Mekong Integrated Water Resources Management Project:
Phase 2 for Vietnam
(MIWRMP:APL 2-VN)

Resettlement Policy Framework
(RPF)

14 February 2013_Final
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GLOSSARY

*Census and Inventory* If the sub-project needs to change the land use or to acquire land for project purposes, a Census of people that will be affected and an Inventory of affected assets will be undertaken based on the technical design of the project. The Census will include key socioeconomic information, such as main occupation, sources of income, and level of income in order to be able to determine vulnerable households as well as to establish baseline data for monitoring livelihood restoration of the PAP. The Inventory will include a detailed description of all affected land, trees, structures, to be acquired permanently or temporarily in order to complete the Project; the name of the person entitled to compensation (from the census); and the estimated full replacement costs, etc. Preliminary Census and Inventory information could be part of the RPF, depending on the project and the information available.

*Compensation (in cash or in kind)* for loss of assets and rehabilitation measures to restore and improve income as determined in consultation with project affected people (PAP). Compensation for loss of assets will be at replacement costs.

*Cut-off-date* The date of completion of inventory of losses during preparation of the RAP. Displaced Persons and local communities will be informed of the cut-off date for each project component, and that anyone moving into the Project Area after that date will not be entitled to compensation and assistance under the Project.

*Eligibility.* The criteria for qualification to receive benefits under the resettlement program. The RPF will provide general guidance on this issue but this should not be definitively confirmed until the development of the RAP.

*Replacement Cost.* A concept (OP 4.12, footnote 11) used to calculate the compensation amount for an asset and involves using current market value plus the transaction costs which may include taxes, fees, transportation, labor, etc. The market value is determined by the CIU confirmed by local authorities in consultation with the PAP. The methods of estimation of prevailing market value should evolve over time to achieve good practice.

*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.

*Livelihood (income) restoration.* Livelihoods restoration refers to that compensation for PAP who have loss of income sources or means of livelihoods to restore their income and living standards to the pre-displacement levels.

*Vulnerable Groups and Individual at risk.* Those who might suffer disproportionally from adverse project impacts and/or be less able to access the project benefits and compensation including livelihood restoration and assets compensations, when compared to the rest of PAP. Vulnerable peoples include people who, by virtue of gender, ethnicity, age, physical or mental
disability, economic disadvantage or social status, 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 can be an entire group (like an ethnic minority community), or an individual household (HH).
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>APL</td>
<td>Adaptive Program Loan</td>
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<tr>
<td>CCC</td>
<td>City Compensation Committee</td>
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<tr>
<td>CIU</td>
<td>Component Implementation Unit</td>
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<tr>
<td>CPC</td>
<td>City People’s Committee</td>
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<tr>
<td>DCC</td>
<td>District Compensation Committee</td>
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<tr>
<td>DMS</td>
<td>Detailed Measurement Survey</td>
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<tr>
<td>DPC</td>
<td>District People’s Committee</td>
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<td>ECOP</td>
<td>Environmental Code of Practice</td>
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<td>GOV</td>
<td>Government of Vietnam</td>
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<td>HOC</td>
<td>House Ownership Certificate</td>
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<td>IDA</td>
<td>International Development Association</td>
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<td>LMB</td>
<td>Lower Mekong Basin</td>
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<td>LURC</td>
<td>Land Use Rights Certificate</td>
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<tr>
<td>MIWRMP</td>
<td>Mekong Integrated Water Resource Project</td>
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<tr>
<td>MRC</td>
<td>Mekong River Commission</td>
</tr>
<tr>
<td>NGO</td>
<td>non-Governmental Organizations</td>
</tr>
<tr>
<td>PAP</td>
<td>Project Affected Person</td>
</tr>
<tr>
<td>PC</td>
<td>People’s Committee</td>
</tr>
<tr>
<td>PCC</td>
<td>Provincial Compensation Committee</td>
</tr>
<tr>
<td>PIM</td>
<td>Project Implementation Manual</td>
</tr>
<tr>
<td>PPC</td>
<td>Provincial People’s Committee</td>
</tr>
<tr>
<td>RAP</td>
<td>Resettlement Action Plan</td>
</tr>
<tr>
<td>RPF</td>
<td>Resettlement Policy Framework</td>
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<tr>
<td>VND</td>
<td>Vietnam Dong</td>
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1. INTRODUCTION

1.1 Project overview

The Government of Cambodia, the Government of Vietnam (GOV), and the World Bank (WB) are preparing a regional project for possible funding from the regional IDA through an Adaptive Program Loan Phase 2 (APL 2) of the Mekong-Integrated Water Resources Management Project (MIWRMP). Similar to the APL Phase 1, the Project is designed to establish key examples of integrated water resource management (IWRM) practices in the Lower Mekong Basin (LMB), at the regional, country and sub-national levels. Given the environmental and social sensitivity of the LMB and rapid development in the region (especially hydropower in Lao PDR), the potential changes in the water flows in the Mekong River, and the potential impacts due to climate change, effective implementation of water resources in line with IWRM principles is considered necessary for forging effective use of water resources and facilitating sustainable development of the region.

The Mekong River Commission (MRC) and the four riparian countries (Lao PDR, Thailand, Cambodia, and Vietnam) have adopted the IWRM concept and moving forward its implementation. In this context, priority investments have been given to improve capacity of the country to: (a) implement the MRC procedures and processes, (b) improve meteorological and analytical capacity, (c) build floodplain management capacity in pilot areas, and (d) improve fisheries management in regionally significant areas. Given the different capacity and preparation process which will be required by the country to receive financing support from the World Bank, the project has been designed to be implemented in 2 phases (over a 8-year period) using the World Bank’s Adaptive Program Loan (APL) instrument. The first phase activities (APL 1) will be implemented during 2012-2016 focusing on MRC related activities and IWRM activities in Lao PDR.

This Project is the second phase of the APL and the activities will focus on the fisheries management in Stung Treng-Kratie in Cambodia, water resources monitoring in the Vietnam Mekong Delta and the Central Highland, and the establishment of the river basin organizations in Cambodia and Vietnam. The activities will be implemented over a 6 year period (2013-2018) through the following three components: (1) Support for Fisheries and Aquatic Resources Management for Cambodia, (2) Water Resources Monitoring for Vietnam, and (3) Support for River Basin Management for Cambodia and Vietnam. Main Project activities would include technical assistance; capacity building; small building construction and/or office renovation, and/or community infrastructure; and fisheries/wetlands management, including livelihood development options, in Cambodia.

Project Components. The Vietnam activities will be implemented as part of the Component 2 and Component 3 of the MIWRMP2 (the Project) and they are described as follows:

- **Component 2: Water Resources Monitoring and enhanced hydro-meteorological forecasting for Vietnam. (US$25.0 million)**

**Summary of Background and Issues under Component 2**

**Mekong Delta:**

The Mekong Delta is a highly productive area of the LMB and comprises Cambodia part and Vietnam part of which the Vietnam part has been significantly developed for rice farming and
other agriculture products. The Vietnam Mekong Delta (MDV) is considered one of the most important area for food security and export for Vietnam. It is also an area of high population density with intensive and productive agriculture and aquaculture production as well as highly productive mangroves and rich in coastal resources. Moderate water stress can be observed during the dry season. Total population in the Mekong Delta was about 17.7 million of which about 8 percent are considered as ethnic minorities (mainly Khmer, Chinese, and Cham). About 92 percent of total population are the Kinh, follow by the Khmer (6.0 percent) and the rest are ethnic Chinese, Cham, and other ethnic minorities. The Khmer, the Cham and few other ethnic minorities live mainly in rural areas. Meanwhile, most of the Chinese-originated people live in urban areas with a much higher percentage compared to other ethnic groups. The people remains poor (income of VND 200,000 per person per month in 2006-2010) and has limited access to water supply and sanitation.

Water resources in the MDV are under threat from both internal and external factors and the key ones are highlighted below:

- **Change in water regime and salinity intrusion:** The MDV receives 95 percent of its water from upstream countries, and is subjected to the water use regime and management decisions upstream. The MDV is a major pillar of Vietnam's agricultural production, providing the environment that supports roughly 90 percent of Vietnamese rice exports and 75 percent of the country's fishery export value, while also being critically important for food security in the country, as around 23 million tons of rice are annually produced for domestic consumption and export earnings. It is an area of high population density (500/km²) supported by highly productive ecosystems, mangroves and with very intensive and productive agriculture and aquaculture. Moderate water stress can be observed in relation to the proportion of flows extracted for production purposes during the dry season. Almost 45 percent of the country's total water use occurs in the MDV where water is depleted in irrigated agriculture. Change in water regime due to hydropower development upstream could also change the level of sedimentations and its associated nutrients.

- **Floods and transboundary issues between Cambodia and Vietnam:** Major floods and salinity intrusion is also a major issues along the Cambodia-Vietnam border areas. During rainy season water drains from Cambodia to rivers and streams along the border as well as into Vietnam territory of which many areas are affected by acid sulfate soil (especially in the Long Xuyen and the Plain of Reeds). In addition to flood water, the acid water could cause damage to agriculture production.

- **Water quality and pollution:** Water quality in the rivers and canals in the MDV is relatively poor compared to the national water quality standards especially during the dry season due to urbanization and agricultural and industrial sources. Field observation suggested that issues of water pollution and waste discharges (solid and liquid) from domestic and agriculture sources are complex and have to be strategically addressed. There are also large amount of agrochemicals used in the MDV. The use of the excessive agrochemicals would not only induce serious environmental impacts, but also squeeze financial profits for farmers. The Government has established regulations
and policies such as ‘one must, five reduction’ to reduce the use of fertilizers, pesticides, and herbicides. There is no adequate data on sedimentation and nutrients.

- **Depleting groundwater and water quality:** Groundwater use is also heavily used in MDV while the knowledge on sustainability of extraction and water quality remain limited.

- **Risk due to sea level rise:** The Intergovernmental Panel on Climate Change has found that the Delta is one of 3 major river deltas in the world most seriously at risk from sea level rise. About 30 percent of the Vietnam Delta could be inundated by a 1m rise in sea level, affecting 27 percent of the population and the economic foundation of them.

**The Central Highlands and Sesan-Srepok river basins**

The Central Highlands is located in the North-eastern part of the Mekong Delta and comprises two river basins (the Sesan and the Srepok) of the four provinces (Dak Lak, Kon Tum, Dak Nong and Gia Lai). It is the upstream part of the 3S Sub-basin (Sesan, Srepok, and Sekong) which is one of the most important tributary systems in the LMB in terms of biodiversity values, water discharge, and livelihood supports (about 3.5 million people). The catchment area of the 3S Sub-basin is about 78,650 square kilometres (km²) of which about 30,000 km² are located in Vietnam. About 17 percent of the total water discharge of which 70 percent of this amount comes from Sesan and 50 percent from Srepok. In the Central Highlands water has been extensively used for hydropower and agricultural production and conflicting water uses in the basins could be observed in recent years. Experience in the past suggested that potential impacts of cascading hydropower generation in Sesan-Srepok could also create serious transboundary impacts (especially floods) on downstream country (Cambodia) and proactive actions and cooperation among the countries will be necessary. The Governments of Vietnam and Cambodia have started close coordination to avoid the problems and the Government of Vietnam has also taken actions to strengthen effectiveness of the river basin management in the Sesan-Srepok river basins.

Below are the key issues related to water resources management in the Central Highlands:

- **Flood control and natural hazards:** There are a number of reservoirs constructed and operated in Sesan-Srepok river basins and there operations are independently managed by various agencies. Due to mountainous and climatic nature of the area as well as rapid forest clearance in recent year, floods control and natural hazard become a concern. Naturally peak floods in Sesan River occur in October and November. Historical floods occurred in Sesan ranged from 3,600 m3/sec to more than 4,300 m3/sec while those in Srepok could range from 2,000 m3/sec to 4,000 m3/sec. Occurrence of flash floods is observed more often in recent years. At present, the meteohydrological data collection stations in the river basins are limited.

- **Transboundary issues between Cambodia and Vietnam:** Given that the Sesan and Srepok rivers flow into Cambodia territory therefore water uses, especially operations of the upstream reservoirs, will have significant impacts on the water uses and living
conditions of the downstream population including those related to flood and drought and disaster risk in Cambodia. This suggested that close consultation and cooperation among the two governments will be necessary to avoid/minimize adverse impacts due to upstream-downstream relations. Past experience in the area has demonstrated that bilateral cooperation between Cambodia and Vietnam on mitigating the flood risk would be a high priority.

- **Water quality and water use conflicts:** Given rapid forest and land clearance for agriculture production and development of agro-industry, it is anticipated that water quality could be degraded due to soil erosion, use of agrochemicals, and wastewater discharges from domestic and industrial sources. Increasing water use conflicts especially during dry season is also expected. However, existing water quality monitoring stations and efforts has been limited.

**Objectives and Activities of Component 2**

This component would support Vietnam in: (a) fulfilling its regional obligation to implement the Procedures on Water Quality (PWQ) and the Procedures on Minimum Flow in the Mainstream (PMFM); and (b) enabling analysis and dissemination on the impacts on the water quality and flows resulting from upstream development and possible climate change impacts. The component would comprise the following subcomponents:

i **Sub-component 2-1:** Establish a water resources monitoring network in the Mekong Delta at the border areas with Cambodia, aiming at establishing a water resources monitoring network in the Mekong Delta mainly at border provinces (Dong Thap, Kien Giang and An Giang). The purpose of this system is to assess the existing status of water resources in selected areas, support development of river basin plans and their implementation, develop decision support tools and policies to better manage water resources, including water quality (e.g. sediment, salinity, nutrients, temperature, acidity, coli form, etc). Support would also include technical assistance on data analysis (modeling).

ii **Sub-component 2-2:** Monitor salinity, water quality and groundwater and pilot salinity forecast and dissemination procedures in the Mekong Delta, which aims to enable farmers and government agencies (mostly provincial MONRE and the provincial Ministry of Agriculture and Rural Development (MARD) to make more informed decisions (both short-term operational and medium - to long-term strategic) on how to adapt to the rapid changes in water resources conditions in the Vietnam Delta, based on an improved availability of data and forecasting and associated procedures. Kien Giang province has been preliminarily selected as the pilot province.

iii **Sub-Component 2-3:** Strengthening the hydro-meteorological network and the flood forecasting and warning system in the Central Highlands. This component would strengthen flood forecasting and warning in the Central Highlands. Activities supported would include: (a) development and implementation of the flood-related hydromet network, flood forecasting and flood warning system; (b) training and capacity building in the use of the system for issuing flood warnings and flood
management; and (c) awareness raising and link into the government system for issuing flood warnings and flood management in the Sesan and Srepok River Basins, which would also be supported under Component 3.1.

- **Component 3: Support for River Basin Management in Cambodia and Vietnam. (USD 3.0 million)**

The Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin (The 1995 Mekong Agreement) was signed by the four LMB countries (Cambodia, Lao PDR, Thailand, and Vietnam) with the aim of facilitating continued cooperation on “sustainable development, utilization, conservation and management of the Mekong River Basin water and related resources.”

The governments of the LMB countries have recognized that developing water resources in the Mekong is key to achieve further economic development while working to alleviate poverty. In the meantime, the governments have also become increasingly aware of the importance of social and environmental aspects of water resources development and management, given the rich biodiversity of the Mekong and the large number of poor riparian communities dependent on the Mekong River and its tributaries. Lao PDR has committed to forest conservation and watershed protection with support from various donors including the Bank, while Cambodia has taken initiatives to protect the fisheries. Vietnam is increasingly aware of the social and environmental impacts of hydropower development and is working with the Bank for a new hydropower development. The governments are also working to address water resources management in a regionally coordinated manner through the Mekong River Commission (MRC), an inter-governmental river basin organization for the Mekong River, and collaboration on water resources management among the four LMB countries has intensified during the last few years.

**Objectives and Activities under Component 3**

This component would support the establishment of river basin organizations in the 3S Area, with a focus on the Sesan and Srepok in both Cambodia and Vietnam. The objective of this component would be to assist the respective governments to establish financially sustainable river basin management arrangements, which would lead to practical sustainable management of water resources in this critical LMB sub-basin. Activities under this sub-component would include the establishment of river basin organizations (RBOs), with sub-basin management offices. This would involve the establishment of the offices, strategic and business plans, building the knowledge base (with clear linkages to other activities financed under the M-IMWRP); establishing procedures and arrangements with the responsible line agencies; and awareness raising and participation activities involving the public, private sectors, the community and civil society. The sub-component would also investigate options, propose measures, and seek government agreement on the long-term financing of the RBO. Under APL 1, funds have been allocated to the MRC to

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facilitate a dialogue between the countries sharing the 3S Basins, which should lead to a joint management approach. This Component would be one critical building block towards achieving more long-term solutions to the management of water resources in this part of the Mekong Basin.

**Project Areas.** The Project areas will cover (a) Vietnam Mekong Delta near Cambodia border mainly in the following three provinces: Dong Thap, An Giang, and An Giang and the Central Highlands in Vietnam for Component 2 and (b) Sesan-Srepok in Cambodia and Vietnam for Component 3

1.2 Project impacts

In line with the World Bank’s safeguard policies, the MIWRMP 2 is assigned as EA category B and four safeguard policies are triggered: (a) Environmental Assessment (OP/BP 4.01), (b) Involuntary Resettlement (OP/BP 4.12), (c) Indigenous Peoples (OP/BP 4.10), and (d) Projects on International Waters (OP/BP 7.50). However, only the policies on (a) Environmental Assessment (OP/BP 4.01) and (b) Involuntary Resettlement (OP/BP 4.12) will be triggered for Vietnam activities.

The assessment of the negative impacts was made based on the assumptions that (i) resettlement or demolition of buildings will not be involved, (ii) No acquisition of more than 20% of a productive land or 10% or more of productive landholding for the poor and vulnerable groups; (iii) the proposed locations will not require construction of access road and/or large clearance of forest area and will not affect ethnic minorities, and (iv) the civil works will be limited to construction of small office buildings and monitoring stations.

As mentioned above, resettlement and/or acquisition of more than 20% of productive land or 10% or more of productive landholding for the poor and vulnerable groups will not be required and this has been prohibited in the “negative list”. However small amount of land acquisition may be necessary but negative impacts are not anticipated given a small size of the required land for a station (about 95 m²). Nonetheless, preparation of a RPF would be required to ensure full compliance with the WB policy (OP4.12).

*Tables 1* provide a summary of the potential negative impacts and mitigating measures of the Components 2 and 3 for Vietnam activities identified before appraisal.
### Proposed mitigation measures:

Table 1: Provide a summary of the potential negative impacts and mitigating measures of the Components 2 and 3 for Vietnam activities identified before appraisal.

<table>
<thead>
<tr>
<th>Potential negative impacts</th>
<th>Required mitigation actions (If Yes)</th>
<th>Required document</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Require resettlement or relocation of ethnic minorities</td>
<td>Reject</td>
<td></td>
<td>Negative list</td>
</tr>
<tr>
<td>(2) Likely to create loss or damage to cultural property, including sites having archeological (prehistoric), paleontological, historical, religious, cultural and/or unique natural values, including physical relocation of grave.</td>
<td>Reject</td>
<td></td>
<td>Negative list</td>
</tr>
<tr>
<td>(3) Permanent or temporary loss of land or resources for any families.</td>
<td>Acquisition of more than 20% of a productive land or 10% or more of productive landholding for the poor and vulnerable groups will be rejected and part of the negative list. Identify the amount and nature of land required, owner, and/or other issues and prepares a Resettlement Action Plan (RAP) to provide compensation and/or assistance following the Resettlement Policy Framework (RPF).</td>
<td>RAP and EMDP</td>
<td>Prior consultation with WB, proper documentation, and Post review by WB may be necessary.</td>
</tr>
<tr>
<td>(4) Construction of small office buildings and monitoring stations that may cause minor air, noise, and/or water pollution, soil erosion, and/or create public health risks.</td>
<td>Apply ECOP to all contracts. Close consultation meetings should be conducted with the project affected persons to provide feedback. Importantly, provide site management measures to mitigate or eliminate construction interference and impact by setting-up safe warning signs</td>
<td>BD/CD</td>
<td>CIU will ensure that the appropriate mitigation measures are included in the contract and that the contractors effectively implement them.</td>
</tr>
</tbody>
</table>

### 1.3 Objectives and principles governing the resettlement policy framework

**Objective.** The purpose of this Resettlement Policy Framework (RPF) is to establish resettlement principles, organizational arrangements, funding mechanisms, and design criteria to be applied to
subprojects that are to be prepared during project implementation. Subproject Resettlement Action Plans (RAP) consistent with the RPF subsequently submitted to the World Bank for approval prior after specific planning information becomes available.

This RPF was prepared in compliance with the World Bank’s policy on Involuntary Resettlement (OP 4.12) and the Vietnam’s pertinent laws and regulations. The RPF consistent with both World Bank and Government of Vietnam’s policies will be apply to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement that are:

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

**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.

3) All project affected people will be meaningfully consulted, and have the opportunities to participate in planning and implementing resettlement programs.

2. LEGAL FRAMEWORK FOR THE RPF

a) The Vietnam legal framework that governs the project RPF design as well as future design and implementation of the Resettlement Action Plans (RAPs), inter alia, include the followings:

- Constitution of Vietnam 1992,
- Land Law 2003 which has been effective since July 1, 2004,
- Decree No.197/2004/ND-CP dated 03 December 2004, regulating compensation, assistance and resettlement when the State acquires land;
- Circular No.116/2004/TT-BTC dated 17 December 2004 providing guidance for the implementation of Decree No.197/2004/ND-CP dated 3 December 2004 on compensation, assistance and resettlement upon the State recovery of land;
- Decree No.188/2004/ND-CP dated 16 November 2004 providing the method of land price calculation and the tariff for all types of land;
- Circular No.02/2010/TTLT-BTNMT-BTC dated 08/01/2010 issued by the Ministry of Natural Resource and Environment and Ministry of Finance guiding the preparation, appraisal and issuance of land prices and revision of land prices in the competence of the city/province PCs under the Government control;
• Decree No.17/2006/ND-CP dated 27 January 2006 on the amendment and supplementation to a number of articles of the decrees guiding the implementation of the Land Law and Decree No.187/2004/ND-CP on conversion of State-owned companies into joint-stock companies;

• Decree No.84/2007/CP dated 25 May 2007 providing additional regulations on issuing certificates of land use rights, land acquisition, implementation of land use rights, procedures of compensation and resettlement upon the State’s recovery of land and addressing grievances about land;


• Decree No.69/2009/CP dated 13 August 2009 providing additional regulations on land use planning, land price, land acquisition, compensation, assistance and resettlement.

b) There are differences between Government of Vietnam’s Laws, regulations, policies and the World Bank’s safeguards policies. The following table highlights key differences in order to establish a basis for the principles for compensation, assistance and livelihood restoration which are to be applied under this project. See Table 3.

Table 3: Comparison of Vietnam’s and World Bank’s Policies related to Involuntary Resettlement

<table>
<thead>
<tr>
<th>Subjects</th>
<th>Bank’s OP 4.12</th>
<th>Government of Vietnam</th>
<th>Project Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Property</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Policy objectives</td>
<td>DP (Displaced People) should be assisted to restore or improved their living standards to the pre-project levels</td>
<td>Resettlement site and its infrastructure should have equal or better development conditions than the existing one</td>
<td>Livelihood and income sources are restored</td>
</tr>
<tr>
<td>Treatment of informal or not legal land users</td>
<td>Rehabilitation assistance to all displaced persons to achieve the policy objective</td>
<td>Rehabilitation assistance at different levels depending on the “illegal” status of land users</td>
<td>Rehabilitation assistance to all PAP, regardless of their legal status</td>
</tr>
<tr>
<td>Compensation for illegal structures</td>
<td>Compensation at replacement cost for all structures regardless of legality status</td>
<td>Provided to cover the new structure costs. Depending on the “illegality status” attributed, covering between 80% and 0% of the total costs</td>
<td>Assistance at replacement cost for all structures, and provided regardless of legal status</td>
</tr>
<tr>
<td>Subjects</td>
<td>Bank’s OP 4.12</td>
<td>Government of Vietnam</td>
<td>Project Measures</td>
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<td>---------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
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<tr>
<td>Methods for determining compensation rates</td>
<td>Compensation for lost land and other assets should be paid at full replacement cost</td>
<td>Compensation for lost assets is calculated at price close to transferring the assets in the market. Provincial governments are granted to annually set up the price for different categories of assets</td>
<td>Independent appraiser identifies market price as a reference for provincial governments to define compensation price</td>
</tr>
<tr>
<td>Compensation for income loss</td>
<td>All income losses should be compensated</td>
<td>Income loss is assisted only for registered business</td>
<td>All income losses are to be compensated and restored</td>
</tr>
<tr>
<td>Compensation for indirect impact caused by land or structures taking</td>
<td>It is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups</td>
<td>It is not addressed.</td>
<td>Social assessment undertaken and measures taken to minimize and mitigate adverse impacts, particularly upon poor and vulnerable groups</td>
</tr>
<tr>
<td>Livelihood restoration and assistance</td>
<td>Provision of livelihood restoration and assistance to achieve the policy objectives</td>
<td>Livelihood restoration and assistance measures are provided. Not a follow up for full livelihood restoration after resettlement completion.</td>
<td>Provision of livelihood restoration and assistance to achieve the policy objectives</td>
</tr>
<tr>
<td>Restriction of access to parks and protected</td>
<td>A process framework is prepared, describing the participatory process to achieve the policy objectives</td>
<td>Not addressed</td>
<td>A process framework is prepared, describing the participatory process to achieve the policy objectives</td>
</tr>
<tr>
<td>Consultation and disclosure</td>
<td>Participation in planning and implementation specially confirming the eligibility criteria for compensation and assistance and access to</td>
<td>Is limited mostly to information sharing and disclosure.</td>
<td>Participation designed and implemented to achieve policy objectives</td>
</tr>
</tbody>
</table>

Compensation

- Compensation for lost land and other assets should be paid at full replacement cost.
- Compensation for lost assets is calculated at price close to transferring the assets in the market. Provincial governments are granted to annually set up the price for different categories of assets.
- Independent appraiser identifies market price as a reference for provincial governments to define compensation price.
- All income losses should be compensated.
- Income loss is assisted only for registered business.
- All income losses are to be compensated and restored.
- It is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups.
- It is not addressed.
- Social assessment undertaken and measures taken to minimize and mitigate adverse impacts, particularly upon poor and vulnerable groups.
- Provision of livelihood restoration and assistance to achieve the policy objectives.
- Livelihood restoration and assistance measures are provided. Not a follow up for full livelihood restoration after resettlement completion.
- Provision of livelihood restoration and assistance to achieve the policy objectives.
- A process framework is prepared, describing the participatory process to achieve the policy objectives.
- Participation in planning and implementation specially confirming the eligibility criteria for compensation and assistance and access to
- Participation designed and implemented to achieve policy objectives.
- Is limited mostly to information sharing and disclosure.
The RPF confirms that as an IDA/WB member, the Government of Vietnam has committed that in case the international agreements signed or acceded to by Vietnam contain the provisions different from those in the present Decree (Decree No.69/2009/CP dated 13 August 2009), the provisions of these international agreements shall prevail.

This RPF confirms that in approving this instrument, the Government of Vietnam and the Province/City People’s Committee, have granted the waivers to the relevant articles in various Vietnamese laws that contradict or are not consistent with the objectives set forth in this RPF. The measures taken to address the differences and comply with the WB policy are addressed under this RPF.

3. PRINCIPLES AND POLICIES FOR COMPENSATION AND ENTITLEMENTS

3.1 General principles.

The OP 4.12: Involuntary Resettlement is triggered when land and/ or any assets affixed to it has to be acquired, lost or damaged involuntarily as a result of a Bank financed project.

The Resettlement Policy Framework (RPF) has been developed under the original project to ensure that the MIWRMP 2: Vietnam would be implemented in line with OP 4.12. Table 4 shows the coverage of negative social impact and its corresponding required safeguard document and Annex 1 provides Summary Information on Affected Land and Infrastructures.
All PAP who have assets within or reside within the area of project land–take before the cut-off date are entitled to compensation for their losses. However, those who encroach into the investment area after the cut-off date will not be entitled to compensation or any other assistance.

- The compensation rates will be determined based on the results of independent land/assets appraisal in a timely and consultative fashion. All fees and taxes on land and/or house transfers will be waived or otherwise included in a compensation package for land and structures/or houses or businesses. The local authorities will ensure that PAP choosing relocation on their own, obtain, without additional cost, the necessary property titles and official certificates commensurate with similar packages provided those who choose to move to the project resettlement sites.

- Land will be compensated “land for land”, or in cash, according to PAP’s choice whenever possible. However, the project will reject investment or subproject which affects more than 20% or more of productive land or 10% or more of productive landholding for the poor and vulnerable groups.

Based on the types of impacts, category of PAPs, the project will prepare specific entitlements to each category of PAPs following the entitlement matrix below as appropriate. Following detailed design, Detailed Measurement Survey and social assessments will be the basis for determining actual impacts, and replacement cost surveys will be carried out to determine replacement costs and compensation rates, and to update the entitlement matrix. See Table 5.

### 3.2 Preparation of Safeguard Documents

**Table 4** shows the general rules for determining the type of social safeguard documents required under MIWMP 2: Vietnam, as follows:

<table>
<thead>
<tr>
<th>COVERAGE OF NEGATIVE SOCIAL IMPACT</th>
<th>TYPE DOCUMENTS REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>• For subproject that are determined to result in minor impacts, defined under the OP 4.12, when “the affected people are not physically displaced and less than 20% of their productive assets are affected (or 10% less for the poor and vulnerable groups) or fewer than 200 people are displaced”,</td>
<td>Abbreviated Resettlement Action Plan will be prepared. An outline of the LAR is provided in Annex 2.</td>
</tr>
<tr>
<td>• For subprojects that may result in more significant impacts, i.e. where subprojects affect more than 200 people.</td>
<td>Resettlement Action Plan (RAP) will be prepared. Outline of the Resettlement Action Plan (RAP) is shown in Annex 3.</td>
</tr>
</tbody>
</table>
### 3.3 Entitlement Matrix

#### Table 5: Entitlement Matrix

<table>
<thead>
<tr>
<th>Type of Losses</th>
<th>Entitled Persons</th>
<th>Entitlements</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Compensation and Entitlement for Permanent Impact</td>
<td>Owners with Land User Rights Certificate (LURC), owners in process of acquiring LURC, owners eligible to acquire LURC and public organizations</td>
<td>For marginal loss (less than 10% for vulnerable households and 20% for others) of land: cash compensation at full replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, administration fees).</td>
</tr>
<tr>
<td>Permanent loss of productive Land (paddy land, garden land, forest land, and aquacultural land)</td>
<td>Owners without LURC</td>
<td>Cash compensation at the amount corresponding to the remained investment put on the land or corresponding to the remained value of the land rental contract, if it exists. In case when the affected persons utilize public land (of Right of Way or in safety protection areas), with conditions to return, on request, the land to the Government, they PAP will not be compensated for this public land if they have no “legalizable” claim to it, but will be compensated for crops, trees, and other assets they own or use (at full replacement cost. Although they cannot reside in such public safety-hazard area, it access has not been denied previously through well documented signed and such things as fences. The social and baseline assessment should consider if such a physical impediment (like a newly restricted public safety area) is causing loss of livelihood due to people no longer being able to get to jobs and other assets associated with their subsistence as a result of restricted safety zone definition, which may for example add significant cost to traveling from home to business, schools, etc.</td>
</tr>
<tr>
<td>Temporary Use of Land</td>
<td>Legal user or occupant</td>
<td>Cash compensation at the amount corresponding to the remained investment put on the land or corresponding to the remained value of the land rental contract, if it exists. In case when the affected persons utilize public land (of Right of Way or in safety protection areas), with conditions to return, on request, the land to the Government, they PAP will not be compensated for this public land if they have no “legalizable” claim to it, but will be compensated for crops, trees, and other assets they own or use (at full replacement cost. Although they cannot reside in such public safety-hazard area, it access has not been denied previously through well documented signed and such things as fences. The social and baseline assessment should consider if such a physical impediment (like a newly restricted public safety area) is causing loss of livelihood due to people no longer being able to get to jobs and other assets associated with their subsistence as a result of restricted safety zone definition, which may for example add significant cost to traveling from home to business, schools, etc.</td>
</tr>
<tr>
<td></td>
<td>DCC should work with CPC to identify the origin of the affected land and the starting point of land use.</td>
<td>The construction supervision consultant and CIU will ensure that the (i) location and alignment of the temporary use area will have the least adverse social impact.</td>
</tr>
<tr>
<td>Type of Losses</td>
<td>Entitled Persons</td>
<td>Entitlements</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>replacement cost for affected fixed assets (e.g., structures, trees, crops); and (iii) restoration of the temporarily used land within 1 month after completion of construction</td>
<td>replacement cost for affected fixed assets (e.g., structures, trees, crops); and (iii) restoration of the temporarily used land within 1 month after completion of construction</td>
<td>replacement cost for affected fixed assets (e.g., structures, trees, crops); and (iii) restoration of the temporarily used land within 1 month after completion of construction</td>
</tr>
</tbody>
</table>
| Crops and Trees                    | Owner of crops and trees whether or not land is owned | • If standing annual crops are ripening and cannot be harvested, cash compensation at market price equivalent to the highest production of crop over the last three years multiplied by the current market value of crops  
• For perennial crops and trees, cash compensation at current market value based on type, age, and productive capacity.  
• For timber trees, cash compensation at current market value based on type, age and diameter at breast height (DBH) of trees | DCC should inform to PAPs at least 3 months before land acquisition |
| Graves located in the affected areas | Owners of graves                                      | Compensation to removal of graves will be paid directly to PAPs, including costs of excavation, relocation, reburial, purchasing/obtaining land for relocation of graves and all other reasonable costs in accordance with local rituals. | |
| Support for garden land and pond   | Households acquired garden land, pond in the same residential land plot with houses thereon but not considered as residential land | Beside of compensation at replacement cost for affected land, affected households will be supported by cash, equal to from 20% to 70% of price of the residential land plot.  
PPC will decide level of the support. | Payment should be provided for households one time at the time of compensation payment.  |
<table>
<thead>
<tr>
<th>Type of Losses</th>
<th>Entitled Persons</th>
<th>Entitlements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Businesses households with non-registered business</td>
<td>Structure totally affected and must be relocated OR partially affected and must be rebuilt.</td>
<td>• The non-registered business or non-farm producer PAP, whose operations are recognized by local authority and who have income and/or business/productive assets affected, will be given assistance in cash for the income losses for three months at the minimum.</td>
</tr>
<tr>
<td>Registered business owners</td>
<td>Structure totally affected must be relocated OR partially affected and must be rebuilt.</td>
<td>• The registered non-farm producer/business PAP, who have income-generating and/or business/productive assets affected, will be given cash business assistance for the loss of business income, equivalent to 50% of the annual average for the last 3 years net income. (This amount is equivalent to 100% of monthly net income for 6 months).</td>
</tr>
</tbody>
</table>

**B. Compensation and Entitlement for Temporary Impact**

For damages caused by contractors to private or public structures | Structure totally damaged and must be relocated OR partially affected and must be rebuilt. | The contractors immediately at full replacement value, will restore damaged property after completion of civil works, to its former condition. Under their contract specifications and conditions, the contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that are applied to all other assets affected by the Project. |

**Loss of Community Assets** | In cases where community infrastructure such as schools, bridges, factories, water sources, roads, sewage systems is damaged, the project will ensure that these will be restored or repaired at no cost for the community and to the community’s satisfaction. | DCC should work with CIU to determine the cost and value of the affected asset/s. |
4. AFFECTED PEOPLE’S PARTICIPATION AND CONSULTATIONS

This RPF was developed on the basis of the social assessment exercise conducted from January 24, 2013 to February 05, 2013. Potentially affected people (from selected provinces) were invited to participate in the consultation process. To engage in a meaningful consultation, they were informed of all relevant information about the project, including, *inter alia*, the scope and nature of the proposed subprojects and development activities, the tentative project implementation schedule, and the potential impact of such development.

4.1 Consultation approach for this RPF

It is important that during the project implementation, when subprojects (that involve acquisition of land) is determined, affected households, identified on the basis of technical design and census survey, will be consulted to assure they have opportunities to participate planning, implementation, and monitoring of resettlement activities that affect them. The local authorities and relevant organizations will participate throughout the various stages of the planning, implementation and monitoring of the RAP implementation. For these purposes and prior to the preparation of RAPs, all PAP will be fully informed of the provisions of this RPF at meetings given by the respective PCs at different levels and respective CIU.

The RPF will define how each PAP will be fully informed and consulted by PPU and the relevant District Peoples' Committee (DPC) and/or Communes Peoples' Committees (CPC) of their entitlements and resettlement choices under the respective RAP. Public consultation is a process and should take place as many times as needed for locally affected people to understand project impacts. Questions raised during consultation meetings should be record along with the answers provided by the sponsor. This should be kept as part of the project’s permanent records.

4.2 Objectives of Public Information and Consultation

Information dissemination to Project Affected Person and involved agencies is an important part of Project preparation and implementation. Consultation with PAP and ensuring their active participation will reduce the potential for conflicts and minimize the risk of project delays. The objectives of the public information and consultation program are as follows:

I. To ensure that local authorities, as well as representatives of PAP, will be included in the planning and decision-making processes of the Abbreviated RAP/RAP.

II. To fully share information about the proposed project components and activities with the PAP.

III. To obtain information about the needs and priorities of the PAP, as well as receiving information about their reactions to proposed policies and activities.

IV. To ensure that PAP are able to make fully informed decisions and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.

V. To obtain the cooperation and participation of the PAP and communities in planning and implementation of the RAP or Abbreviated RAP.
VI. To ensure transparency in all activities related to land acquisition and other potential negative impacts.

4.3 Consultation During Subproject Preparation

During the project preparatory phase, public information and consultation aims to gather information for assessing project impacts and clarify recommendations on possible alternative technical options to reduce and/or mitigate potential negative impacts on local population and to proactively address issues or problems that may emerge during implementation.

The methods of project information and public consultation may include participatory rapid appraisals and stakeholder’s consultation ones, using techniques of site and household visits, public meetings, group and focus group discussions.

At the early stage of the project preparation from period January 24, 2013 to February 05, 2013, local authorities and leaders of different administrative were informed about the project, its objectives and proposed activities.

They were intensively consulted, and actively participated in discussions on their development needs and priorities, about their perception toward project objectives. PAP will be consulted on project potential impacts and possible measures to reduce potential negative impacts, and improve benefits for local people.

4.4 Consultation Proposed During Implementation

4.4.1 Information Dissemination and Consultation

During project implementation, the CIU will undertake the following:

I. Conduct information dissemination to and consultation with PAP throughout the life of the project.

II. Update the compensation unit prices, and confirm land acquisition and impact on properties through a Detailed Measurement Survey (DMS) in consultation with PAP.

III. The DCCs will then apply prices, calculate compensation entitlements, and complete the Compensation Forms for each affected household. Information on entitlements will then be presented on an individual basis to PAP in the DMS follow-up visit to each household.

IV. The Compensation Forms, showing the household’s affected assets and compensation entitlements, will then need to be signed by the PAP to indicate their agreement with the assessment. Any complaints the PAP have about the contents of the form will be recorded at this time.

V. A letter/questionnaire about entitlement options will be given to all PAP entitled to relocation (a) to inform them about entitlement options (a clear explanation of the consequences of choosing each option will be given), and (b) to request that PAP confirm their choice option and their preliminary confirmation of entitlement and compensation.
4.4.2 Public Meetings

Prior to the beginning of the detailed design, a public meeting will be held in each ward/commune to provide communities with additional information and an opportunity for open discussion about the proposed subprojects. A letter of invitation will be sent to all PAP at least one week before the meeting in their area. This meeting is intended to clarify information that has been given to date and to provide PAP and communities with the opportunity to discuss issues of concern and obtain clarification. The meeting will explain the Project, and households’ rights and entitlements, and there will be opportunities to ask questions. Such meetings will be conducted periodically during the life of the Project.

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

I. Explanations given verbally and in visual format, including written information and drawings of the proposed design for subproject/s.
II. Adequate opportunities will be provided for communities or PAP to respond with questions and comments.
III. DCCs will establish a complete list of all PAP present at the meetings.
IV. DCCs will make a complete record of all questions, comments, opinions and decisions that arise during the information/consultation meetings, and present a report of all the meetings to the CIU.

Information about the following will be given to PAP:

I. **Project components.** This includes the places where they can obtain more detailed information about the Project.
II. **Project impacts.** Impacts on the people living and working in the affected areas of the project, including explanations about the need for land acquisition for each subproject/s.
III. **PAP’ rights and entitlements.** These will be defined for PAP (with the cut-off date). The rights and entitlements for different impact on PAP, including the entitlements for those losing businesses, jobs and income will be explained. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each. Entitlement to rehabilitation assistance and opportunities for project-related employment.
IV. **Grievance mechanism and the appeal process.** PAP will be informed that project policies and procedures are designed to ensure their pre-project living standards are restored. PAP will also be informed that if there is any confusion or misunderstanding about any aspect of the Project, the resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. PAP will receive an explanation about how to access grievance redress procedures.
V. **Right to participate and be consulted.** The PAP will be informed about their possible participation in the planning and implementation. The PAP will be represented in District’s resettlement committees, and the representative for the PAP will be present whenever commune/district/provincial committees meet to ensure their participation in all aspects of the project.

VI. **Entitlement and Compensation activities.** PAP will be given an explanation regarding compensation calculations and compensation payments; monitoring procedures which will include interviews with a sample of PAP; and preliminary information about physical works procedures.

VII. **Organizational responsibilities.** PAP will be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the government officials with phone numbers, office locations, and office hours if available.

VIII. **Implementation schedule.** PAP will receive the proposed schedule for the main payment or receiving of compensation and entitlement and informed that physical works will start only after full compensation and clearance from the project area. It will be clarified that they will be expected to move only after full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

4.4.3 **Compensation and Rehabilitation**

A letter of notification will be sent to each PAP with the time, location, and procedure for receiving compensation payment.

5. **PUBLIC DISCLOSURE**

The Vietnamese version of this RPF will be available to the public at the respective PPU, PPCs, DPCs, CPCs and VDIC in Vietnam before and after it is approved by Government of Vietnam. The English version of RPF and all RAPs or Abbreviated RAPs will be disclosed in VDIC in Vietnam and InfoShop in Washington D.C. before and after they are approved by relevant authorities.

This RPF will be publicly announced through local radio, television, newspaper, posts, brochures, or leaflets, websites according to the PAP needs to ensure access to information.

6. **IMPLEMENTATION ARRANGEMENTS**

6.1 **Resettlement organization in government and project levels**

The Component Implementation Unit (CIU) in the Ministry of Natural Resource and Environment (MONRE) has overall responsibility for implementation of the project, including the resettlement and land acquisition within the project, including training on RPF and RAP for PCCs and DCCs, recruiting external monitoring agency, supervising, reporting on compensation and entitlement issues and managing the project compensation and entitlement budget. In
addition, the CIU would monitor and supervise the implementation of compensation and land acquisition programmes. The CIU will work in close collaboration with the local authorities involved in implementation of land compensation. Its functions include planning, coordination of implementation, and financial control, information exchange and inter-agency liaison, internal inspection and monitoring.

District Compensation Committees (DCCs) will carry out the land compensation within the areas of their responsibility under the supervision of the CIU. These entities will be in charge of organizing the various tasks for the land compensation activities, including PAP identification, social assessments, provision of information to PAP’s and administration of all compensation-related matters.

A RPF training for CIU and District Compensation Committees will be conducted by MONRE based on the World Bank (WB) policy on Involuntary Resettlement (OP 4.12); the application of the Land Law 2003 and Decree 197/2004/ND-CP, Decree 17/2006/ND-CP on amendment of some provisions guiding implementation of the Land Law 2003 and Decree 69/2009/ND-CP providing additional guidelines on land use, compensation, support and resettlement which will further strengthen the performance and compliance of MONRE, CIU and Districts in these RPF.

Commune People’s Committee (CPC) will appoint members working in village compensation team and team leader to work in DCC’s task forces. These CPC would also sign compensation documents and provide information and consultation, PAP’s meeting arrangement.

District Compensation Committee (DCC) responsibilities

- coordinating, scheduling, supervising and monitoring RAP activities in respective districts.
- drafting compensation rates (to be applied to PAP’s in districts)
- carrying out DMS, document and complete survey sheets for compensation (land, property, trees and crop lost) for all affected families
- hold regular meetings to assess progress and modify activities whenever needed.
- checking and signing compensation documents before forwarding them to RC.
- Assist and confirm PAP’s, calculation of compensation entitlement.
- Assist CIU in scheduling compensation activities and reporting regularly (monthly) progress and issues

Commune Resettlement Committee (CRC) responsibilities:

- arranging meetings with PAP’s to communicate policies of compensation and compensation rates of CIU and DCC’s.
- working with DRC in DMS and documentation.
6.2 Replacement cost survey

The RPF will define on how to arrange an independent replacement cost survey to be basic for the DCC to decide land/assets compensation price reflecting current market price.

6.3 Supervision and Internal Monitoring

Implementation of the RPF will be regularly supervised and monitored by the CIU for implementation of the investment activities that involve land acquisition. The findings and recommendations will be recorded in the project file for possible review by the World Bank. The CIU will include the results in the progress reports and to be furnished to the World Bank. Internal monitoring aims to:

a. ensure payment of compensation to project affected people are provided based on the type of losses and categories of impacts
b. ensure resettlement activities are conducted according to the compensation policies as per agreed RAP for each subproject areas.
c. determine if the compensation or other assistance are provided on time.
d. assess if income restoration supports have been provided and propose remedial measures if objectives of restoring income of households have not been met.
e. disseminate information and procedures openly
f. determine if complaint procedures are followed and if there are pending issues that require management attention.
g. give priority to displaced persons' concerns and needs, specially the poor and vulnerable households
h. ensure transition between relocation or site clearing and commencement of civil works is smooth and that sites are not handed over for civil works until displaced persons have been satisfactorily compensated, assisted and relocated.

The Project staff from CIU in close consultation with local government and PAPs will establish a set of practical monitoring indicators in line with the technical guidelines (Annex 4).

6.4 Independent Monitoring and Evaluation

RAP activities will be subject to external monitoring by appropriate agency and/or an independent qualified consultant such as Social Development or Resettlement Specialist or NGOs would be mobilized by the CIU. The external monitoring agency or consultant should be hired under terms of reference that specify frequency of monitoring, sampling and interviewing methods, and reporting requirements. Monitoring reports will be maintained by the CIU and made available to the World Bank’s supervision team.

The external monitoring will address specific issues such as the following:

(i) Public consultation and awareness of resettlement policy and entitlements;
(ii) Documentation of impacts and payments (DMS forms, compensation documents,) as per agreed RAP;
(iii) Coordination of resettlement activities with construction schedule;
(iv) Land acquisition procedures;
(v) Level of satisfaction of PAPs with the provisions and implementation of the RAPs;
(vi) Grievance redress mechanism (documentation, process, resolution);
(vii) Effectiveness, impact and sustainability of entitlements and rehabilitation measures and the need for further improvement, as required in the sustainable restoration of livelihood of PAPs;
(viii) Gender impacts and strategy;
(ix) Capacity of PAPs to restore/re-establish livelihoods and living standards. Special attention provided or to be provided to severely affected and vulnerable households;
(x) Negative impacts caused during construction activities;
(xi) Participation of PAP in RAP planning, updating and implementation;
(xii) Institutional capacity, internal monitoring and reporting; and
(xiii) Channeling of government funds for payment of land, non-land assets; allowances to the displaced persons.

Monitoring of RAP implementation will be based on desk review and field visits, meetings with various ministries and local officials, and displaced persons. Separate meetings will be held with women and vulnerable households.

6.5 Preparation and approval procedures for a Resettlement Action Plan (RAP) or Abbreviated RAP

6.5.1 RAP Preparation Procedures

This RPF provides general guidelines for settlement of involuntary resettlement for the project PAPs, in order to clarify procedures applied in RAPs or Abbreviated RAP to deal with negative impacts that are unavoidable during the project implementation. Depending on impact levels of each sub-project, i.e. severe or marginal, a full RAP or abbreviated RAP will be prepared.

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

Step 1 Based on the preliminary subproject design, identify of what category the project is belonged to by the type of impact: (i) no resettlement effect, (ii) insignificant resettlement effect, and (iii) significant resettlement effect. Both (ii) and (iii) require preparation of a resettlement plan.

Step 2 Further refine the project preliminary physical design by consulting with potential PAP and engineers to avoid negative impact as much as possible. For example, a realignment and adjustment of direction or location of stations
Step 3 For projects falling under categories (ii) and (iii) above, a census survey of all the potential PAP shall be conducted. This includes socioeconomic data of DP, measurement of type, and level of loss. The census survey establishes the cut-off date for the eligibility of entitlement, and is carried out in the attendance of relevant local authorities.

Step 4 In parallel to DP’s census survey, consultation with DP will continue to identify their preferences and special needs that should be addressed in the RAP. In addition, information on market prices for land, crops, and other assets need to be collected from respective provincial, district, and commune authorities and the local market, so that the cost estimates for the RAP can be provided.

Step 5 Prepare a RAP (see Annex for information required for a full RAP and abbreviated RAP). The Entitlement Matrix in this RPF (See Table 5.) should be used for each subproject. In addition, specify the number of PAP, the size of land affected, the number of other assets affected, and the compensation amount for each category.

Step 6 Present the draft RAP at the public meeting for the subproject. Any comments made during the meeting need to be incorporated into the draft RAP.

When this RPF is approved by the Government and the WB, CIU will prepare a RAP for each sub-project that has been identified specifically. To prepare a RAP, a survey of affected households (PAPs), inventory and determination of affected assets should be conducted for each sub-project. On the basis of survey results in each subproject area, the necessity of a full RAP or an abbreviated RAP will be determined. The RAPs must comply with requirements described in this RPF.

6.5.2 Appraisal of RAP

One of the criteria for the project appraisal is that an RAP or Abbreviated RAP is prepared, where applicable, in accordance with WB’s OD 4.12. In case the RAP or Abbreviated RAP must be developed, it should be translated into English and be forwarded by the implementing agency to the WB for review before subproject appraisal. A detailed measurement survey (DMS) and census for projects may identify new categories of DP, and types of loss that are not included in the RPF’s Entitlement Matrix. If such new categories are found, then they will need to be updated, and included in the RP by the implementing agency for each project.

MONRE will be responsible for approval of the RAPs or Abbreviated RAP and all compensation-related issues. After detailed engineering designs are completed, a DMS should be carried out to identify number of PAP and lost assets. Compensation unit rates will be updated and issued by PPCs for all categories of lost assets and allowances based on replacement cost surveys during implementation.

Following approval by the WB, the PPCs will be responsible for overall implementation of the revised RAPs. WB shall not approve any civil works contracts for any project’s sections to be financed from the loan proceeds unless the compensation payment and provision of rehabilitations measures in the respective sections have been satisfactorily completed, in accordance with the RPF.
6.5.3 RAP Approval Procedures

The RAP of each sub-project will have to be submitted to the PPC and the WB for approval before any compensation and resettlement activities are implemented. After the RAPs are approved, contents of the RAPs should be summarized to be disseminated to the PAPs for information. A copy of each approved RAP will be stored at the CPCs of the project communes so that the PAPs can access to for reference. On the other hand, RAPs are also kept at the WB’s Information Center in Vietnam and published in the WB’s website.

7. GRIEVANCE REDRESS MECHANISM

The RPF will define, in consultation with the PAP, how the project’s complaints and grievances will be handled, including the organizational and operations procedure, information provision to key stakeholders and PAP and types of cases that can be resolved. The key principles of a good grievance mechanism include: confidentiality, impartiality, objectiveness and independence, accessibility, and participation.

Training may be required for those handling the grievances and redress mechanisms (GRM) to perform their job adequately. The RPF will define the competence of the following (i) The People’s Committee of the ward/commune, the District People’s Committee (DPC) or District Compensation Committee (DCC/DCC), will reach a decision on the complaint within fifteen days. Complex projects need to consider if it is desirable to have a GRM that goes beyond just complaints associated with compensation and include other project-generated nuisances (dust, noise, vehicles carrying out the project speeding in residential areas, etc).

Grievances related to any aspect of the Project will be handled through negotiation aimed at achieving consensus. Complaints will pass through 3 stages before they could be elevated to a court of law as a last resort. CIU will shoulder all administrative and legal fees that might be incurred in the resolution of grievances and complaints.

First Stage, Commune People’s Committee. An aggrieved affected household may bring his/her complaint before any member of the Commune People’s Committee, either through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30-45 days following the lodging of the complaint to resolve it (Note: in remote and mountainous areas, the complaint should be resolved within 45-60 days). The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

Upon issuance of decision of CPC, the household can make an appeal within 30 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the DPC.

Second Stage, District People’s Committee. Upon receipt of complaint from the household, the DPC will have 30-45 days (or 45-60 days if it is in remote areas) following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles.
Upon issuance of decision of DPC, the household can make an appeal within 30 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the DPC.

**Third Stage** - Provincial People’s Committee (PPC). Upon receipt of complaint from the household, the PPC will have 30-45 days (or 45-60 days if it is in remote or mountainous areas) following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping in record all complaints that it handles.

Upon issuance of decision of PPC, the household can make an appeal within 30 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the court within 45 days.

**Final Stage, the Court of Law.** Should the complainant file his/her case to the court and the court rule in favor of the complainant, then District or City government agency will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of DPC, then the amount deposited with the court is what the complainant will receive.

To ensure that the grievance mechanism described above are practical and acceptable by PAPs, this were consulted with local authorities and local communities taken into account of specific cultural attributes as well as traditional-cultural mechanisms for raising and resolving complaints and conflicting issues. The ethnic minority objects, efforts were also identified and determined which are culturally acceptable ways to find the solution that is acceptable.

8. **COSTS AND BUDGET**

The budget will cover compensation costs, allowances and administration costs, internal and external monitoring, and contingency. RAP implementation Costs will be part of the MONRE’s counterpart fund. MONRE will ensure timely provision of counterpart funds for compensation to meet any unforeseen obligations in excess of the budget estimates in order to satisfy RPF requirements and objectives. The Resettlement Action Plans (RAPs) will identify key activities for which funds will be used, any disbursal milestones and auditing requirements that will facilitate appropriate and timely delivery.

It is estimated about US$10,000 for safeguard training; US$50,517 for monitoring on RAP implementation; and US$150,000 for compensation and entitlements, respectively. This budget is proposed to use government counterpart.

**Table 6: Estimated Cost and Budget**
<table>
<thead>
<tr>
<th>Activities</th>
<th>Units</th>
<th>Quantity</th>
<th>Cost</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>I Compensation and Entitlements for Project Affected Persons</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Compensation and Entitlement</td>
<td></td>
<td></td>
<td>75,000</td>
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<tr>
<td>II Training for PMUs and DRCs staff</td>
<td></td>
<td></td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>1 Training for CIUs staff</td>
<td>CIU</td>
<td>5</td>
<td>600.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>2 Training for DWR-Districts staff</td>
<td>DWR District</td>
<td>10</td>
<td>700.00</td>
<td>7,000.00</td>
</tr>
<tr>
<td>III External monitoring</td>
<td>Subproject</td>
<td></td>
<td></td>
<td>50,517.50</td>
</tr>
<tr>
<td>1 Remuneration for experts</td>
<td>Man-month</td>
<td>60</td>
<td>600.00</td>
<td>36,000.00</td>
</tr>
<tr>
<td>2 Perdiem</td>
<td>Day</td>
<td>40</td>
<td>25.00</td>
<td>1,000.00</td>
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<tr>
<td>3 Transportation</td>
<td>Car-day</td>
<td>40</td>
<td>80.00</td>
<td>3,200.00</td>
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<td></td>
<td>Boat-day</td>
<td>10</td>
<td>15.00</td>
<td>150.00</td>
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<tr>
<td>4 Others</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>5 Remuneration for interviewee</td>
<td>Interviewee</td>
<td>100</td>
<td>4.00</td>
<td>400.00</td>
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<tr>
<td>6 Stationary</td>
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<tr>
<td>7 Telephone/Fax, EMS</td>
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<td>500.00</td>
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<tr>
<td>8 Subtotal 1</td>
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<td>41,750.00</td>
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<tr>
<td>9 Contingency</td>
<td>%</td>
<td>10</td>
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<td>4,175.00</td>
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<tr>
<td>10 Subtotal 2</td>
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<td>45,925.00</td>
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<tr>
<td>11 VAT</td>
<td>%</td>
<td>10</td>
<td></td>
<td>4,592.50</td>
</tr>
</tbody>
</table>

Total Budget Allocation 135,517.50
Annex 1 - Summary Information Matrix on Affected Land and Infrastructure

**Name or Type of Subproject:** ________________

**Location:** Province: ___________ District/Town/City: _______________ Village: ________________

<table>
<thead>
<tr>
<th>HH No.</th>
<th>Name of Head of Household</th>
<th>No. of Persons in Household</th>
<th>Total Landholding of Household (m²)</th>
<th>Land to be acquired (m²)</th>
<th>Loss as % of Total</th>
<th>Structures Permanent (m²)</th>
<th>Structures Temporary (m²)</th>
<th>Fruit Trees Lost (Type and Number)</th>
<th>Area of Trees/Crops Lost (m²)</th>
<th>Other (Specify)</th>
<th>Example: graveyards, wells, etc. (type and number)</th>
<th>Business Lost</th>
<th>Income Lost</th>
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</table>
Annex 2: Outline of Abbreviated RAP

An abbreviated RAP need to consist of the following information and analysis:

- A survey of the PAPs and determination of affected assets;
- Description of compensation and other resettlement assistance that will be provided for the PAPs;
- Consultation with the PAPs for acceptably alternative measures;
- Responsibilities for organization and implementation and grievance settlement procedures;
- Arrangements for implementation and monitoring; and
- Time frame and implementation budget.
Annex 3: Information Required for a RAP

A full RAP needs to consist of the following information and analysis:

- Description of the sub-project and its potential impacts;
- Negative impacts of the sub-project;
- Main resettlement objectives;
- PAP's socio-economic survey;
- Resettlement legal framework;
- Resettlement institutional framework;
- Categories of the PAPs and their eligibility standards;
- Procedures of price determination and compensation for losses and damages;
- Resettlement measures;
- Selection of resettlement sites, preparation of resettlement sites, and movement;
- Houses, infrastructure, and social services at resettlement sites;
- Environmental management and protection at proposed resettlement sites;
- Mechanism of community participation and consultation;
- Measures for displaced people integrating into receiving communities;
- Grievance mechanism;
- Responsibilities of organization and implementation;
- Resettlement implementation plans;
- Costs and budget allocation;
- Monitoring and evaluation.
A4.1 Internal Monitoring

The project should be designed to involve community and affected persons in monitoring the implementation and status of investment activities/subprojects. The district and village authority, together with the community and NGOs will be jointly responsible for the internal monitoring of the actual implementation against the planned activities, time frame, budget and entitlement that will be done on an on-going basis throughout the duration of investment construction. Table A4.1 provides the indicators for the internal monitoring for the regular feedback to the Component Implementation Unit (CIU).

Table A4.1: Internal Monitoring Indicators

<table>
<thead>
<tr>
<th>Type of Monitoring</th>
<th>Basis for Indicators</th>
<th>Sources of Information</th>
</tr>
</thead>
</table>
| Budget and Time Frame | • Have the personnel of CIU and counterpart staff from district and commune authority been organized, deputized and provided their office as scheduled?  
• Have training of staff of CIU; District and commune government been conducted on time?  
• Have the district authority provided adequate budgetary support for compensation of PAPs?  
• Have the district authority released and disbursed the equity funding for implementing the project on time?  
• Has the social preparation phase been undertaken according to schedule?  
• Have the proposed investment/s been agreed with beneficiaries and PAPs and concurred by the respective district and village authorities? | CIU and District authority                      |
| **Delivery of investment/s and Entitlements** | • Have all PAPs received their respective investment’s and compensation and entitlements according to their numbers?  
• Have the PAPs received their payments on time?  
• Have special assistance been provided to vulnerable PAPs?  
• Have all PAPs received the agreed transportation and food allowances?  
• Have all PAPs that lost their livelihoods or small business received their compensation?  
• Have all the PAPs entitled been implementing investments?  
• Have the women been trained according to their desired livelihood?  
• Was the number of women trained on desired livelihood the same as that of the actual number engaged in micro enterprises?  
• Are the PAPs engaged in micro enterprises assisted by micro financing institutions?  
• Were the actual amounts of investment costs and compensation been disclosed to PAPs? | CIU and District authority  
PAP-communities |
|---|---|---|
| **Consultation, Grievance and Special Issues** | • Were there IEC campaign materials prepared and distributed to stakeholders during project disclosures?  
• Have consultations, focus group discussions and/or public meetings been undertaken as scheduled?  
• Were the PAPs took active participation in planning and implementation according to what were prescribed in the project?  
• Have any PAPs used the grievance and redress procedures? What were the outcomes?  
• How many have filed their grievances? What were the outcomes?  
• Was social preparation for the PAPs taken place? | PAPs/District authority/CIU |
| **Benefit Monitoring** | • Where there changes occurred in patterns of occupation of the PAPs compared to their pre-project situation?  
• What changes have occurred in income and expenditures patterns compared to pre-project situation? What have been the changes in cost of living compared to pre-project situation? Have the incomes of housing PAPs kept pace with these changes?  
• What changes have taken place in the lifestyle of PAPs? | PAPs |

**A4.2 External Monitoring**

Where applicable, the CIU will hire the services of External Monitoring Advisor (EMA) to assess the implementation of the investment project, and will report the key finding directly to the World Bank. External monitoring should be conducted twice a year during the implementation of the project to identify any issues that might need immediate response from CIU and the concerned District governments. Related to operational procedures, the EMA will identify the associated issues and problems encountered in the staffing of district offices, consultations and grievances resolution as well as the critical operation procedures like the provision of adequate
budgetary support. Table A4.2 sets out the essential indicators that should be highlighted in external monitoring.

Table A4.2: External Monitoring Indicators

<table>
<thead>
<tr>
<th>Type of Indicators</th>
<th>Indicators</th>
<th>Information Required in Monitoring and Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Process Indicators</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staffing</td>
<td>• Number of CIU and district staff assigned or participated for project planning and implementation;</td>
<td>• Number of CIU and district staff assigned or participated for project planning and implementation;</td>
</tr>
<tr>
<td></td>
<td>• Number of Social Development and Resettlement Specialist assigned by CIU.</td>
<td>• Number of Social Development and Resettlement Specialist assigned by CIU.</td>
</tr>
<tr>
<td>Consultation,</td>
<td>• Number of consultations and participation programs held with PAPs and various stakeholders;</td>
<td>• Number of consultations and participation programs held with PAPs and various stakeholders;</td>
</tr>
<tr>
<td>Participation,</td>
<td>• Types of IEC campaign materials distributed to target-beneficiaries and PAPs;</td>
<td>• Types of IEC campaign materials distributed to target-beneficiaries and PAPs;</td>
</tr>
<tr>
<td>and Grievances</td>
<td>• Number and types of grievances received from beneficiaries and PAPs and the number of days consumed in resolving them by concerned GRCs;</td>
<td>• Number and types of grievances received from beneficiaries and PAPs and the number of days consumed in resolving them by concerned GRCs;</td>
</tr>
<tr>
<td>Resolution</td>
<td>• Number and names of representatives who participated in the consultations and in the implementation of the investment project.</td>
<td>• Number and names of representatives who participated in the consultations and in the implementation of the investment project.</td>
</tr>
<tr>
<td>Operational</td>
<td>• Types of forms used in recording the activities undertaken in the project implementation;</td>
<td>• Types of forms used in recording the activities undertaken in the project implementation;</td>
</tr>
<tr>
<td>Procedures</td>
<td>• Efficiency of coordination with CIU, district authority; PAPs and other institutions/stakeholders;</td>
<td>• Efficiency of coordination with CIU, district authority; PAPs and other institutions/stakeholders;</td>
</tr>
<tr>
<td></td>
<td>• Type of database being maintained;</td>
<td>• Type of database being maintained;</td>
</tr>
<tr>
<td></td>
<td>• Efficiency of CIU and district government staff;</td>
<td>• Efficiency of CIU and district government staff;</td>
</tr>
<tr>
<td></td>
<td>• Efficiency of compensation payment system;</td>
<td>• Efficiency of compensation payment system;</td>
</tr>
<tr>
<td></td>
<td>• Adequacy of logistical support for implementing the RAPs;</td>
<td>• Adequacy of logistical support for implementing the RAPs;</td>
</tr>
<tr>
<td></td>
<td>• Assess if the project policies in RAPs have adequately been complied with.</td>
<td>• Assess if the project policies in RAPs have adequately been complied with.</td>
</tr>
<tr>
<td>Issue and Problems</td>
<td>• Indicate the issues and problems encountered in staffing, during consultations and grievances resolution, and in the execution of operational procedures.</td>
<td>• Indicate the issues and problems encountered in staffing, during consultations and grievances resolution, and in the execution of operational procedures.</td>
</tr>
<tr>
<td>Encountered</td>
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<tr>
<td>Compensation and</td>
<td>• Indicate if the type of compensation delivery is either one time or installment;</td>
<td>• Indicate if the type of compensation delivery is either one time or installment;</td>
</tr>
<tr>
<td>Entitlement</td>
<td>• Indicate if the number of relocated PAPs provided with other type of assistance;</td>
<td>• Indicate if the number of relocated PAPs provided with other type of assistance;</td>
</tr>
<tr>
<td></td>
<td>• Indicate if the PAPs were given allowance/assistance for the dismantling and reconstruction of their assets in as well as for the dismantling of their structures upon transfer. If any.</td>
<td>• Indicate if the PAPs were given allowance/assistance for the dismantling and reconstruction of their assets in as well as for the dismantling of their structures upon transfer. If any.</td>
</tr>
<tr>
<td>Social Participation</td>
<td>• Indicate the number of women that participated in the trainings or planning</td>
<td>• Indicate the number of women that participated in the trainings or planning;</td>
</tr>
<tr>
<td></td>
<td>• Indicate if the PAPs have satisfied with the results of the subproject in the areas</td>
<td>• Indicate if the PAPs have satisfied with the results of the subproject in the areas.</td>
</tr>
<tr>
<td>Issues and Problems</td>
<td>• Indicate the issues and problems encountered in the implementation of investment/s, payment of compensation and entitlement and social rehabilitation of PAPs.</td>
<td>• Indicate the issues and problems encountered in the implementation of investment/s, payment of compensation and entitlement and social rehabilitation of PAPs.</td>
</tr>
<tr>
<td>Impact Indicators</td>
<td>Health and Environment</td>
<td>Changes in Socio-cultural Pattern</td>
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<td></td>
<td>• Problems/issues on water quality;</td>
<td>• More women actively participating in planning and implementation;</td>
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<tr>
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<td>• Improved access to safe drinking water;</td>
<td>• Access to information on water quality brought about by having stations in the areas;</td>
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<tr>
<td></td>
<td>• Improvement on health conditions of women and children.</td>
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</table>