected households are entitled to buying a plot of land in project's resettlement site.</p> <p>In case compensation value for the affected residential land is less than the cost of a minimum land plot in the designated resettlement site, relocated households will be provided with a cash support equal to the difference to enable them to have the land plot in the resettlement site. If AHs prefer self-relocating to other place, an amount of cash support, equal to the difference between the cost of the minimum land plot in the designated resettlement area and total compensation amount for the affected residential land, will be provided to the relocating households.</p> <p>[Article 86 of Land Law 2013, Article 27 of Decree 47/2014/ND-CP].</p> <p>PAP will get resettlement assistance, and compensation for house/structure if created before the cut-off date.</p>	<ul style="list-style-type: none"> <li>• Resettlement land/house will be arranged in line with Article 86 and Article 87 of the Land Law, Decree No. 47/2014/ ND-CP, and Article 20, 22 of Decree No. 43/2014.</li> <li>• Relocated households who have no other residential land or house within project ward/commune are entitled to buying a plot of land/an apartment and pay by instalment, or rent it for living.</li> <li>• AHs are paid compensation and allowance at the latest one month before land acquisition.</li> </ul>
	<p><i>No formal right to affected land</i></p>	<p><b><i>Loss of land with houses built thereon</i></b></p> <ul style="list-style-type: none"> <li>• If PAP uses non-agricultural land<sup>4</sup> with house on it - prior to 1 July 2004, and the land was obtained by encroachment, PAP will be provided a new residential land plot in the project's resettlement site with levy collection, or are entitled to buying a new resettlement house, if they have no place in the project commune/ward to move [Article 7 of Decree 47/2014/ND-CP, Article 80 of Land Law 2013]. If the households use land with house thereon from 1 July 2004 to before 1 July 2014, they will not be</li> </ul>	

<sup>4</sup> Non-agricultural land – as prescribed at Article 10 of Land Law 2013, include land such as public land, river land, industrial land, production land, etc.

Type of Impacts	Application	Entitlements	Implementation Arrangements
		<p>financially assisted. The remaining affected land will be acquired. PAP will be provided a new residential land plot in the project's resettlement site with levy collection, or are entitled to buying a new resettlement house, if they have no place in the project commune/ward to move <i>[Article 7 of Decree 47/2014/ND-CP, Article 80 of Land Law 2013]</i></p> <ul style="list-style-type: none"> <li>• If PAP is not eligible for LURC (as specified at Article 22 of Decree 43/2014/ND-CP) and is using land with house thereon and violation of the Land Law without preventive action from local authority, depending on the time when the affected land was used, PAP will be provided cash assistance and compensation for house/structure if created before the cut-off date - in accordance with regulations of City's People's Committee.</li> </ul>	
<b>3.HOUSES/ SECONDARY STRUCTURES/ EQUIPMENT/ PRODUCTION LINE, ETC.</b>		<p><i>For non-movable houses and secondary structures,</i> compensation will be at full replacement costs for affected houses and structures - regardless of the legal status of the affected land, houses, or structures.</p> <p><i>For movable houses and structures</i> such as those that are pre-engineered to allow disassembly and re-installation, compensation will cover all costs of disassembly, transportation, re-installation, and other costs incurred during this entire process, (Article 91 of Land Law 2013, Article 23 of Decree No. 47/2014/ND-CP. For IUH, 30% of total costs of construction of a new, similar building will be paid. In case where the 30% of compensation rate is not sufficient as full replacement costs, costs evaluation will be done by District PC,</p>	<p>Replacement costs includes a) market cost of the materials to build a replacement structure with an area and quality similar, or better than those of the affected structure, or to repair a partially affected structure, b) the cost of transporting building materials to the construction site, c) the cost of any labor and contractors' fees, d) the cost of any registration and transfer taxes. Structures shall be evaluated with regards to its value individually.</p>

Type of Impacts	Application	Entitlements	Implementation Arrangements
		<p>or independent price appraisal consultant to assure a full replacement cost is paid.</p> <p><i>For equipment and/or production line</i>, affected business who own the equipment or production lines will be compensated for all costs associated with the disassembly, transportation, re-installation of the affected equipment and/or production line. A consulting firm specialized in appraisal for such equipment/production lines will be engaged by the Project Owner to estimate the costs which are subject to review and approval of PPC (the HCMC PC). Costs associated to this process will be paid at full replacement cost.</p> <p><i>For small assets requiring specialized installation</i>, including landline phone, water connection, electric connection, cable TV, internet connection, etc., all costs related to uninstallation and re-installation at new house/business premise will be compensated at full replacement costs.</p>	
<b>4. CROPS, TREES, AND AQUACULTURE PRODUCTS.</b>	LURC, eligible and not eligible for LURC	<p>For annual and perennial trees, standing crops, or aquaculture products, compensation in cash will be paid at full replacement cost, irrespective of the legal status of the land, and are in line with Article 90 of the Land Law 2013.</p> <p>Movable crops such as orchard trees will not be compensated but transportation of the trees to new location is supported as specified by District Board for Compensation and Land Acquisition. If replanting of trees in new location incurs costs, such full costs will be compensated for.</p> <p>Aquaculture that reaches harvest time by the time of land acquisition will not be compensated for.</p>	<ul style="list-style-type: none"> <li>• Calculation of compensation for crop is based on the highest productivity of one crop of the last 3 years.</li> <li>• Calculation of compensation for trees is based on age and diameter of the tree.</li> <li>• PAP has the right to use salvageable trees.</li> </ul>
<b>5. BUSINESSES</b>		<p><i>For economic loss resulting from contract termination</i>: For households/individual who rent government- or private-owned land for non-farm business, and the land rental is made on renewable contract basis. By the time when the affected land must be returned to government but the land lease contract is still valid, compensation will be paid – as agreed upon in the</p>	<p>PAPs will be given priority for business relocation at conveniently located place in order to maximize their benefit from business opportunities. At the time of compensation, allowances will be</p>

Type of Impacts	Application	Entitlements	Implementation Arrangements
		<p>land lease contract, if any.</p> <p><i>For affected assets, such as houses, structures, equipment, production line, and other small assets, compensation will be paid at replacement costs principle.</i></p> <p><i>For loss of income incurred by business owner, the mechanism for compensation is applied according to the Land Law 2013 and decision of PPC. For IUH, compensation mechanism is as follows:</i></p> <ul style="list-style-type: none"> <li>• For registered businesses, compensation will be paid in cash for the loss of net business income, equivalent to 50% of the annual average net income - as declared with the tax agency during the recent three years (This amount is equivalent to 100% of monthly net income for 6 months).</li> <li>• For non-registered businesses, whose operations are recognized by local authority and whose net income for non-registered businesses are affected, compensation will be paid in cash for the income losses for at least three months.</li> <li>• For households who do retailed business. They do not have business license and do not pay tax, including also <i>squatter</i> whose business are located on the right of the way, compensation will be a one-time allowance of 3 million VND per household.</li> </ul> <p><i>For loss of income incurred by business employees:</i></p> <ul style="list-style-type: none"> <li>• Employees who permanently lose their existing job due to acquisition of land on which the business are located will receive an unemployment allowance at the basic wage level for up to 6 months. Cash assistance for vocational training will be provided to the affected employee. HCMC PC will decide on the assistance level for vocational training.</li> <li>• If they lose their income only temporarily during the business transition period, they will be supported with an allowance as specified by District PC.</li> </ul>	<p>adjusted to account for inflation.</p>

Type of Impacts	Application	Entitlements	Implementation Arrangements
6. GRAVES		<p>Compensation payment for affected graves includes full costs associated with a) land for re-burial, b) excavation, c) relocation, d) reburial, e) construction of new tombs, and f) other reasonable related costs which are necessary to meet local customs and habits.</p> <p>Land for relocation of all affected graves will be provided at a graveyard designated by the District PC. In District graveyard is not available, compensation payment will cover costs for buying land for reburial.</p> <p>In case owner of the affected graves could not be identified, public announcement have to be made (on TV, popular newspaper) for a number of times to look for the grave owners. Within a reasonable time, if grave owners could not show up, the relocation of graves should be done by a specialized unit in consultation with the District Department of Health. The geographical location and status of the graves (with photos taken in details), the procedure of grave relocation, and the new location of the graves have to be documented carefully for the owner's use at a later time.</p>	<p>The relocation of graves should be done on the basis of full consultation with the affected households to meet customs and habits of affected households.</p> <p>Affected households will be informed of the location of this graveyard so that they can decide where to relocate the affected graves (to the designated graveyard, or to somewhere else in accordance with their customs and habits).</p>
7. PUBLIC STRUCTURES/ COMMUNITY ASSETS		Where public structures such as schools, health centers, libraries or other cultural centers, recreational parks, public roads, water transmission pipelines, and electricity transmission lines are affected, such affected works will be restored/repared to ensure normal operation at no cost to the local community.	
8. ALLOWANCES	Affected residential land/houses and relocation	<p>e. <i>Transportation Allowance: following Land Law 2013 and decision of PPC.</i></p> <p>For IUH, households who need to resettle in a new residential area, an amount of 6,000,000 VND will be provided if they physically relocate within the area of HCMC. If relocating outside of HCMC, the transport allowance will be 10,000,000VND [<i>Decision No.23/2015/QD-UBND of HCMC PC</i>].</p>	Relocation plan needs to be discussed clearly with affected households to minimize the time duration for temporary accommodation as this may affect the income generation activities/ livelihoods of the affected households.

Type of Impacts	Application	Entitlements	Implementation Arrangements
		<p>f. <i>House Renting Allowance/ Temporary Accommodation:</i>  House renting allowance or temporary accommodation will be provided to relocating households, and re-organizing households (where required) for the actual time during which they have no other accommodation due to having to hand the affected land over (as required by the project) while having not completed yet construction of the new house. The amount rental will be decided by local government but will be sufficient to cover the actual and reasonable rental rate For re-organizing households, this amount will be provided for three-month period.</p>	
	<p><b>Severely affected agricultural land</b></p>	<p><i>Allowance for Livelihood Stabilization (during transition period):</i></p> <ul style="list-style-type: none"> <li>i. PAPs losing 20% - 70% of their agricultural landholding (or 10% - 70% for the poor, near-poor, and vulnerable groups) will be provided with an allowance of 500.000VND/person/month for 6 months if they do not have to relocate, and for 12 months in the case of relocation. In some special cases, allowance may be provided up to 24 months;</li> <li>ii. PAPs losing more than 70% of their agricultural landholding will be assisted at the above rate for a period of 12 months if they do not relocate, and 24 months in the case of relocation. In some special cases, the allowance may be provided up to a maximum of 36 months;</li> <li>iii. PAPs affected by less than 20% of the land and their remaining land is not economically viable will receive the allowance for 12 months.</li> </ul> <p>HHs with no recognized land use right will receive allowance equal to 60 % of the above rate provided for the legal, legalizable land users.</p>	
	<p><b>Vulnerable Households</b></p>	<p>Female headed households with dependents and economic difficulties, households with disabled persons, elderly without any source of support, households from ethnic minority groups</p>	



Type of Impacts	Application	Entitlements	Implementation Arrangements
		<p>will be provided with an amount of not less than VND 3 million per household.</p> <p>Relocating households with heroic mothers, heroic armed force personnel, labor hero, war veterans, wounded or dead soldiers, will be provided with support.</p> <p>Households with poor household certificate, or categorized as near-poor will be cashly supported with an amount from 3 to 5 million VND/ household.</p>	
	<b>Incentive Bonus</b>	All affected households who hand the affected land over to local authority at the date specified after receiving compensation payment and allowances will be given an incentive bonus. Bonus rate will be determined at the time of compensation payment.	
<b>9.LIVELIHOODS RESTORATION PROGRAM</b>		All households who are severely affected and who are vulnerable – as defined from Section 4.2 will be eligible to participate in the Livelihood Restoration Program (LRP), which include trainings on agricultural extension, new job training, credit access and other measures as recommended and appropriate to support the livelihoods restoration of affected households to ensure their livelihood is restored to the pre-project level, or even improve. The LRP will be developed in consultation with affected households after the Resettlement Action Plan (as approved by HCMC PC and the World Bank) are disclosed fully to the affected households to ensure the consultation on measures to restore livelihoods for severely affected households meaningful and realistic. Costs related to implementing LRP will be borne by the Project Owner.	Livelihood Restoration Programs will be designed on the basis of assessment of the needs of affected households. LRP will be mainstreamed into on-going local development program that support affected/poor households who relocate as a result of development project.
<b>B. TEMPORARY IMPACTS</b>			
<b>10.TEMPORARY IMPACT ON LAND/ LOCAL BUSINESS</b>		<ul style="list-style-type: none"> <li>Temporarily affected land, including assets associated with affected land, will be compensated for - as agreed with the land owner. Upon return of affected land to local people, the affected land must be restored to its original condition – as agreed with the affected households.</li> </ul>	Contractors will be informed of this RPF and should explore alternative construction method to avoid temporary impact. If avoidance is not possible, contractors will compensate

Type of Impacts	Application	Entitlements	Implementation Arrangements
		<ul style="list-style-type: none"> <li>In case the construction affect temporarily the business activities of local households outside the project area, resulting in loss of income that derive from such business, loss of income should be compensated for the entire period of impact – as agreed with the affected households.</li> </ul>	for the above temporary impact in accordance with this RPF. Temporary impact is subject to both internal and external monitoring).
<b>11.DAMAGES CAUSED BY CONTRACTORS</b>		Damaged property will be restored to its former condition by contractors, immediately upon completion of civil works.	Contractors will be required to take extreme care to avoid damaging property during construction. Where damages occur, contractor will be required to repair damages or pay compensation to the affected families, groups, communities, or government agencies at the same compensation rates as specified under this RPF.
<b>C. UNPREDICABLE IMPACTS DURING IMPLEMENTATION</b>			
		Any other impacts identified during project implementation will be compensated in accordance with the compensation principles set for in this RPF and in line with the World Bank’s OP 4.12.	

## Appendix 2 – Typical information required in a socioeconomic survey

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

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

### (ii) Data on land and the area:

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

## Appendix 3 – Elements and Scope of a RAP

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

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

- 1) Description of each sub-component of the project and their potential impacts;
- 2) Negative impacts of each sub-component of the project;
- 3) Socio-economic survey and determination of affected assets;
- 4) Objectives of RAP;
- 5) Categories of the PAPs and their eligibility standards;
- 6) Procedures of price determination and compensation for losses and damages;
- 7) Resettlement measures including an entitlement matrix;
- 8) Selection of resettlement sites, preparation of resettlement sites, and movement;
- 9) Houses, infrastructure, and social services at resettlement sites;
- 10) Environmental management and protection at proposed resettlement sites;
- 11) Mechanism of community participation and consultation;
- 12) Consultation with the PAPs for developing appropriate mitigation measures;
- 13) Measures for displaced people integrating into host communities;
- 14) Grievance redress mechanism;
- 15) Responsibilities of organization and implementation;
- 16) Resettlement implementation plans;
- 17) Costs and budget allocation;
- 18) Time frame and implementation budget;
- 19) Monitoring and evaluation;

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

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

- (1) Census survey of APs and affected assets;
- (2) Description of compensation and other resettlement assistance to be provided;
- (3) Consultations with affected people about alternatives;
- (4) Institutional responsibility for implementation and

A timetable and budget.

## Appendix 4 – Suggestive Indicators for RAP Monitoring and Evaluation

<i>Hierarchy of resettlement activities</i>	<i>resettlement process</i>	<i>Indicators</i>	<i>Means of verification</i>	<i>Monitoring Frequency</i>
INPUT	Budget commitment and availability  Appointment of social specialist on PMU  Training of PMU’s social specialist	<ul style="list-style-type: none"> <li>• Timely availability of budget for compensation payment</li> <li>• Is appointment made after project appraisal completes.</li> <li>• Timely availability of budget for compensation payment</li> </ul>	IM, EM	
ACTIVITIES/PROCESS	Additional consultation with PAP	<ul style="list-style-type: none"> <li>• Is additional consultation with PAP carried out during RAP updating exercise?</li> <li>• To which extent the consultation is conducted, covering the following key areas:               <ul style="list-style-type: none"> <li>○ Proposed replacement costs for affected assets;</li> <li>○ Proposed cash support for affected assets;</li> <li>○ Proposed livelihood restoration activities are consulted with affected households</li> </ul> </li> </ul>	IM, EM	
	Disclosure of final updated RAP	<ul style="list-style-type: none"> <li>• Is <u>updated RAP</u> disclosed locally in at project site and on Bank’s website following Bank’s No Objection and HCMC PC approval;</li> </ul>	IM, EM	<ul style="list-style-type: none"> <li>• Following appraisal completion;</li> </ul>

<i>Hierarchy of resettlement activities</i>	<i>resettlement process</i>	<i>Indicators</i>	<i>Means of verification</i>	<i>Monitoring Frequency</i>
		<ul style="list-style-type: none"> <li>• Is Project Information Booklet (PIB) delivered to affected households following</li> </ul>		<ul style="list-style-type: none"> <li>•</li> </ul>
OUTPUT	Compensation payment	<ul style="list-style-type: none"> <li>• % of households receiving full compensation package within agreed timeline?</li> <li>• Total compensation and support made vs total amount committed.</li> </ul>	IM, EM	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Quarterly</li> </ul>
	<u>Grievances</u>	<ul style="list-style-type: none"> <li>• Number of grievances lodged (as monitored by PMU) per month</li> <li>• Number of grievances solved per month</li> <li>• Number of grievances submitted at PMU/Ward level?</li> <li>• Number of grievances submitted at District level?</li> </ul>	IM, EM	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Quarterly</li> </ul>
	Resettlement	<ul style="list-style-type: none"> <li>• Is resettlement sites ready for physical relocation as per approved updated RAP?</li> </ul>	IM, EM	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Quarterly</li> </ul>
	Livelihood Restoration	<ul style="list-style-type: none"> <li>• Is Livelihood Restoration carried out in accordance with the approved updated RAP – in terms of timeline and number of activities?</li> </ul>	IM, EM	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Quarterly (following completion of compensation payment)</li> </ul>

<i>Hierarchy of resettlement activities</i>	<i>resettlement process</i>	<i>Indicators</i>	<i>Means of verification</i>	<i>Monitoring Frequency</i>
OUTCOME	Livelihood Restoration Program	<ul style="list-style-type: none"> <li>• Does Livelihood Restoration achieve the planned objective as indicated in the the approved updated RAP?</li> <li>• % of households participating Livelihood Restoration Program confirm their full Livelihood Restoration (to pre-project level) after six months</li> </ul>	IM, EM	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Quarterly (monitoring started six months upon full completion of a) physical resettlement and b) re-establishment of new businesses in the new location.</li> </ul>
	Sustainability of Livelihood Restoration Program	<ul style="list-style-type: none"> <li>• Confirm if the Livelihood Restoration Program works, indicative of it's a) outcome and b) its sustainability.</li> </ul>	IM, EM	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Quarterly</li> </ul>



## Appendix 5 – Typical Information required for a Public Information Booklet

General contents of the PIB should include the following:

- Brief Description of the Project;
- Implementation Schedule;
- Project's Impacts (Social and Environment, Permanent vs Temporary);
- Entitlements of PAPs, Resettlement and Rehabilitation Policies;
- Institutions Responsible for Resettlement, Information Dissemination;
- Consultations and participation mechanism adopted with PAPs, What To Do if PAP have a Question;
- Grievance Redress Procedure;
- Monitoring and Evaluation requirements.