

THE SOCIALIST REPUBLIC OF VIETNAM

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# **RESETTLEMENT POLICY FRAMEWORK**

**DYNAMIC CITIES INTEGRATED DEVELOPMENT PROJECT (P-160162)**

## **PROJECT LOCATION**

**KY ANH TOWN (HA TINH PROVINCE), TINH GIA TOWN (THANH HOA PROVINCE), THAI NGUYEN CITY (THAI NGUYEN PROVINCE), HAI DUONG CITY (HAI DUONG PROVINCE) AND YEN BAI CITY (YEN BAI PROVINCE)**

**Compiled by: Thai Nguyen province (on behalf of other project provinces)**

**Thai Nguyen, December 2017**

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## **PREFACE**

This document is called the Resettlement Policy Framework (RPF) for the “Dynamic Cities Integrated Development Project” (DCIDP), it has been developed in compliance with the World Bank’s Involuntary Resettlement (OP 4.12) and the land law 2013 and regulations of the Government of Vietnamese (GOV) on compensation, assistance and resettlement for five project provinces of: Thai Nguyen, Yen Bai, Thanh Hoa, Hai Duong and Ha Tinh.

This RPF will be applied to all activities, sub-projects and other investments under the “**Dynamic Cities Integrated Development Project**” to be financed by the World Bank that involve land acquisition, compensation, and relocation as defined by OP 4.12.

## ABBREVIATIONS

AP(s)	Affected Person(s)
AH(s)	Affected Household(s)
CP	Compensation Plan
CPC	Commune Peoples' Committee
DCIDP	Dynamic Cities Integrated Development Project
DCRC	District Compensation and Resettlement Committee
DMS	Detailed Measurement Survey
DOLISA	Department of Labor, invalid and Social Assistance
DP(s)	Displaced Person(s)
DPC	District People's Committee
GoV	Government of Viet Nam
HH(s)	Household(s)
IMA	Independent Monitoring Agency
IOL	Inventory of Losses
LDP	Livelihood Improvement Plan
LURC	Land Use Rights Certificate
OP(s)	Operational Policies of the World Bank
PDO	Project Development Objective
PAP(s)	Project Affected Person(s)
PC(s)	Peoples' Committee(s)
PMU(s)	The Project Management Unit(s)
PPC	Provincial People's Committee
RPF	Resettlement Policy Framework
RAP(s)	Resettlement Action Plan
RCS	Replacement Costs Survey
SES	Socio-Economic Survey
WB	World Bank
US\$	US Dollar
VND	Vietnamese Dong

## GLOSSARY

Affected persons (APs)	Individuals, organizations or businesses who are directly affected socially and economically by WB-funded projects caused by the involuntary taking of land and other assets that results in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. In addition, affected person is one for whom involuntary restriction of access to legally designated parks and protected areas that result in adverse impacts on livelihoods also.
Cut-off-date	Is the date of land acquisition announcement of local authorities. Affected persons and local communities will be informed of the cut-off date for each project's component, and that anyone moving and/or any asset created into the project component areas after that date will not be entitled to compensation and assistance under the Project.
Eligibility	The criteria to receive benefits under the project resettlement program.
Entitlements	Include compensation and assistance for APs based on the type and extent of impact.
Income (livelihood) restoration	A set of activities to be provided to the affected people who lost income sources or means of livelihoods to restore their income and living standard, as equal to or better than pre-project level.
Inventory of Losses (IOL)	Is process of counting affected assets and income of households to be affected by the project
Livelihood	A set of economic activities, involving self-employment, and or waged employment by using one's endowments (both human and material) to generate adequate resources for meeting the requirements of the self and household on a sustainable basis.
Replacement cost	The term used to determine the amount sufficient to replace lost assets and cover transaction costs. For losses that cannot easily be valued or compensated for in monetary terms (e.g. access to public services, customers, and supplies; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and

earning opportunities.

Resettlement		In accordance with the World Bank's Operational Policy on Involuntary Resettlement (OP 4.12), it covers the involuntary taking of land that results in (i) relocation or loss of shelter, (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location.
Severely Affected Person		Means APs who will (i) lose 20% (10% for vulnerable households) or more of their total productive land and assets (generate income) and/or (ii) have to relocate due to the Project.
Stakeholders		Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.
Vulnerable group		Groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) women headed household (single, widow, disabled husband) with dependents, (ii) disabled (loss of working ability), the elderly alone, (iii) poor people according to the criteria issued by the MOLISA, (iv) the landless, and (v) ethnic minority people.



## 1. INTRODUCTION

### 1.1. Project Description

1. Proposal of the Dynamic Cities Integrated Development Project (DCIDP) was approved by the Prime Minister in the document No. 2318/VPCP-QHQT dated March 14th, 2017 of the Government Office. The project uses IBRD fund of the World Bank Group and counterpart funds from local /central budget. The proposed project development objective is to increase access to improved urban infrastructure services and enhance integrated urban planning and management capacity in the project cities;

2. The Project is implemented in five cities/towns, including (1) Hai Duong city (Hai Duong province); (2) Ky Anh city (Ha Tinh Province); (3) Tinh Gia town (Thanh Hoa Province); (4) Thai Nguyen city (Thai Nguyen Province), and (5) Yen Bai city (Yen Bai Province).

3. The overall objective of the project is to increase access to improved urban infrastructure services and enhance integrated urban planning and management capacity in the project cities.

4. To achieve the above-mentioned objectives, the Project comprises of 2 components with the following contents:

(i) ***Component 1: Structural component - Rehabilitation and construction of urban technical infrastructure.*** Objectives of Component 1 are: (i) Strengthening connectivity and improving the quality of the urban transport infrastructure, reducing congestion and traffic accidents, reducing transportation costs and facilitating the development of production, services and trade for the city and neighboring areas; (2) improving environmental quality in the residential areas due to wastewater pollution in the city center areas, reducing the flooding risk in rainy season, improving drainage capacity for some drainage ditches of the city, increasing investment efficiency of wastewater treatment plants implemented by the completed projects; (3) improving capability to meet residents' demands for social services with modern urban infrastructure services. The work items under this Component 1 will be proposed and selected by the project provinces. This Component consists of 4 sub-components to be implemented in 5 selected project provinces, including (i) constructing and upgrading urban roads, consisting bridges; (ii) constructing and upgrading drainage system of city, including constructing and dredging regulating lakes; and (iv) building wastewater collection and treatment stations/plants.

5. ***Component 2: Non-structural component:*** The objectives of this Component are (1) Building strategic integrated urban development planning; (2) Public transport system development strategy; (3) Drainage system management and wastewater quality monitoring. The duration of “the Dynamic Cities Integrated Development Project” is expected to be 5 years, starting in 2018 and completed in 2023. Total investment of the Project is estimated of US\$ 395 million, of which IBRD fund from WB is US\$ 330 million and GoV’s counterpart fund is US\$ 65 million.

### 1.2. Scope of land acquisition and resettlement

6. Component 1 of the Project involves in construction and improvement of infrastructure of cities/towns, so it requires land acquisition and affects non-land assets of local people. It is estimated an estimated total land acquisition area of about 1,856,590 m<sup>2</sup>, of which 1,551,036

m<sup>2</sup> are agricultural land; 205,075 m<sup>2</sup> are residential land; 5,150 m<sup>2</sup> are aquaculture land; 37,635m<sup>2</sup> are production forest land; 60,889 m<sup>2</sup> are land managed by the organizations/agencies; 3,140 m<sup>2</sup> are cemetery land and 339,670 m<sup>2</sup> are public land (such as traffic, irrigation, bare land) managed by the commune/ward people's committees. Land acquisition affects about 4,216 households, of which 1,842 HHs are severely affected due to losing 20% (10% for vulnerable households) or more of their total agricultural land and 517 households have to relocate.

7. **Mitigation measures:** To ensure involuntary resettlement is avoidable and/or mitigatable where is possible key principles for selecting work items for component 1 were agreed with the World Bank and participating provinces as follows: (i) proposed work items should be constructed on the existing works or on the public land; (ii) land acquisition and relocation must be minimized where is possible by applying alternative design measures; (iii) Where land acquisition is unavoidable, a resettlement plan (RP) is prepared in compliance with OP4.12 of the World Bank on involuntary resettlement to ensure all affected assets and affected households are included in the RP and will be compensated at replacement cost and assisted to at least restore their livelihoods and living standard to pre-project level. Accordingly, in the stage of feasibility study the following criteria were applied to select work items to minimize unexpected resettlement impacts:

- ✓ Assurance of the morphological requirements of the design road;
- ✓ Avoidability of high populated areas, tourist sites, cultural and historical relics, cemeteries, churches, temples, etc.;
- ✓ Selection of areas with favorable topographical and hydro-geological conditions;
- ✓ Combination with the existing local transportation system;
- ✓ Harmonization with existing planning and future planning;
- ✓ Minimization of environmental impacts on the agricultural, forestry and fishery activities of local people living in the project areas.
- ✓ Participation of stakeholders in the research and selection of alternatives.

8. In the stage of project implementation, the following key measures should be applied to mitigate adverse impacts on local people:

- ✓ Informing PAPs at least 90 days and 180 days prior to acquisition of agriculture land and residential land, respectively;
- ✓ Full compensation and allowances must be paid for PAPs before taking their land;
- ✓ Livelihood restoration measures for severely affected households are prepared and implemented to ensure PAPs can restore or improve their income and livelihood to pre-project level;
- ✓ Resettlement sites should be constructed within the project wards/communes for relocated households to ensure they can maintain their livelihoods and social bonds as well as enjoyment of project benefit.
- ✓ Grievance redress mechanism is in place to resolve complaint of PAPs timely and satisfactorily.

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

#### *1.3.1. Rationale of RPF preparation*

9. The Land Law No. 45/2013/QH13, Clause 2, Article 87 requires “For the projects using loans from foreign and international organizations, for which State of Vietnam has committed to a policy framework for compensation, support and resettlement, that framework shall apply”. On the WB side, a policy framework is not required for this project because all subprojects/components and their boundaries were identified at time of project preparation. Therefore, this Resettlement Policy Framework (RPF) of the project is prepared in harmonization and in compliance with both the World Bank’s OP/BP 4.12 and the Vietnam's Laws and Decrees on compensation, assistance and resettlement.

#### *1.3.2. Objective and Principles of the RPF*

10. The basic objective of the policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects of the participating provinces to be prepared during project implementation to ensure that all AHs of the project (APs) will be compensated at replacement cost and assisted with restoration measures to help them improve or at least maintain the living conditions and the capacity to make income as before the project. RPF is prepared to guide the preparation of RAPs during the project preparation phase. RPF gives out bases for preparing, reviewing and approval of RAPs for the subprojects that require land acquisition, compensation and resettlement regardless of financial sources.

11. This RPF shall be approved by competent authorities and concurred by the Bank before Negotiation of Finance Agreement. The Resettlement Policy Framework will be disclosed in the Vietnamese language on the project website and made available in sub-project communities. The English version of RPF will be publically disclosed at the World Bank external website and Portal.

### **1.4. Linked Activities**

12. OP 4.12 also applies to other activities resulting in involuntary resettlement that on the Bank's view they are considered:

- (i) Directly and significantly related to the project;
- (ii) The need to achieve its objectives as set forth in the project documents; and
- (iii) Carried out, or planned to be carried out, contemporaneously with the project

13. Based on the above criteria, in the FS stage, linked activities will be determined and included (if any) in RAP for the sub-project under Dynamic Cities Integrated Development Project (DCIDP).

14. This RPF shall be applied for all sub-projects, components and activities recovering land acquisition under the Dynamic Cities Integrated Development Project (DCIDP).

## **2. LEGAL FRAMEWORK**

15. This Resettlement Policy Framework is prepared in compliance with the applicable and relevant laws of the Government of Vietnam (GoV) related to land acquisition, compensation, support, and resettlement, and the World Bank's Operational Policy (OP 4.12) on Involuntary Resettlement.

### **2.1. The Legal Framework of Government (Gov)**

16. The legal framework of GoV with respect to land acquisition, compensation and resettlement is based on the Constitution of the Socialist Republic of Vietnam (2013), the Land Law 2013 and relevant decrees and requirements. The principal legal documents applied for this RPF include the following:

- Constitution 2013 of the Socialist Republic of Vietnam;
- Land Law 2013 (No. 45/2013/QH13), takes effect on July 1, 2014;
- Law on Public Investment 2014 (No. 49/2014/QH13) takes effect on January 01st, 2014;
- Decree No. 43/2014/ND-CP dated May 15, 2014 of GoV on detailing a number of articles of the Land Law No 45/2013/QH13;
- Decree No. 44/2014/ND-CP dated May 15, 2014 of GoV on land prices;
- Decree No. 45/2014/ND-CP dated May 15, 2014 of GoV on collection of land use levies;
- Decree No. 46/2014/ND-CP dated May 15, 2014 of GoV on collection of land rent and water surface rental;
- Decree No. 47/2014/ND-CP dated May 15, 2014 of GoV on compensation, support and resettlement upon land recovery by the State;
- Decree No. 136/2015/ND-CP dated December 31, 2015 of the GoV on guidelines for implementation of a number of Articles of the Law on Public Investment;
- Decree No.99/2015/ND-CP dated October 20, 2015of the GoV on guidelines for implementation of a number of articles of the Law on Housing;
- Decree No. 01/2017/ND-CP dated January 06, 2017 on amendment and supplement of a number of Articles of the Decree detailing regulations on implementation of the Land Law;
- Decree No. 16/2016/ND-CP dated March 16, 2016 and Circular No. 12/2006/TT-BKHDT dated August 08, 2016 on management and use of ODA fund and preferential funds of foreign donors;
- Circular No. 30/2014/TT-BTNMT dated June 02, 2014 of the MONRE regulating profiles for land allocation, land lease, land use purpose transfer, and land acquisition;
- Circular No.36/2014/TT-BTNMT dated June 30, 2014 of MONRE on land pricing method; compilation of and adjustment to land price lists; determination of specific land prices and consultancy on land pricing;
- Circular No.37/2014/TT-BTNMT of MONRE dated June 30, 2014 on compensation, support and resettlement upon land recovery by the State;

- Circular No. 332/2016/TT-BTC dated December 26, 2016 on amendment and supplement of a number of articles of Circular No. 76/2014/TT-BTC dated June 16, 2014 of the Ministry of Finance on guidelines for implementing Decree No. 45/2014/ND-CP on collection of land use levy.
17. Other relevant laws, decrees and regulations include: The Construction Law No.50/2014/QH13 dated June 18, 2014 on construction activities, rights and obligations of organization and individual investing in civil works construction and construction activities;
- Decree No.102/2014/ND-CP on sanctioning of administrative violations in the field of land;
  - Decree 59/2015/ND-CP dated June 18, 2015 on management of construction investment projects;
  - Decree No.126/2014/ND-CP on marriage and family law implementation, stipulating that all documents registering family assets and land use rights must be in the names of both husband and wife;
  - Decree No. 11/2010/ND-CP dated February 24, 2010 of the GoV prescribing the management and protection of road infrastructure and Decree No. 100/2013/ND-CP dated September 03, 2013 on amendment and supplement of a number of Articles of Decree No. 11/2010/ND-CP dated February 24, 2010 of the GoV prescribing the management and protection of road infrastructure.
  - Decision No.1956/2009/QD-TTg of Prime Minister dated November 17, 2009 on approval of project on “Vocational training for rural labors by the year 2020”;
  - Decision No. 46/2015/QD-TTg dated September 28, 2015 on policies on support for job search and vocational training courses for workers whose agricultural land is acquired;
  - Decision No.63/2015/QD-TTg dated December 10, 2015 of Prime Minister on assistance in vocational training and job search for workers whose replacement land is acquired.
  - Decree No. 61/2015/ND-CP dated July 09, 2015 of Prime Minister on job creation policies and national employment fund.
18. Decrees relevant to protection and preservation of cultural property include Decree No. 98/2010/ND-CP Detailed regulations for implementation of some articles of the Law on Cultural Heritage and the Law on editing and supplementing some articles of the Law on Cultural Heritage requiring that sites currently recognized as cultural and historical vestiges, should be kept intact according to current legal regulations.
19. Documents relating to complaints and resolve complaints mechanisms: Complaints Law 02/2011/QH13 dated November 11, 2011; Decree No. 75/2012/ND-CP dated October 03, 2012 on specific provisions a number of articles of the Complaints Law.
20. Besides, there are other regulations applying for this project as follows:
- Circular No. 332/2016/TT-BTC dated December 26, 2016 of the Ministry of Finance on amendment and supplement of a number of Articles of Circular No. 76/2014/TT-BTC dated June 16, 2014 the Ministry of Finance on guidelines for implementing Decree No. 45/2014/ND-CP on collection of land use levy.

- Decision No. 63/2015/QĐ-TTg of the Prime Minister dated December 10, 2015 regulating policies on assistance in vocational training and job search for workers whose land is acquired.
- Dispatch No. 1665/TTg-CN dated October 17, 2006 of the Prime Minister management of clearance of site, mine and explosive ordnance for traffic works; and
- Decision No. 96/2006/QĐ-TTg dated May 04, 2006 on management and implementation of mine and explosive ordnance clearance.

21. Provincial People's Committee of each province issued decisions on compensation, support and resettlement upon land recovery by the State, based on the Land Law 2013 and related decrees to apply for subprojects in the provinces as follows:

✚ *Thai Nguyen province*: Decision No. 31/2014/QĐ-UBND dated 22 August 2014 of Thai Nguyen Provincial People's Committee promulgating regulations on compensation, support and resettlement when the state recovers land in Thai Nguyen province; and Decision No. 20/2016/QĐ-UBND dated 6 July 2016 of Thai Nguyen Provincial People's Committee on the amendment, supplement of some articles of regulations on compensation, support and resettlement when the State recovers land in the province of Thai Nguyen issued in conjunction with Decision No. 31/2014/QĐ-UBND dated August 22, 2014 of the Provincial People's Committee.

✚ *Thanh Hoa province*: Decision No. 3162/2014/QĐ-UBND dated September 26, 2014 of Thanh Hoa PPC promulgating regulations on compensation, support and resettlement when the state recovers land in Thanh Hoa province; and Decision No. 3161/2014/QĐ-UBND dated September 26, 2014 of Thanh Hoa PPC promulgating regulations on compensation, support and resettlement when the state recovers land in Nghi Son economic zone, Thanh Hoa province

✚ *Ha Tinh province*: Decision No.75/2014/QĐ-UBND dated 03/11/2014 of Ha Tinh PPC promulgating regulations on compensation, support and resettlement when the state recovers land in Ha Tinh province.

✚ *Hai Duong province*: Decision No.37/2014/QĐ-UBND dated 22/12/2014 of Hai Duong PPC promulgating regulations on compensation, support and resettlement when the state recovers land in Hai Duong province

✚ *Yen Bai province*: Decision No.17/2014/QĐ-UBND dated 17/9/2014 of Yen Bai PPC promulgating some detailed regulations on implementation of a number of articles and provisions of the Land Law dated December 29, 2013 and Decree No. 47/2014/ND-CP dated May 15, 2014 of GoV promulgating regulations on compensation, support and resettlement when the state recovers land.

## **2.2.The World Bank’s Operation Policy (OP 4.12) on Involuntary Resettlement**

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

23. The WB’s involuntary resettlement policy objectives are the following:

- (i) Involuntary resettlement should be avoided as much as possible or minimized by exploring all viable alternative project designs;
- (ii) Wherever involuntary resettlement is unavoidable, resettlement activities should be aware of and executed as sustainable programs, necessary to supply enough investment sources to help adversely affected persons to share project's benefits. Directly or indirectly affected persons need must be consulted and participated in the process of planning and implementing resettlement programs.
- (iii) Affected Persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-project levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

### **2.3. Discrepancies between WB's safeguard policies and GoV's laws, regulations, policies and measures proposed to bridge them.**

24. 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.

25. There are some key differences between GoV's Laws, policies, regulations related to land acquisition and resettlement, and the World Bank's OP 4.12 on Involuntary Resettlement. The following table highlights the key differences and proposes measures for filling gaps to be applied under this project.

**Table 1: Discrepancies of GOV's and WB's Policies related to Involuntary Resettlement**

Subjects	World Bank's OP 4.12	Government of Vietnam	Project Policies
<b>1. Land</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.	<p>Not clearly mentioned.</p> <p>However, there is a provision of support to be considered by PPC to ensure they have a place to live, to stabilize their living and production. (Article 25 of Decree 47).</p> <p>In case the amount of compensation/support is not enough for resettled people to buy a minimum resettlement plot/apartment, they will be financially supported to be able to buy a minimum resettlement plot/apartment (Article 86.4 of Land Law 2013 and Article 27 of Decree 47)</p>	Livelihoods and income sources will be restored in real terms, at least, to the pre-displacement levels or to levels prevailing prior to the beginning of project implementation.
1.2. Support/compensation for the affected households who have no recognizable legal right or claim to the land they are occupying.	<p>a. Agriculture land: No compensation but assistance for livelihood restoration not less than 60% of compensation value at replacement cost;</p> <p>b. Non-agriculture land: no compensation but user will get resettlement assistance.</p>	<p>a. Provisions on compensation for acquired land are promulgated in Articles 75, 77 of the Land Law 2013.</p> <p>Clause 2 Article 77 of the Land Law 2013 stipulates that:</p> <p>b. For agricultural land which was used before July 1, 2004, of which land users are households and individuals directly engaged in agricultural production but have not been granted a certificate or not being eligible to be granted a certificate of land use rights and ownership of houses and other land-attached assets under this Law, the</p>	<p>a. PAP used agricultural land after 1/7/2004 is assisted for livelihood restoration not less than 60% of compensation value at replacement cost.</p> <p>b. No compensation for illegal residential land, but provision of resettlement assistance equal to 30% compensation value of affected land area or other assistances according to decision of the PPC. For displaced cases, if user has no land/house in the project commune/ward they will be allocated a minimum land plot/apartment in resettlement site with land use levy; if the land user cannot afford</p>



Subjects	World Bank's OP 4.12	Government of Vietnam	Project Policies
		compensation must be made for the land area which is actually used and does not exceed the agricultural land allocation quota prescribed in Article 129 of this Law.	to pay for land use levy, they will be debited.
1.3. Compensation for structure illegally constructed or constructed on the illegal land	Compensation at full cost for all affected structures regardless of legal status of land use of the PAP's if the affected structures were constructed before the cut-off date.	No compensation	Assistance at 100% of compensation value at replacement cost <sup>1</sup>
<b>2. Compensation</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 but not exceed cost for new construction of the affected structure.	Independent appraiser identifies replacement costs for all types of lands and assets affected, which are appraised by provincial level land appraisal committee and approved by Provincial People's Committees to ensure full replacement costs.
2.2. Assistance for severely affected households	Households losing 20% or more of agricultural landholding (10% or more for vulnerable households)	Losing 30% or more of agricultural landholding	Households losing 20% or more of agricultural landholding (10% or more for vulnerable households) will be considered as severely affected households to get assistances in compliance with the project's resettlement policy framework.
2.3. Livelihood restoration assistance	Provide livelihood restoration assistances to achieve the policy	Provide other supports as regulated in Article 25, Decree 47/2014/ND-CP..	Provide livelihood restoration assistances to achieve policy objectives.

<sup>1</sup>In case, at time of construction of structure, local authorities have announced and prevented the construction and recorded by the minute but household has not followed, local government policy will apply.

Subjects	World Bank's OP 4.12	Government of Vietnam	Project Policies
	objectives		
2.4. Consultation, participation and disclosure	Consultation with and Participation of PAPs in planning, implementation, and monitoring of the project, including implementation of resettlement.	Focus mostly on consultation during implementation of resettlement (consultation on draft plan of compensation, support and resettlement and plan for training, career change and facilitating job searching); information sharing and disclosure.	PAPs should be disclosed full information of the project, including policy of resettlement, involved in all stages of the project, and consulted in activities and policy of the project.
<b>3. Grievance Redress mechanism</b>			
	Grievance redress mechanism is set forth for the project and should be independent.	Resolving complaints following the complaint law of Viet Nam. The same Governmental body makes decisions on compensation and resettlement, and also handles grievances at the first step.  However, complainants can go to court at the second step as PAP wishes.	More effective grievance Redress mechanism is established, built on the existing Governmental system and the Bank's GRS, with monitoring by an independent monitoring agency.
<b>4. Monitoring &amp; Evaluation</b>			
	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). However, there is no explicit requirement on resettlement monitoring, including both internal and independent (external) monitoring.	Both internal and external (independent) monitoring is to be regularly maintained (on a monthly basis for internal and biannual basis for independent monitoring). 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.



### **3. PRINCIPLES AND POLICIES FOR RESETTLEMENT, COMPENSATION AND REHABILITATION OF THE PROJECT**

#### **3.1. General Principles**

- a) All Project Affected People (PAP) who have assets within or reside within the area of project before the cut-off date are entitled to compensation or/and assistance for their losses. Those who have lost their income and/or livelihood will be eligible for livelihood rehabilitation assistance based on the criteria of eligibility defined by the project in consultation with the PAPs. If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures will be provided.
- b) The compensation rates will be determined based on the results of independent appraisal of the land/crops/assets (associated with the land) at time of resettlement implementation in a consultative manner. All fees and taxes on land and/or house transfers will be waived or otherwise included in a compensation package for land and structures/or houses or businesses. The local authorities will ensure that PAP choosing relocation on their own, obtain, without additional costs, the necessary property titles and official certificates commensurate with similar packages provided to those who choose to move to the project resettlement sites.
- c) Land will be compensated “land for land” if the local land fund is available, or in cash, according to PAP’s choice. The choice of land for land must be offered to those losing 20% or more of their productive land. If land is not available, the borrower must assure itself to meet the Bank’s requirements that this is indeed the case. Those losing 20% or more of their land will have to be assisted to restore their livelihood. The same principles apply for the poor and vulnerable people losing 10% or more of their productive landholding.
- d) PAPs who prefer “land for land” for residential land will be provided with land plots with the equivalent quality for lost lands or a combination of land (a standard land plot) in a new residential area nearby the original resident, and cash adjustment for difference between value of their lost land and the land plots provided. The resettlement area will be planned properly and implemented in consultation with the PAPs. All basic infrastructures, such as paved roads, sidewalks, drainage, water supply, and electricity and telephone lines, will be provided.
- e) PAPs who prefer “cash for land” will be compensated in cash at the full replacement cost. These PAPs will be assisted in rehabilitating their livelihoods and making their own arrangements for relocation.
- f) Compensation for all residential, commercial, or other structures will be offered at the replacement cost, without any depreciation of the structure and without deduction for salvageable materials. Structures shall be evaluated individually. Any rates set by category of structure must use the highest value structure in that group (not the lowest) to ensure PAP can build a new structure with similar technical standard and category.
- g) 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 minimum plot or house in resettlement site and resettlement assistance in cash.

- h) PAPs will be provided with full assistance (including a transportation allowance) for transportation of personal belongings and assets, in addition to the compensation at replacement cost of their houses, lands and other properties. Full compensation and allowance must be provided to affected households prior to the taking of affected land and assets.
- i) Additional efforts, such as economic recovery assistance, training and other forms of assistance, should be provided to PAPs losing income sources, especially to vulnerable groups, in order to enhance their future prospects toward livelihood restoration and improvement.
- j) As RAP is one of the project components, the project will not be considered complete until the RAP has been fully implemented and met OP 4.12 policy objective.

### **3.2.Compensation Policies**

#### *3.2.1 Compensation Policy for Permanent Impacts*

##### *3.2.1.1 Compensation for loss of Agricultural Land<sup>2</sup>*

###### a. Legal and/or legalizable land users:

- (i) Compensation “land for land” if local land fund is available and the PAP chooses. Land compensation must meet the following principles: a) equivalent to the affected land value; b) same type of soil (or equal productive capacity); c) location acceptable by the PAP; d) having legal/legalizable land use rights; and e) non-payment of taxes, charges and fees for registration of land use rights. If land compensation area or value is smaller or lower than area or value of the affected land, PAPs will be entitled to compensation for the differences in cash. If land is not available or the PAP prefers to receive cash compensation, they will receive compensation in cash for loss of affected agriculture land at 100% replacement cost.
- (ii) If the area of the remaining land after acquisition is not enough to continue cultivation according to regulation of the province, the project will acquire the entire piece of land and compensation would be implemented in one of the two forms as defined in point (i) above.
- (iii) In addition to compensation in cash for land acquisition area as specified above, PAPs will receive allowances and recovery assistance as referred to item 3.2.3.2 of this RPF.
- (iv) In the case of acquired land exceeding the land allocation quota (except for land by inheritance, donation or receive transfer of land use rights) this land is not entitled to compensation for land but supported remaining values invested in such land.

###### b. Users with temporary use or leased rights to public land:

- (i) PAPs currently using agricultural land assigned by State-owner on a contractual basis (excluding land under special use forests and protected forests) of State-enterprise forests shall not be entitled to compensation for land but for the remaining investment value on land and for all assets attached to the land at replacement cost.

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<sup>2</sup>According to Article 10 of the Land Law.

(ii) Where PAPs lease land on the basis of leasing contracts with individuals, households or organizations other than those specified as point (i) above they shall only receive compensation for the remaining investment value on land and assets created on land before the cut-off date at full replacement cost. Compensation payments for land will be made for owner of the affected land.

c. Land users who do not have legitimate land ownership (illegal or customary rights):

(i) For agricultural land which was used before July 1, 2004, of which land users are households and individuals directly engaged in agricultural production will be compensated at 100% replacement cost as per Paragraph 2 Article 77 of the Land Law. For other cases, instead of compensation, the PAPs will receive financial assistance for livelihood restoration with an amount corresponding to the remained value of investment made for the land improvement or an amount equal to 60% of affected land compensation value at replacement cost, depending whichever is higher, and participation of livelihood restoration program.

#### *3.2.1.2 Compensation for non-agricultural land and business land*

a. Organizations, individuals whose land for non-agricultural production and business is acquired will be compensated as follows:

(i) All affected households, individuals with LURC or legalizable: i) if local land fund is available and PAP choice, compensation “land for land” is priority; ii) If land is not available or the PAP prefers to receive cash compensation, they will receive compensation in cash for loss of land and assets on the land at 100% replacement cost. Households, individuals who have no LURC or unlegalizable shall not be compensated for land but cash assistance with amount of at least 30% of land compensation value at replacement cost.

(ii) Households and individuals who use leased land with annual rent payment or lump-sum rent payment but were exempted from rent will not be compensated for land but compensated for the remaining values invested in such lands and assets on the land at 100% replacement cost.

(iii) Valid organizations (economic organizations, public organizations in accordance with financial autonomy) using land for non-agricultural production and business with lump-sum rent payment (rent not derived from the state budget) will be compensated “land for land” if local land fund is available, if not, will be compensated in cash at 100% of replacement cost.

(iv) Valid organizations (economic organizations, public organizations in accordance with financial autonomy) using land for non-agricultural production and business with annual rent payment or lump-sum rent payment but were exempted from rent will not be compensated for land but compensated equivalent to remaining values invested in such lands and assets on the land at 100% replacement cost.

b. In addition to the compensation mentioned above, the project will provide allowances and recovery assistance as mentioned in item 3.2.3.3 of this RPF.

#### *3.2.1.3 Compensation for loss of residential land*

26. Users whose residential land is acquired will be compensated as follows:

- a. Residential land without structures:
  - (i) *For legal and/or legalizable land users*, all compensation for loss of land will be made in cash at 100% replacement cost;
  - (ii) *For land users who have no recognizable land use right*, no compensation for land but compensation for the remained investment in the land based on current market price and other financial assistances will be provided corresponding to decision of Provincial People’s Committee.
- b. Loss of residential land with structures built thereon, where the remaining (non-acquired) land is adequate to rebuild the structure (reorganizing PAP):
  - (i) *For legal and legalizable land users*: Compensation for loss of land and structures will be made in cash at 100% replacement cost;
  - (ii) *For illegal and unlegalizable land users*: No compensation for affected land but compensation for affected assets at replacement cost and financial assistance equal to 30% of land compensation value or other financial assistances will be provided according to decision of Provincial People’s Committee.
  - (iii) In case the remaining land is not large enough to rebuild a house, but there is garden land or agricultural land adjacent with the affected land, PAP allows converting part of garden/agricultural land into residential land with exemption from conversion fee to be able to rebuild house.
- c. Loss of residential land with structures built thereon, and the remaining land is not adequate to rebuild the structure (relocating PAPs)
  - (i) PAP with legal and/or legalizable rights to the affected land, can choose one of the following options:

If PAP choice is compensation “land for land” PAP will be allocated land plot/apartment in the project’s resettlement site where infrastructure is fully invested and allocation of resettlement land plot/apartment will be made according to the provisions of Provincial People’s Committee, depending on local land fund. PAP will be provided with a certificate of land/ apartment use right without paying any fees. In case the compensation amount to be paid for affected land is higher than value of land plot/apartment allocated in the project’s resettlement site, the difference amount will be paid in cash to PAP. Contrary to this case, PAPs will be supported the difference to buy a minimum land lot or resettled apartment. Relocated PAP will be provided resettlement allowance. If PAP choice is not compensation “land for land”, all compensation for loss of land will be made in cash at 100% replacement cost, plus relocation allowance prescribed by the province for self-relocation.
  - (ii) PAP, who do not have legal or legalizable rights to the affected land, are entitled to the following:
    - An amount of financial assistance will be provided and decided by Provincial People’s Committee.
    - If the PAP has no other land within project commune to relocate, a minimum land plot or an apartment in resettlement site will be provided and they can either pay in installment for land use fee or for rent of the apartment.

- In case the relocated PAPs belong to poor or vulnerable groups or households, special assistance (in cash and kind) will be provided to ensure that they are able to fully relocate to a new site. PPCs will consider the rate of assistance for these households.

#### 3.2.1.4 *Compensation for affected house/structures*

##### a. Affected house/structures

(i) Owners of affected structures will be compensated as follows:

- Compensation in cash will be made for all affected houses/structures, at 100% the replacement costs, regardless of legal status of land use if constructed before the cut-off date<sup>3</sup>. The compensation amount is sufficient to rebuild a new house/structure with similar technical standard without deduction of salvageable materials.

- If the house/structure is partially demolished and the remained part is unviable, compensation at replacement cost for the entire house/structure. Whereas the house/structure is partially demolished but the remaining part is still usable, compensation at replacement cost for the demolished part plus costs for repairing the remained part in accordance with its technical standards similar to the level-project condition;

(ii) Tenants of state-owned or state organization-owned houses will be entitled to rent or buy a new apartment of an area at least equal to their affected ones; or provided a financial assistance equivalent to 60% of replacement cost of the affected land and 60% of replacement cost of house.

(iii) Tenants who are leasing a private house for living purposes will be provided with transportation allowance for transferring assets, and will be assisted in identifying alternative accommodation.

##### b. Compensation for removing graves

(i) Compensation for the removal of graves/tombs will include the cost of excavation, relocation, reburial and other related costs which are necessary to satisfy customary requirements. The compensation amount will be decided by Provincial People's Committee.

(ii) For affected ownerless graves, PMU will hire local people for relocation of graves to the commune's graveyard.

#### 3.2.1.5 *Compensation for loss of standing crops, trees and aquatic livestock*

a. For annual and perennial standing crops, regardless of the legal status of the land, compensation will be paid to affected households who cultivate on the land at full replacement cost. For trees which have not been harvested yet but can be brought to another location, the transportation cost and the actual damage due to the transportation and re-planting must be compensated.

b. For livestock (including aquatic livestock) which cannot be harvested at time of land acquisition, PAPs will be compensated in cash at replacement cost at the time of land

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<sup>3</sup> In case, at time of construction of structure, local authorities have announced and prevented the construction and recorded by the minute but household has not followed, local government policy will apply.



acquisition. In case the aquatic livestock can be brought to another location, the transportation cost and the damage caused by the transportation must be compensated.

#### *3.2.1.6 Compensation for other assets*

Telephone system, water meter, electric meter, cable TV, internet access (subscription) and well affected by land acquisition shall be compensated according to the unit price of installing new units offered by providers.

#### *3.2.1.7 Compensation for affected public structures*

- a. In cases where community infrastructure such as schools, factories, water sources, roads, sewage systems, medical centers, distribution/transmission, communication and fiber cables are damaged and the community wishes to reuse them, the project will ensure that these are restored or repaired as the case may be, at no cost to the community.
- b. Public infrastructure directly related to people's livelihoods and developmental needs, such as irrigation canals, schools, clinics, transportation road, electricity, telecommunication, cable lines (except for the structures with construction permit requiring relocation when needed) etc. will be restored/rebuilt to pre-project or higher quality levels or compensated at replacement cost.

#### *3.2.1.8 Compensation policy for temporary impacts during construction*

- a. In case the project need temporary land acquisition during construction duration, compensation for affected standing crops/trees and income lost during period of temporary acquisition must be paid to PAP.
- b. Compensation Policy for damages of private or public structures occurring during construction execution:
  - (i) Damaged property will be restored to its former condition or compensated by contractors, immediately when occurred;
  - (ii) Under their contract specifications, the contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages do occur, the contractor will be required to repair the damage and may also be required to pay compensation to the affected families, groups, communities, or government agencies at the same compensation rates that are applied to all other assets affected by the Project.

### ***3.2.2 Impacts that may be occurred during project implementation***

27. Any other physical impacts or disruption of business that may be occurred during implementation will be compensated in accordance with the principles of this RPF and World Bank OP 4.12.

### ***3.2.3 Allowances and livelihood restoration assistance***

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

#### *3.2.3.1 Assistance for impacts on residential land*

- a. Assistance for relocating household: Relocated households will be provided resettlement financial assistance in cash. The amount will be decided by Provincial People's Committee.
- b. Housing Rent Assistance: will be provided to PAPs who have to relocate before allocating replacement land plots or apartments in resettlement sites. In the case of replacement land plots, the rental allowance will be extended to the period needed for constructing a new house (often 4 to 6 months). The allowance amount will be decided by Provincial People's Committee.
- c. Assistance for self-relocation: households who are eligible for resettlement, but can self-relocate, shall be not only compensated for acquired residential land area at 100% replacement cost, but also supported an amount for infrastructure investment in the project's resettlement site. The specific level of support will be decided by Provincial People's Committee.
- d. Repairing costs: If the house/structure is partially affected and the remaining part can be continually used, the project will compensate at replacement cost for the affected part and costs for repair the remaining part to enable PAPs to restore it to former or better conditions.
- e. For households/individuals relocated due to residential land acquisition that combines business: the project will provide an allowance for vocational training and job creation according to the provisions of the PPCs for members in the working age.
- f. Resettlement assistance: PAP who is relocated or rebuilt house on the remaining land area will receive subsistence assistance in the transition period. The amount will be decided by Provincial People's Committee.

### 3.2.3.2 Assistance for impacts on agricultural land

- a. Subsistence assistance (during transition period): PAPs who are severely affected agricultural land will be provided with an allowance in cash equal 30kg rice/person/month, specifically:
  - (i) PAPs losing 20% (or 10 % for the poor and vulnerable groups) to less than 30% of their agricultural landholding will be provided allowance of 3 months if they do not have to relocate, and 12 months in case of relocation.–
  - (ii) PAPs losing 30 -70% of their agricultural landholding will be provided allowance of 6 months if they do not have to relocate, and 12 months in case of relocation. In some special cases, in extremely difficult areas, the compensation may be provided for a maximum of 24 months;
  - (iii) PAPs losing more than 70% of their agricultural landholding will be assisted at the above allowance for a period of 12 months if they do not have to relocate, and 24 months in case of relocation. In some special cases, in extremely difficult areas, the allowance may be provided up to a maximum of 36 months;
- b. Assistance for production stabilization: Households, individuals who are compensated by agricultural land will be supported for production rehabilitation, including: Support for plant varieties and animal breeds for agricultural production, services such as agricultural/forestry extension, plant protection, animal health, cultivation techniques,

animal husbandry and professional techniques for manufacturing, business and commercial services. Form and level of specific support according to the provisions of Provincial People's Committee.

- c. Assistance for vocational training and job generation: The maximum support will not exceed 05 times of agricultural land price of the same land type in the list of land price issued by PPC for the whole acquired area of the households/individuals directly work in agriculture business but supported area is not exceeding the limit of local allocation. The level of specific support will be decided by Provincial People's Committee.

#### 3.2.3.3 Assistance for loss of income and/or business

- a. Assistance for production, business rehabilitation:
  - (i) Businesses/households with business registration affected by the project will be compensated or supported. The maximum compensation/support is 30% of after-tax income of 01 years based on their average annual after-tax revenue of the last three years which have been declared to the tax authorities;
  - (ii) Households without business license but who have met their tax obligations will be entitled to compensation equivalent to 50% of support level for registered businesses/households.
- b. Assistance for removing the production/business facilities: Organizations and PAPs that are leased land by the state or are lawfully using land and have to relocate their productive and/or business establishments are entitled to financial support for dismantling, relocating and re-installation of the establishments. Support levels will be determined by actual costs at the time of removal
- c. Allowance for interrupted employment: Employees who are working for affected manufacturing facilities or businesses with labor contract and continuously contributed social insurance at the businesses shall be entitled to receive allowance equivalent to the minimum salary as per the regulations of government on affected employees during the transition period which can be for a maximum of 6 months as well as assistance in seeking job opportunity if needed.

#### 3.2.3.4 Assistance for loss of public land funds of communes, wards or townships

29. If land belonging to public land funds of communes, wards or townships is acquired, financial assistance will be paid into the account of communes, wards or townships and used for public investment in development of infrastructure. The highest assistance level can be equal to 100% compensation level as stipulated in Article 24 of Decree 47/2014/ND-CP.

#### 3.2.3.5 Allowances/Assistance for Vulnerable Households

30. Apart from the compensation and support regulated by the policies, the vulnerable who will have a further allowance to facilitate them in rehabilitating their lives sooner with the following specific amount:

- (i) Social policy HH, as defined by each province, will get an allowance from 2,000,000 VND to 7,000,000 VND for each household as regulated by the relevant provincial regulation.

- (ii) PAHs of other vulnerable groups such as (i) single female headed households with dependents and economic disadvantage (single, widow, disabled husband); (ii) people with physical or mental disability disabled (loss of working ability); (iii) the poor under MOLISA standard; (iv) the elderly alone; (v) ethnic minority people will get the same additional support given to social policy households as identified in point (a) above.

#### 3.2.3.6 *Other allowances/assistance*

- a. Incentive Bonus: All PAPs who hand over their affected land as scheduled after receiving full compensation and allowances will be given an incentive allowance consistent with each province's regulation.
- b. PAPs who will lose income sources will be entitled to take part in Income Restoration Programs. Rehabilitation measures like agricultural extension services, job training and creation, credit access and/or other measures as appropriate will be given to PAPs losing income sources to ensure their livelihood could be restored to the pre-project level.

Apart from the assistances mentioned above, based on the actual situation, the Project may consider other assistances to ensure accommodation, stabilization of livelihood and production and fairness.

#### 3.2.3.7 *Resettlement and Income Restoration program*

- a. 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.
- b. 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 PPC.

## **4. ELIGIBILITY CRITERIA AND ENTITLEMENTS**

### **4.1. Eligibility**

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

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

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

### **4.2. Entitlements**

33. With respect to a particular eligibility category, entitlements are the sum of compensations and other forms of assistance provided to project affected persons (please refer to the table below for the Entitlement Matrix).

### **4.3. Arising households after the cut-off-date**

34. Those households splitting from the large families after the cut-off-date who meet the following conditions will be eligible for resettlement benefits:

- (i) Household with multiple generations, many couples live together under a roof on a plot of land to be acquired who has eligible to separate household;
- (ii) Endorsement by the district/city authority, with verification of commune/ward People's Committee that the household has split.

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

36. In case GoV regulations will be changed and there will be some entitlements, which are better than the ones described in RPF, these better entitlements will be applied for the affected people (if possible).

**Table 2: Entitlement Matrix**

Type of Loss/Impacts	Application		Entitlements	Implementation Arrangements
	Level of Impact	Eligible Persons		
<b>I –PERMANENT LAND ACCQUISITION</b>				
<b>1.1. Agricultural land<sup>4</sup></b>	<i>1.1.1. Marginal loss (&lt;20% of landholding or &lt;10% for vulnerable group)</i> The remaining area of affected plot is still economically viable for use or meets the expected personal yield.	<i>1.1.1.1. All AHs with LURC, or legalizable</i>	For affected agricultural land: (i) Cash compensation for affected land at 100% replacement cost <sup>5</sup> .  Compensation for assets on the affected land, please refer to section 1.4, 1.5, 1.6, 1.7, 1.8 of this entitlement matrix.  Allowance for vocational training and job creation (please refer to item 3.1.1 of this entitlement matrix).	<ul style="list-style-type: none"> <li>▪ Affected households to be notified at least 90 days before land recovery by the Project.</li> <li>▪ The owner of land will hand over the land within 20 days from the date District Compensation Board fully pays compensation for land.</li> </ul>
		<i>1.1.1.2. Land Users with temporary or leased rights to use land</i>	(i) For the affected families are using land allocated by the State for purposes of agriculture, forestry or aquaculture (excluding special-use forest, protection forest) of State Forest Enterprise(SFEs), APs are not compensated for land. But cash compensation at full replacement cost for remaining values invested in such lands and affected assets attached to the land.	

<sup>4</sup>Classification of agricultural land as stipulated in Article 10 of the Land Law

<sup>5</sup> When domestic laws do not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standards.

			(ii) Users who are leased rights to use land on the basis of contracts with individuals, families, or organizations, other than the cases specified in point (i) shall be compensated for remaining values invested in such land and affected assets created on such land at full replacement cost.	
		<i>1.1.1.3. Land Users without LURC or customary rights to the affected land or unlegalizable</i>	<ul style="list-style-type: none"> <li>▪ Agricultural land used before July 1, 2004 and land users are households and individuals directly engaged in agricultural production will be compensated at full replacement cost according to Article 77.2 of the Land Law.</li> <li>▪ PAP used agricultural land after 1/7/2004 is assisted for livelihood restoration not less than 60% of compensation value at replacement cost and participate in livelihood restoration program.</li> </ul>	
	<b>1.1.2. Severe Loss <math>\geq 20\%</math> or <math>\geq 10\%</math> for vulnerable groups</b>	<i>1.1.2.1. All AHs with LURC, or legalizable</i>	<ul style="list-style-type: none"> <li>▪ Compensation and assistances as applicable for sub-item 1.1.1.1 of this matrix, priority for compensation “land for land” if local land fund is available and PAP choice.</li> <li>▪ In addition, they will receive assistance in cash for living rehabilitation as specified in item</li> </ul>	Land compensation must meet the following principles: a) equivalent to value of the affected land area; b) same type of soil (or equal productive capacity); c) satisfactory to the AP; d) there is land use rights for the head of household and his/her wife/husband (if any); and e) non-

			3.1.2 of this matrix and participating in livelihood restoration program.	payment of taxes, charges and fees for registration of land use rights. If land compensation size is smaller or lower quality, APs will be entitled to compensation in cash equivalent the differences.
		<i>1.1.2.2. Land Users with temporary or leased rights to use communal/public land</i>	<ul style="list-style-type: none"> <li>Compensation and assistances as applicable for sub-item 1.1.1.2 of this matrix.</li> </ul>	
		<i>1.1.2.3. Land Users who do not have formal or customary rights to the affected land</i>	<ul style="list-style-type: none"> <li>Compensation and assistances as applicable for sub-item 1.1.1.3 of this matrix.</li> </ul>	
<b>1.2. Non-agricultural land or residential land with structures on land</b>	Non-agricultural land is acquired	<i>Household/individual/organization with legal and/or legalizable</i>	Compensation in cash at 100% of replacement cost.	<ul style="list-style-type: none"> <li>Affected persons/organizations to be notified at least 180 days before land recovery by the Project.</li> <li>The owner of land will hand over the land within 20 days from the date District Compensation Board fully pays compensation for land.</li> </ul>
		<i>Household/individual/organization with illegal and/or unlegalizable</i>	If affected lands are not entitled to the compensation, PAPs will be assisted in cash with an amount of at least 30% of land compensation value. And Compensation at replacement cost for affected assets if created before the cut-off date	



<b>1.3. Residential land</b>	<b>1.3.1. Not relocated</b>			
	<ul style="list-style-type: none"> <li>▪ Loss of residential land without structures</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>▪ Loss of residential land with houses/structures built thereon, and the remaining (non-acquired) land is adequate to rebuild the house/structure (reorganizing PAP)</li> </ul>	<i>1.3.1.1. Land user with LURC or legalizable</i>	<ul style="list-style-type: none"> <li>(i) Compensation for loss of land will be made in cash at 100% replacement cost</li> <li>(ii) Compensation for assets on the affected land, please refer to section 1.4, 1.5, 1.6, 1.7, 1.8 of this entitlement matrix.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Affected persons/organizations to be notified at least 180 days before land recovery by the Project.</li> <li>▪ The owner of land will hand over the land within 20 days from the date District Compensation Board fully pays compensation for land.</li> <li>▪ If the actual affected area is different with the recorded area in the Land Use Rights Certificate (LURC), the affected area will be compensated according to the actual measured area unless otherwise occupied.</li> </ul>
		<i>1.3.1.2. Land users with temporary land use right or leased rights.</i>	PAP will not be compensated for land but will be compensated for assets on the land which created before the cut-off date at 100% replacement cost according to sections 1.4, 1.5, 1.6, 1.7, 1.8 of this entitlement matrix.	
		<i>1.3.1.3 Land users without LURC or unlegalizable</i>	<ul style="list-style-type: none"> <li>(i) PAP will not be compensated for land, but financial assistance equal to 30% compensation value of affected land area or other assistances according to decision of Provincial People's Committee will be provided.</li> <li>(ii) Compensation for assets created on the affected land before the cut-off date at replacement cost, please refer to section 1.4, 1.5, 1.6, 1.7, 1.8 of this entitlement matrix.</li> </ul>	
<b>1.3.2. Relocated APs</b>	<i>1.3.2.1. Relocating PAPs</i>	Relocating PAPs can opt to one of	<ul style="list-style-type: none"> <li>▪ Affected persons/organizations to</li> </ul>	

		<p><i>with LURC, or legalizable</i></p>	<p>the followings:</p> <p>(i) Compensation “land for land” with a land plot/apartment in the project’s resettlement site where invested fully infrastructure. PAP will be provided LURC without any fees.</p> <p>Or</p> <p>(ii) Compensation for loss of land in cash at 100% replacement cost if PAP chose.</p> <p>Compensation for assets on the affected land, please refer to section 1.4, 1.5, 1.6, 1.7, 1.8 of this entitlement matrix.</p> <p>Resettlement assistance will be provided to the PAP, including: Transportation allowance; House renting allowance; Support for self-relocation; Subsistence allowance... (Please refer to item 3.2.1 of this entitlement matrix).</p>	<p>be notified at least 180 days before land recovery by the Project.</p> <ul style="list-style-type: none"> <li>▪ In case the compensation amount for affected land is higher than the value of land plot/apartment compensation in the project’s resettlement site, the difference amount will be paid in cash to PAP.</li> <li>▪ In case the compensation amount for affected land is less than the value of a minimum land plot /apartment in the project’s resettlement site, PAPs will be given the support to buy a minimum plot/apartment for shelter.</li> <li>▪ In the case of the remaining land is not large enough to rebuild house, but there is pond/garden/agricultural land in the same or adjacency with the affected plot it could be converted into residential land according to the provisions of PPC to be able to rebuild house on site.</li> <li>▪ The specific provisions on allocation of land/apartment resettlement will be set after consultation with PAPs.</li> </ul>
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		<p><i>1.3.2.2. Land users with temporary land use right or leased rights</i></p>	<p>(i) PAP will not be compensated for land but will be compensated for assets on the land which created before the cut-off date at 100% replacement cost (refer to sections 1.4, 1.5, 1.6, 1.7, 1.8 of this entitlement matrix)</p> <p>(ii) Compensation in cash for the remaining amount of leasing contract.</p> <p>(iii) Assistance in transportation allowance for the PAPs in accordance with section 2.2 of this entitlement matrix.</p>	<p>If relocated PAP has not any house or accommodation within project commune/ward, they will be allocated a minimum land plot/apartment in resettlement site and has to pay land use fee.</p>
		<p><i>1.3.2.3. Land users without LURC or unlegalizable</i></p>	<p>(i) PAP will not be compensated for land but financial assistance equal to 30% of land compensation value or other assistances according to regulation of the Provincial People’s Committee will be provided for PAP.</p> <p>(ii) Compensation for assets on the land acquisition, please refer to section 1.4, 1.5, 1.6, 1.7, 1.8 of this entitlement matrix.</p> <p>(iii) If PAP has no other place within project commune/ward to move, a minimum land plot or an</p>	<ul style="list-style-type: none"> <li>▪ In case the relocated PAPs belong to poor or vulnerable groups, special assistance (in cash and/or in kind) will be provided to ensure that they are able to fully relocate to a new site. PPC will consider the rate of assistance for these people.</li> </ul>

			apartment in resettlement site will be provided and they can either pay in installment land use fee or rent it for living.	
<b>1.4. Houses/structures</b>	<b>1.4.1. Partial impact</b> Unaffected portion of the house is still viable for use.	<i>1.4.1.1. Owners of affected house/structures created before the cut-off date regardless of legal status of affected land or construction permission of the affected house/structure</i>	Compensation in cash for affected part at 100% replacement cost and costs for repairing the remaining part.	Compensation will be paid in cash, without any depreciation of the house/structure and deduction for salvageable materials. The compensation is calculated according to the actual affected area.  In case, at time of construction of structure, local authorities have announced and prevented the construction and recorded by the minute but household has not followed, local government policy will apply.
	<b>1.4.2. Full impact</b> including house is partially affected by the project but the remaining part is no longer viable for use.	<i>1.4.2.1. Owners of affected structures created before the cut-off date regardless of legal status of the affected land or construction permission of the affected house/structure</i>	Compensation at replacement cost for affected house/structure without any depreciation of the structure and deduction for salvageable materials; And Provision of resettlement assistance for PAP.	If house/structure constructed after the cut-off date, no compensation and assistance is provided.
		<i>1.4.2.2. Tenants of the state or organization's houses</i>	(i) Tenants of state owned or state organization's houses will be provided assistance in cash equal to 60% of replacement cost of the affected land and house and resettlement allowances. They are also prioritized to rent or buy a new apartment or plot in resettlement site.  (ii) The tenants leasing a private house for living purposes will be	

			provided resettlement allowance including transportation allowance for moving their assets. They will also be assisted in identifying alternative accommodation according to the provisions of Provincial People's Committee.	
<b>1.5. Grave and tomb</b>	<i>Displaced graves or tombs</i>	Owned graves	<ul style="list-style-type: none"> <li>Compensation for the removal of graves/tombs will include the costs of buying new land (if necessary), excavation, relocation, reburial and other related costs which are necessary to satisfy customary requirements. The compensation amount will be decided by Provincial People's Committee.</li> </ul>	<ul style="list-style-type: none"> <li>Removal grave and tomb is implemented according to local custom, so DCRC should arrange compensation payment for AHs at relevant time.</li> <li>For ownerless affected graves, PMU will sign a contract with local people for relocating affected graves to new site.</li> </ul>
<b>1.6 Crops and Trees, livestock</b>	<i>1.6.1. Crops and/or trees lost or damaged</i>	Owners of affected crops and trees created before the cut-off date regardless of the legal status of the land	Compensation at replacement cost will be paid to affected households. For the tree that can be replanted, the transportation cost and the actual damage due to the transportation and re-planting shall be compensated.	<ul style="list-style-type: none"> <li>PAPs to be notified at least 90 days before land recovery by the Project. The crops/trees which have been cultivated after cut-off date will not be entitled any compensation and/or allowances.</li> </ul>
	<i>1.6.2. Loss of, or damage raised animals (including aquaculture)</i>	Owners of affected aquatic livestock created before the cut-off date regardless of the legal status of the land	The actual damage due to the early harvest will be compensated in cash at replacement cost at the time of land acquisition. In case the aquatic or livestock can be brought to	<ul style="list-style-type: none"> <li>PAPs to be notified at least 90 days before land recovery by the Project to arrange harvest them or stop breeding.</li> </ul>

			another location, the transportation cost and the actual damage caused by the transportation shall be compensated.	
<b>1.7. Other assets</b>	<b>Loss of, or damage other assets</b>  Such as telephone system, water meter, electric meter, cable TV, internet access etc.	Owners/users affected assets created before the cut-off date regardless of the legal status of the land	Compensation for affected assets at replacement costs and/or costs for transferring and installing according to providers' regulations.	PMU has to work with providers to provide services to PAPs soonest to ensure their living conditions.
<b>1.8. Public structures</b>	<b>Loss of, or damage to assets</b>	Community affected assets created before the cut-off date regardless of the legal status of the land	<ul style="list-style-type: none"> <li>▪ Cash compensation at replacement cost to rebuild or repair. In case of removal or installment, no cost to the community is applied.</li> <li>▪ Public infrastructure directly related to people's livelihoods such as irrigation canals, power line, road, etc. will be (i) compensated at replacement cost, as determined through consultation with the affected community; or (ii) restored/rebuilt with quality equal to or higher than the pre-project levels.</li> </ul>	PMU works with contractors to ensure no interruption of livelihoods of PAPs is occurred during construction.
<b>II. ASSISTANCE AND SUBSIDY</b>				
<b>2.1. Job training/creation</b>	<i>PAP Losing productive land</i>	All land users with LURC or legalizable	▪ Cash allowance equal up to 5 times the value of recovered	The PPC will decide level of the allowance

allowance		directly engaged in agricultural production.	productive land area.	
<b>2.2. Subsistent allowance for severely affected household.</b>	<i>Severely affected household (Loss <math>\geq</math>20% or <math>\geq</math>10% for vulnerable groups)</i>	Land users regardless of land tenure status	<p>In addition to compensation and assistances as applicable in item 2.1.1 of this matrix, severely affected households also receive subsistence allowance (during transition period) in cash equal 30kg of rice per person per month, in particular:</p> <ul style="list-style-type: none"> <li>(i) PAPs losing 20 - 70% of their agricultural landholding (or 10 - 70% for the poor and vulnerable groups) will be provided with allowance of 6 months if they do not have to relocate, and 12 months in case of relocation. In some special cases, in extremely difficult areas, the support may be provided for a maximum of 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 have to relocate, and 24 months in case of relocation. In some special cases, in extremely difficult</li> </ul>	Price of rice is the market price at time of compensation

			areas, the compensation may be provided up to a maximum of 36 months;	
<b>2.3. Resettlement allowance</b>	Households have to relocate to another place or rebuilt in the remaining land	Relocated households regardless of land tenure status	<ul style="list-style-type: none"> <li>• Assistance for life stabilization, equivalent to 30kg of rice at market price at compensation time for all household members for 6 months.</li> <li>• Assistance for housing rent for each relocated HH for at least 03 months in rural area and 6 months in urban area.</li> <li>▪ Compensation for actual transportation expenses to the new place.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Housing rent should be enough for HH to rent accommodation in locality. If land plot in resettlement site is not allocated to HH at time of handing over their land to the project, housing rent will be provided until land plot allocated.</li> <li>▪ Specific assistances are detailed for each case of households moving to other place or rebuilding the house on the existing land.</li> </ul>
<b>Allowance for loss of Income/livelihood due to relocation of business</b>	<b>Loss of Income and/or business due to relocation</b>	Owners of affected production, business establishments regardless of registered status	<p>(i) For registered businesses, provision of business disruption allowance by cash, equal to 30% of one year income after the tax.</p> <p>(ii) For non-registered businesses, provision of business disruption allowance by cash, equal to 50% of allowance of one year income after the tax of the similar registered businesses; and</p> <p>(iii) Vocational training for all labor age members of the household if their main income source relies on the business lost.</p> <p>Allowance for interrupted employment: Employees who worker in affected production, business establishments with labor</p>	Calculation of allowance according to the average one year income of the last three years which is certified by the tax office.



			contract will receive allowance equivalent to the minimum salary as per the regulations to affected employees during the transition period which can be for a maximum of 6 months; and 3 minimum salary allowance for non-contracted employees.	
<b>2.4. Assistance for public land acquisition</b>	<b>Land acquisition of communes, wards or townships</b>	Affected communes, wards and towns	No compensation for land but support in cash equal to 100% of compensation amount for the acquired land.	<ul style="list-style-type: none"> <li>▪ Financial assistance will be transferred to the bank account of the commune. It will be used to invest construction of infrastructure and for public purposes of communes, wards and townships as stipulated in Article 24 of Decree 47/2014/ND-CP.</li> <li>▪ The PPC decides level of assistance.</li> </ul>
<b>2.5. Allowances for vulnerable groups</b>	<b>2.6.1 Allowance /Assistance targeted to Vulnerable Households</b>	Affected vulnerable PAP regardless level of impact.	<ul style="list-style-type: none"> <li>▪ <u>For landless households:</u> assistance by provision of an apartment/plot that PAP can either pay in installment to buy or rent it for living (depending on the choice of the PAPs). Additional assistance will be considered if necessary to ensure vulnerable PAPs can restore their livelihood.</li> <li>▪ <u>Social Policy Relocated Households</u> that include heroic mothers, heroic armed force,</li> </ul>	<ul style="list-style-type: none"> <li>▪ The vulnerable groups are identified according to definition in the “Glossary” part.</li> <li>▪ Rice price is calculated at market price at the time of compensation.</li> </ul>

			<p>heroic labor, war veterans, wounded or dead soldiers families will be provided with support as regulated by the PPC</p> <ul style="list-style-type: none"> <li>▪ <u>For poor households:</u> <ul style="list-style-type: none"> <li>a) Poor PAPs who have to relocate or lose more than 10% of their agricultural landholding will be supported as mentioned above. Poor PAPs who lose less than 10% of their land will be assisted in cash according to provincial policy.</li> <li>b) Other poor PAPs will be assisted in cash according to regulation of provincial policy.</li> </ul> </li> <li>▪ <u>Other vulnerable groups:</u> including female headed households with dependents, household with disabled persons, elderly without any source of support, will get the same support given to poor households in accordance with the provincial policy or assisted in cash equal to 30 kg of rice per person per month for 6 months whichever is higher.</li> </ul>	
	<b>2.6.2 Incentive Bonus</b>	PAPs move out of the affected areas on time of the schedule	<u>Incentive Bonus:</u> All PAPs who hand over the affected land on time after receiving full compensation	

			and allowances will be given an incentive allowance according to regulation of province.	
	<b>2.6.3 Additional allowances/supports (if necessary)</b>	All PAPs regardless of legal status of land use	<ul style="list-style-type: none"> <li>▪ PAPs losing income sources will be entitled to take part in Income Restoration Programs. Rehabilitation measures like agricultural extension services, job training and creation, credit access and/or other measures as appropriate to ensure their livelihood restored to the pre-project level.</li> <li>▪ Apart from the assistances mentioned above, based on the actual situation, the PPC may consider other assistances to secure life stabilization, production and livelihoods of PAPs.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Income and Livelihood Restoration Programs will be designed in combination with current programs of the locality and with the assistance of livelihoods experts.</li> <li>▪ The programs will target the needs of both men and women.</li> </ul>
<b>III - TEMPORARY IMPACTS DURING CONSTRUCTION</b>				
<b>3.1 Temporary loss of land</b>	<b>Temporary loss of land during construction</b>	Owners/users are temporally affected land	<ul style="list-style-type: none"> <li>▪ No compensation for land but compensation for non-land assets at replacement cost and income lost during occupying period.</li> </ul>	Restore land to pre-project condition before returning to PAP
<b>3.2 Impact arising from the construction</b>	<b>Damages caused by contractors to private or public structures</b>	Land owners/users are affected	<ul style="list-style-type: none"> <li>▪ Damaged property will be restored to its former condition or if impossible restoration, compensated for damaged properties by contractors as soon</li> </ul>	<ul style="list-style-type: none"> <li>▪ In case of impacts on business of PAPs, the contractors have to agree with the households on payment for disruption of business.</li> </ul>

			as possible following policy of this RPF and RAP.	<ul style="list-style-type: none"><li>▪ Under their contract terms and conditions, the contractors will be required to take extreme care to avoid damaging property during their construction activities.</li></ul>
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## **5. PARTICIPATION, CONSULTATION AND INFORMATION DISCLOSURE**

### **5.1. Objectives of Public Consultation and Information Disclosure**

37. **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.

38. **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:**

39. During this stage, a RAP for each participating province 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 will be 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

40. 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 need to 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.

41. When draft RAP preparation is completed, the draft RAP will be disclosed in English at the World Bank's portal and external website and in Vietnamese at the office of PMU and

offices of Ward People's Committee and affected communities. A brief RAP will be also disclosed to affected people.

### **During project implementation:**

42. As the project implementation stage, more information will become available, such as results of replacement costs survey, updated compensation package, detailed design of resettlement sites, and resettlement implementation 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 consulted in resettlement options and livelihoods restoration measures to help them make choice of compensation and resettlement.

### **5.3. Methods of consultation**

43. 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:***

44. Identification of project stakeholders is one of the important steps in consultation exercise. Under this project, the following key stakeholders should be consulted:

- Affected households;
- Non-affected households who live adjacent to the project area;
- Potential project beneficiaries
- Heads of residential groups;
- Representatives of Commune/Ward's Peoples' Committee;
- Representatives of District's Peoples' Committee and related agencies;
- Representatives of Provincial/City Peoples' Committee and related departments
- Representatives of project owner;
- Representatives of mass organizations, i.e. Women's Union, Farmers' Associations, etc.
- Relevant NGOs.

45. 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. Consultation should pay attention to gender inclusive to ensure that women are involved in all consultations.

#### ***5.3.2. Consultation Techniques***

46. The following key techniques should be used to promote the communication among projects stakeholders: a) Community meetings, b) Leaflets, c) Focus group discussion; and d) mass media such as television and 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.

### 5.3.3. Consultation process and recording

47. As the consultation for preparation of RAP is a process of consensus building, consultation will be done throughout process of RAP preparation and update; implementation of compensation, support, physical resettlement, livelihood restoration; and monitoring and evaluation. It is also important that the information collected during the consultation process be recorded and kept carefully for analysis and reference.

### 5.3.4. Consultation approach adopted for preparing this RPF

48. 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 public meeting, focus group discussions.

49. Consultations during the preparation of the Resettlement Policy Framework: From July 24, 2017 to August 25, 2017, the Project has conducted field survey and hold consultation meetings of Departments/Sectors/Agencies and affected households in all 5 provinces of Ha Tinh, Thanh Hoa, Hai Duong, Thai Nguyen and Yen Bai. The participants included: Representatives of DONRE; Department of Finance; Department of Construction, Department of Agriculture and Rural Development; Department of Labour, Invalids and Social Affairs; Women's Unions; District People's Committees, Commune People's Committees, etc. Their comments are basically that they agree with the social safeguard policies of the donor and desire the project to be early implemented to timely rehabilitation of disaster prevention works in 2017.

**Table 3: Summary of consultation results**

Province	Time	Relevant agencies	Feedbacks
THAI NGUYEN	July 31, 2017	The site clearance Steering Committee of Thai Nguyen province	<ul style="list-style-type: none"> <li>- Agreed with basic contents of RPF</li> <li>- RPF should comply with the compensation, support policies applied to the locality.</li> </ul>
	August 02, 2017	Ministry of Finance	<ul style="list-style-type: none"> <li>- Agreed with basic contents of RPF</li> <li>- In case of discrepancies between WB's and local policies, there should be solutions to harmonize.</li> </ul>
	August 02, 2017	MONRE	<ul style="list-style-type: none"> <li>- Requested to fully supplement information related to the level of impact of land acquisition and number of relocated households in each sub-project.</li> </ul>
THANH HOA	August 09, 2017	Thanh Hoa PPC	<ul style="list-style-type: none"> <li>- Requested to supplement the newest Decisions on compensation,</li> </ul>

<b>Province</b>	<b>Time</b>	<b>Relevant agencies</b>	<b>Feedbacks</b>
			support and resettlement in effective in Thanh Hoa province - Agreed with basic contents of RPF
HA TINH	August 17, 2017	Ha Tinh PPC	- Agreed with RPF (draft version) - Requested to rename the report into the Compensation, Support and Resettlement Policy Framework
YEN BAI	August 23, 2017	Yen Bai PPC	- Requested to supplement Circular No.30/2014/TT-BTNMT dated June 02, 2014 of MONRE detailing Regulations on land allocation/leasing records, conversion of land use purposes and land acquisition. - Requested to supplement the newest Decisions on compensation, support and resettlement in effective in Yen Bai province - Requested to fully supplement information about extent of land acquisition impacts and number of relocated households by each Subproject.
HAI DUONG			No any feedback has been received.

#### **5.4. Information Disclosure**

50. As per Bank's requirement (OP 4.12, paragraph 29), RPF will be disclosed in Vietnamese at the local level, particularly at the office of PPMUs, District PCs, Ward/Commune PCs, affected communities before and after it is approved by GoV of Vietnam and cleared by the World Bank. The English version of the final RPF will be also disclosed at the World Bank internal and external website prior to project negotiation.



## **6. IMPLEMENTATION ARRANGEMENT**

51. The implementation of resettlement activities requires the involvement of agencies and organizations at the national, provincial, district and commune level. Each provincial people's committee will take general responsible for the implementation of the general policy framework and specific resettlement plan of the sub-project of that province.

52. Regarding RPF of the project, Thai Nguyen is authorized as a Steering Agency to take responsibility for submitting RPF to the concerned agencies for review and competent body for approval before negotiation of loan.

53. Compensation, Assistance and Resettlement Committees shall be established at district/province level according to the provisions of Decree No. 47/2014/CP. The provisions and policies of RPF and the RAPs will form the legal basis for the implementation of compensation and resettlement activities for “Dynamic Cities Integrated Development Project”.

### **6.1. Responsibility of Project Stakeholders**

#### **6.1.1. Provincial Level**

54. Provincial People’s Committee (PPC) of each involved province is responsible for compensation, site clearance and resettlement. PPC will take overall responsibility as follows:

- (i) Concur with the RPF
- (ii) Appraise and approve the Resettlement Action Plan
- (iii) Inform or authorize DPCs to announce about land acquisition when the sub-project location is selected;
- (iv) Approve the land acquisition and allocation in the Project;
- (v) Approve replacement cost identified by external appraisal consultant;
- (vi) Direct the coordination among the project city/town, concerned agencies and the provincial departments to implement the compensation, assistance and resettlement in accordance with the approved RPF and RAPs;
- (vii) Provide sufficiently and timely budget for the implementation of resettlement activities;
- (viii) Ensure that the implementation of resettlement activities of the sub-project complies with the Policy Framework and the approved RAPs. Ensure that the objectives of the RAP must be achieved after completion of all resettlement activities.
- (ix) Resolve grievance and complaint of PAP.

#### **6.1.2. Project Management Unit**

55. The Project Management Unit (PMU) is responsible for the implementation of resettlement plan of the project. Their responsibilities are:

- (i) On behalf of the Project Owner or the city, prepare, implement and internally monitor all resettlement activities within the project, under the management of PPC or the city PC.;

- (ii) To prepare and/or update RAPs in accordance with the approved Resettlement Policy Framework and submit them to the Provincial/city PCs and WB for approval before deploying the updated RAPs.
- (iii) To coordinate with the relevant parties in implementing the approved RAP.
- (iv) To recruit an external monitoring agency for the project.
- (v) To support local competent agencies for resolving complaint/grievance of PAPs

### **6.1.3. City/District/Town Level**

56. *City/District People's Committees (DPCs)* are responsible for:

- (i) Notification land acquisition to PAP if authorized by PPC;
- (ii) Directing DRC and commune People's Committees in disseminating information and compensation and resettlement policies, conducting surveying, geodesy and DMS and implementing the RAP;
- (iii) Approving compensation plans prepared by DRCs if authorized by PPC;
- (iv) Issuing decisions on land acquisition of individuals and households;
- (v) Settling complaints and grievances of the PAPs within jurisdiction.
- (vi) Cooperating closely with the independent monitoring agencies.

57. *The District/City compensation, assistance and resettlement council* (herein after referred to as DRC) shall be responsible for implementing compensation and site clearance for construction of the works in the city/district, including:

- (i) Arrange to implement the approved land acquisition, census, survey, measurement and inventory plans.
- (ii) Develop, complete and submit the compensation, assistance and resettlement plan, the vocational training, job change and introduction plan, arrange to implement the approved plans.
- (iii) Coordinate with the Commune People's Committees in publicly posting the compensation plan as stipulated. Guide and respond to inquiries related to compensation, assistance and resettlement issues from land users.
- (iv) Make compensation payment in accordance with the approved compensation plan.
- (v) Synthesize the site clearance works and report the competent authorities on monthly and quarterly basis.

### **6.1.4. Ward/Commune/Township Level**

58. Ward/Commune/Township People's Committees will be responsible for the following:

- i. Providing documents related to the origin of land use by affected households; confirming the eligibility of affected persons and affected assets;
- ii. Assisting competent authorities to resolve land disputes and complaints of affected people.
- iii. Assisting DPC, DCRC in organizing meetings, public consultations, socioeconomic survey during RAP preparation and implementation;
- iv. Establishing working groups at the Sub-ward level to support DPC and DCRC in

- conducting Detailed Measurement Survey, Replacement Costs Survey, Socioeconomic Survey, and provision of required information to support the preparation and implementation of RAP;
- v. Cooperating with DRC in arranging compensation payment, resettlement and livelihood restoration implementation;
- vi. 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;
- vii. Resolving complaints at the ward/commune level - as prescribed by the existing law;

**6.1.5. Project Affected Persons (PAPs)**

59. PAPs are responsible for:

- (i) Coordinating with survey teams in measuring their affected lands and non-land assets and sign in DMS record;
- (ii) Participating in all phases of the RAP preparation, implementation and monitoring and give feedback for preparing, implementing and monitoring the RAP in compliance with OP4.12; and
- (iii) Hand over affected land to the project in a timely manner after receiving full entitlements.

**6.2. Preparation and Approval procedures of a Resettlement Action Plan (RAP)**

**6.2.1. Preparation of a Resettlement Action Plan (RAP)**

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

**6.2.1.1. Contents of Resettlement Action Plan (RAP)**

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

- (i) Where impacts on the affected population are minor<sup>6</sup>, or fewer than 200 people are significantly affected, an abbreviated resettlement action plan will be applied.
- (ii) Where impacts on the affected population are significant<sup>7</sup>, or equal to or higher than 200 people are significantly affected, a full resettlement action plan will be applied.

62. The required minimum contents of the resettlement action plan are indicated in the below table:

**Table 4: Indicative Contents of Full and Abbreviated Resettlement Plans**

Full RAP	Abbreviated RAP
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<sup>6</sup> Minor impact: as defined under the OP 4.12, where the affected people are not physically affected and less than 10% (for this project: less than 20% applied for non-vulnerable groups, and 10% for vulnerable groups and poor affected households) of their productive assets are lost or fewer than 200 people are significantly affected

<sup>7</sup> Significant impact: as defined under the OP 4.12, where the investment may result in displacement of equal to or higher than 200 people are significantly affected or more than 10% (for this project: ≥20% applied for non-vulnerable groups, and ≥10% for vulnerable groups and poor affected households) of their productive assets are lost.

<ul style="list-style-type: none"> <li>• Project description</li> <li>• Potential resettlement impact</li> <li>• Objectives</li> <li>• Socio-economic studies</li> <li>• Legal framework</li> <li>• Eligibility</li> <li>• Compensation entitlements</li> <li>• Valuation and compensation for affected assets</li> <li>• Selection, preparation of resettlement sites and relocation activities</li> <li>• Rehabilitation measures</li> <li>• Roles and responsibilities of concerned organizations</li> <li>• Information disclosure, Public consultation and Community participation</li> <li>• Cost Estimation</li> <li>• Grievance procedures</li> <li>• Implementation schedule</li> <li>• Monitoring and Evaluation</li> </ul>	<ul style="list-style-type: none"> <li>• A census and detailed measurement survey</li> <li>• Description of compensation mechanisms and assistance policies applied for the project</li> <li>• Consultation</li> <li>• Responsibilities of implementing organizations</li> <li>• Implementation schedule and monitoring arrangement</li> <li>• Budget</li> <li>• If some significant impacts occur, a Socio-Economic survey and income restoration measures are also included.</li> </ul>
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#### 6.2.1.2. Preparation of RAP

63. When the area where land needs to be acquired for the project's civil works is identified, a RAP is required either during project preparation as Year 1 subproject RAP, or during project implementation when the subproject site 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.

64. 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 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.
- Step 3. Data analysis;
- Step 4. RAP writing and finalization;

- Step 5 - Disclose RAP in project localities and Bank's website.

65. The RAP needs to be prepared in accordance with the guidance provided in the RPF. 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 reflected 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.

66. 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. Appraisal and Approval of RAP**

67. A RAP prepared for the project must be in accordance with this RPF. Once the RAP document is finalized, it should be sent to the World Bank for review and No-Objection. After that, PPC will be responsible for approval of the RAP and all resettlement-related issues prior to signing Loan Agreement, to enable RAP implementation.

68. Once the Resettlement Action Plan has been approved, it should be summarized in Vietnamese and made available to affected AHs to provide AHs with project resettlement policy and receive their feedback. The Resettlement Action Plan in Vietnamese will be made publicly available at the PMU office, People's Committees of the affected communes and the Resettlement Action Plan in English will be publicized at the World Bank's website.

69. The WB shall not approve any civil works contracts for any project's components to be financed from the loan unless the compensation payment and provision of rehabilitation measures in the respective component have been satisfactorily completed, in accordance with the project's RPF.

### **6.2.3 Updating of a RAP**

70. 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.

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

- *Results of 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.
- *Results of Replacement Costs Survey;*

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

### **6.3. Replacement Cost Survey**

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

74. DPC and DCRC will ensure compensation payment proposed to affected households is at the replacement costs (for land and structures), and at market prices (for crops/trees and aquatic livestock).

### **6.4. Implementation of RAP**

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

✚ Procedures of compensation, assistance and resettlement must comply with regulations and procedures stipulated in Decree 47/2014/ND-CP of GoV and regulations in RPF. Specific steps and procedures are as follows:

- (i) Based on detailed technical design of works, the design consultants and PMUs hand over benchmarks of site clearance to DCRC to determine AHs and carry out DMS of affected assets.
- (ii) Holding meetings with AHs to disseminate project information and principles of compensation and resettlement, including the project objectives and benefits, potential positive and negative impacts of the project, mitigation measures, and methods used to evaluate prices of affected assets restoration measures, and grievance redress mechanism.
- (iii) Conduct detailed measurement survey (DMS) of affected HHs and their affected assets to collect information on PAPs, identifying quantities of affected assets. Consulting PAPs about mitigation measures for the project impacts and assistance measures for livelihood restoration.
- (iv) Carrying out replacement cost survey.
- (v) Preparing compensation plans, announcing compensation plans in public to obtain PAPs' comments, finalizing compensation plans and submitting to DPCs for approval.
- (vi) Paying compensation and allowances.
- (vii) Implementing resettlement (if any) and site clearance after delivery of full compensation to PAPs.
- (viii) Internal and external monitoring activities will be implemented during the whole process of compensation and resettlement implementation to ensure that the implementation of compensation and resettlement complies with RPF.

✚ Conformity of resettlement implementation and civil works. In sub-projects where land acquisition is required, implementation of compensation and resettlement needs to be in line with construction schedules of each sub-project component. Therefore, an implementation time frame for compensation and resettlement integrated with construction schedules should be established and monitored closely to ensure that all

PAPs are provided with full compensation satisfactorily before commencing any construction activities. Compensation payment and resettlement for PAPs must be completed as one condition for land acquisition and prior to construction commencement. The WB will not approve any civil works contracts when compensation payment for PAPs has not been made satisfactorily.

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

77. To implement resettlement activities in line with construction schedules and ensure that no PAPs have to relocate before compensation payment and commencement of construction activities, the PMU needs to develop a project implementation plan, including specific milestones:

- (i) Dates of commencement and completion of civil works,
- (ii) Schedule indicating hand-over of completed resettlement sites to APs (handing over dates must be at least one month before construction commencement), and timing for delivery of LURC to those who received land plot in resettlement site.
- (iii) Dates of handing over land to the project by the PAPs (so that the PAPs can prepare plans on dismantling their houses and handing over land at the required time).

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

## **7. GRIEVANCE AND REDRESS MECHANISM**

79. In order to ensure that all PAPs' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to PAPs to air their grievances, a well-defined grievance redress mechanism needs to be established. All PAPs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition and grievance redress. PAPs are not required to pay any fee during any of the procedures associated with seeking grievance redress, even when their cases are elevated to the Courts of Law. This cost is included in the budget for implementation of RAPs.

80. 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 - Commune/Ward/Township People's Committee (C/W/T PC).***

81. 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 Stop Shop (OSS) will receive the complaints and will notify the C/WPC leaders of the complaint. The Chairman of the C/WPC will meet the complainant in person and will solve it within 15 days following the receipt of the complaint.

### ***Second Stage – District/Town People's Committee (DPC):***

82. After 15 days since the submission of the complaints, if the aggrieved person does not have any response from the OSS of the C/WPC, or if the aggrieved person is not satisfied with the decision taken on his/her complaint, the complainant may take the case, either in written or verbal, to the OSS of District 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 People's Committee will record all the complaints submitted and will inform the District Compensation and Resettlement Board of the District PC's resolution/assessment results. Aggrieved person may elevate the case to the Courts of Law if they wish.

### ***Third Stage - Province People's Committee (PPC):***

83. 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, Provincial People's Committee, or lodge an administrative case with the District People's Court for resolution. The PPC will have 45 days to resolve the complaint to the satisfaction of all the concerned. The PPC secretariat is also responsible for registering all complaints that are submitted. Complainant may elevate the case to the Courts of Law if they wish.

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

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



85. 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/commune level and after 7 days at the district level.

## **8. MONITORING AND EVALUATION**

### **8.1. Objectives of Monitoring**

86. 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 for suggestive monitoring 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**

87. 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.

88. Depending on the nature and complexity of the RAP, and RAP implementation stages, the internal monitoring can be maintained weekly, monthly, and/or quarterly. A quarterly report should be prepared in the form of appendix of the progress report, as a minimum, to ensure a) RAP implementation complies with OP4.12, b) any issues that may arise so as to take timely and appropriate action. Monitoring indicators are proposed in Annex.

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

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

- (i) Number of affected persons according to types of effect and project component and the status of compensation, relocation and income recovery for each item.
- (ii) The distributed costs for the activities or for compensation payment and disbursed cost for each activity.
- (iii) List of outstanding complaints;

- (iv) Final results on solving complaints and any outstanding issues that demand management agencies at all levels to solve.
- (v) Arisen issues in the implementation process and resolutions for them.
- (vi) Updated actual schedule of resettlement activities.

### **8.3. Independent Monitoring**

91. Objectives. The general objectives of independent monitoring are periodically independent monitoring and assessing the implementation of the resettlement objectives, changes of living standard and jobs, income and livelihood restoration of PAPs, effectiveness, impacts and sustainability of PAPs' entitlements, and the necessity of mitigation measures of losses (if any) in an attempt to bring about strategic lessons for making policy and planning in the future.

92. Responsible Agencies. In accordance with the World Bank requirements for consultant employment, PMU will recruit an external organization for conducting the independent monitoring and evaluation of RAPs implementation. This organization is called the Independent Monitoring Agency (IMA) which has expertise in social science and experience in independent monitoring of RAP. The IMA should start their work as soon as at the beginning of project implementation.

93. Monitoring and Evaluation. The following issues will be monitored and evaluated by the IMA, including but not limited to:

- (i) Payment of compensation will be as follows: a) full payment to be made to all affected persons sufficiently before land acquisition; (b) adequacy of payment to replace affected assets.
- (ii) Provision of assistance for 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.
- (iii) Income and livelihood restoration allowances.
- (iv) Community consultation and public dissemination of compensation policy: (a) PAPs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) public awareness of the compensation policy and entitlements will be assessed among the PAPs; and (c) assessment of awareness of various options available to DPs as provided for in the RAPs.
- (v) Income and livelihood restoration of PAPs.
- (vi) Operation of the complaint mechanism and complaint settlement of PAPs.
- (vii) PAPs' satisfaction level on various aspects of the RP will be monitoring and recorded.
- (viii) Through the implementation, trends on living standard will be observed and surveyed. Any potential issues in the recovering living standard are reported and suitable measures will be proposed to ensure the project objectives.

94. Appendix 4 of this RPF presents the indicators for monitoring and evaluation to be implemented by IMA, including but not limited. These indicators will be used with other qualitative and quantitative parameters through survey and investigation in order to evaluate

and analyze progress of resettlement activities in the project. This will be shown in periodic reports and presented in monitoring reports.

#### **8.4. Methodology for Independent Monitoring**

95. Method of monitoring should be a combined quantitative and qualitative method with public meeting, focus group discussion, in-depth interview and sample survey. Scale of the survey sample may cover 100% displaced households and severely affected households, and at least 20% of the remaining households for each monitoring mission

96. The surveys should include women, elderly persons, and other vulnerable target groups. It should have equal representation of male and female respondents.

##### ***Monitoring Reports***

- The independent monitoring agency shall submit semi-annual reports which reflect the findings in the monitoring process. This monitoring report will be submitted to the PMU and then the PMU will submit to the WB.
- The report should contain (i) progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of outstanding issues and recommended solutions so that the executive agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) progress of the follow-up of problems and issues identified in the previous report.

##### ***Ex-post resettlement Evaluation***

- The external monitor will conduct an evaluation of the resettlement implementation 6 to 12 months after the completion of all resettlement activities. Report of the ex-post resettlement evaluation will be included in Project Completion Report (PCR).
- Resettlement implementation cannot be considered completed until an ex-post evaluation and a project completion audit confirm that all the affected HHs have received fully all compensation, assistance and life restoration processes as planned.

## **9. COST ESTIMATION AND BUDGET**

97. 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.

98. All costs related to compensation, support, resettlement and livelihood restoration, independent prices appraisal, monitoring and evaluation, and resettlement implementation management for project will be borne by the Project Owner (PPC).

## **ANNEX 1 - TENTATIVE OUTLINE OF THE RESETTLEMENT PLAN (RAP)**

1. The scope and details of the RAP vary depending on the magnitude and complexity of the resettlement itself. Nevertheless, RAP is expected to be based on up-to-date and reliable information about (a) proposed resettlement and its impacts on the affected households, and (b) legal issues involved in resettlement. A RAP should cover the elements below, as relevant.

### Chapter 1: Introduction

1. *Description of the project.*
2. *Objectives of the resettlement program.*

### Chapter 2: *Potential project impacts.*

#### Identification of

- (a) Project component/activities that give rise to resettlement;
- (b) Zone of impact of such component/activities;
- (c) Scope of potential impacts
- (d) Alternatives considered to avoid/minimize resettlement; and
- (e) Mechanisms established to minimize resettlement, to the extent possible, during project implementation.

### Chapter 3: *Socio-economic studies.*

Findings of socio-economic studies conducted during project preparation with the involvement of potentially displaced people, including

- (a) Results of census survey covering
  - (i) Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
  - (ii) Demographic, socioeconomic traits of affected households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, where relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the affected population;
  - (iii) Magnitude of expected loss of assets, and the extent of resettlement, physical or economic;
  - (iv) Information on vulnerable groups or persons as defined in this RPF, for whom special provisions may have to be provided; and
  - (v) Provisions to update information on the affected people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their resettlement.
- (b) Other studies, as relevant, describing the following:

- (i) Land tenure and transfer systems, including an inventory of common pool resources (natural resources which people rely on as their livelihoods and sustenance, non-title-based systems (i.e. fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- (ii) Patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
- (iii) Public infrastructure and social services that will be affected; and
- (iv) Social and cultural characteristics of affected communities, including a description of formal and informal institutions (i.e. community organizations, ritual groups, nongovernmental organizations relevant to the consultation strategy and to designing and implementing the resettlement activities.

#### Chapter 4: *Legal framework.*

The findings of an analysis of the legal framework, covering

- (a) Scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (b) The applicable legal and administrative procedures, including a description of remedies available to affected people in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;
- (c) Relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to resettlement; and environmental laws and social welfare legislation;
- (d) Laws and regulations relating to the agencies responsible for implementing resettlement activities;
- (e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and
- (f) Any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land--including claims that derive from customary law and traditional usage

#### Chapter 5: *Eligibility criteria and entitlement matrix*

Definition of affected persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates. Establish an entitlement matrix for PAPs

#### Chapter 6: *Institutional Framework*

The findings of an analysis of the institutional framework covering

- (a) Identification of agencies responsible for resettlement activities

- (b) An assessment of the institutional capacity of such agencies; and
- (c) Any steps proposed to enhance existing institutional capacity of agencies for resettlement implementation.

Chapter 7: *Valuation of and compensation for losses*

Method to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

Chapter 8: *Resettlement measures*

A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the affected persons, and prepared in consultation with them.

Chapter 9: *Site selection, site preparation, and relocation*

Alternative relocation sites considered and explanation of those selected, covering

- (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

- (b) Any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;

- (c) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and

- (d) Legal arrangements for regularizing tenure and transferring titles to resettle.

- (e) Housing, infrastructure, and social services.

Plans to provide (or to finance resettles' provision of) housing, infrastructure, and social services; plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

- (f) Environmental protection and management.

A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Chapter 10: *Community participation and Integration with host populations*

Involvement of resettlers and host communities,

- (a) Description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;

- (b) A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;



(c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals, families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, cemeteries...); and

(d) Institutionalized arrangements by which affected people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as poor people, the landless, and women are adequately represented.

Integration with host populations.

Measures to mitigate the impact of resettlement on any host communities, including

(a) Consultations with host communities and local governments;

(b) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;

(c) Arrangements for addressing any conflict that may arise between resettlers and host communities; and

(d) Any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

Chapter 11: *Grievance procedures.*

Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

Chapter 12: *Organizational responsibilities*

The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

Chapter 13: *Implementation schedule*

An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

Chapter 14: *Costs and budget*

Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources

of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.<sup>6</sup>

#### Chapter 15: Monitoring and evaluation

Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

## **ANNEX 2 – CONTENTS OF PROJECT’S LEAFLETS**

Contents of project leaflets shall include following information but not limited to:

- Brief description of the project
- Project implementation schedule
- Project impacts
- Entitlements and rights of affected persons
- Policies on compensation, assistance and resettlement
- Responsible Organizations
- Information disclosure procedures
- Consultation with project affected households
- Grievance redress procedures; and
- Monitoring.

In addition, this leaflet will provide hot line/address for receiving comments/complaints from affected persons.

### ANNEX 3 – THE INDICATORS OF MONITORING AND EVALUATION

No	Indicators	Information Required in Monitoring and Evaluation
1	Monitoring implementation of DMS	<p>All affected land and properties must be measured accurately; the results of the DMS have been disclosed.</p> <p>Complaints or questions of the affected households based on the results of the DMS shall be resolved promptly and satisfactorily.</p>
2	Monitoring compensation payments and cash assistance	<p>Compensation for affected land; if compensation for loss of land for equivalent land (land for land), such as equal surface, location, productive capacity, living conditions or not; if cash compensation for loss of land, compensation is equivalent to replacement cost at time of payment or not;</p> <p>Compensation for all affected structures has been provided at replacement cost for materials and labor based on the criteria and characteristics of affected structures, not excluding depreciation and salvage old materials;</p> <p>Compensation for affected trees/crops has been paid per the full market price of affected trees/crops or not.</p> <p>Assistances as mentioned in the RPs have been paid fully for the affected households or not; paid once or several times.</p> <p>Full payment of compensation and allowance for PAPs before commencing civil works.</p>
3	Monitoring implementation of disclosure information and public consultation	<p>Have the project documents been provided to relevant communities (RF, RP, project leaflets, and other relevant documents).</p> <p>Has information been disclosed in a public places (results of DMS, compensation prices, payments ...).</p> <p>The affected households have been consulted fully about land acquisition, compensation policies, relocation, living rehabilitation and grievance redress procedure or not.</p> <p>How were these concerns, suggestions of affected households resolved in the process of resettlement implementation?</p>
4	Monitoring resettlement implementation of relocated households	<p>Consider living condition, income in resettlement areas such as infrastructure (road, electricity, supply water/drainage...), and their livelihoods.</p> <p>Resettlement planning and implementation: consultation on resettlement options, participate in preparing the relocation plan, announcement of relocation plan and supports for displaced households.</p> <p>Rehabilitation of living and production after resettlement: How far</p>

No	Indicators	Information Required in Monitoring and Evaluation
		have the project affected households been rehabilitated their living and production?
5	Monitoring income restoration and living rehabilitation	Supports for income restores have been provided adequate or not; Effectiveness of the supports (training, credit support ...). Problems that PAHs are facing in process of their income restoration and living rehabilitation.
6	Monitoring and evaluating satisfaction level of PAHs	Satisfaction level about DMS; Satisfaction level about information disclosure, public consultation; Satisfaction level about compensation payments, support; Satisfaction level about income restores and living rehabilitation activities; Satisfaction level about resettlement sites;
7	Monitoring grievance redress mechanism of affected households	Efficiency level of grievance redress procedure (solving time and efficiency...); Results of resolution of complaints at different levels; Satisfaction level about grievance redresses mechanism.
8	Coordination between activities of resettlement and construction process	The construction works are just started: Land acquisition and resettlement activities (compensation, support and moving) for the work items have been completed; All issues that related to project area have to be solved. Income restoration program has been established.
9	Issues of gender	The number of women participating in land acquisition and resettlement activities; impact of land acquisition and resettlement for women's' livelihood; issues of income restoration for women.

## **ANNEX 4 -PROPOSED TERM OF REFERENCE FOR INDEPENDENT MONITORING CONSULTANT**

### **I. Introduction**

1. The Project is implemented in five cities/towns, including (1) Hai Duong city (Hai Duong province); (2) Ky Anh city (Ha Tinh Province); (3) Tinh Gia town (Thanh Hoa Province); (4) Thai Nguyen city (Thai Nguyen Province), and (5) Yen Bai city (Yen Bai Province).
2. The overall objective of the project is to increase access to improved urban infrastructure services and enhance integrated urban planning and management capacity in the project cities.
3. The Project comprises of 2 components with the following contents:
  - ***Component 1: Structural component – Rehabilitation and construction of urban technical infrastructure.***
  - ***Component 2: Non-structural component***
4. The duration of “the Dynamic Cities Integrated Development Project” is expected to be 5 years, starting in 2018 and completed in 2023.

### **II. Objectives of independent monitoring**

5. Overall objective of independent monitoring is periodically independent monitoring and evaluating the achievement of resettlement objectives, changes in living standards and jobs, income and livelihood restoration of affected persons, effectiveness, impacts and sustainability of APs’ entitlements, necessity for mitigation measures of losses (if any) and strategic lessons for policy making and planning in the future.

### **III. Scope of work**

#### ***1) Assignments of consulting agency***

- Determine whether the procedures for AHs participation and delivery of compensation and other rehabilitation entitlements has been done in accordance with approved RPF and RAP
- Assess if the RPF and RAP objective of enhancement or at least restoration of living standards and income levels of DPs have been met.
- Gather qualitative indications of the social and economic impact of Project implementation on the AHs.
- Suggest modification in the implementation procedures, as the case may be to achieve the principles and objectives of this RPF and RAP.

#### ***2) Monitoring issues***

- Payment of compensation, against the following criteria;
- Coordination of resettlement activities with construction schedule
- Provision of technical assistance for house construction for AHs
- The extent to which AHs are able to restore livelihoods and living standards
- Public consultation and awareness of resettlement policies
- The level of satisfaction of AHs with the provisions and implementation of the RP
- Trends in living standards

### 3) ***Monitoring indicators***

- Monitoring compensation payments for AHs
- Surveying women's participation in resettlement compensation consultation process:
- Restoring the civil infrastructure
- Providing resettlement sites
- Level of satisfaction
- Information dissemination and public consultation
- Income restoration
- Socio-economic survey
- Impact and gender strategy.
- Monitoring the contractor's labor influx

#### **IV. Monitoring method**

6. The methods of independent monitoring of RAP should be implemented by combination of the quantitative and qualitative methods, community meetings, focused group discussion, in-depth interview and sample survey. Sample size for each monitoring mission may be 100% of relocated households, severely affected agricultural land households and vulnerable households, and at least 20% of the remaining affected households.

7. The surveys should cover women, the elderly and other vulnerable groups on the basis of gender equality.

#### **V. Completion progress and reporting**

8. Independent monitoring consultant must submit the report every 6 month and reflect all findings during the monitoring. The monitoring reports will be submitted to the PMU, then the PMU will submit to the WB. The independent monitoring reports include as follows:

- Inception report
- Periodical report
- Final report

#### **VI. Compositions of Consultant Team and Requirements for Qualifications and Experiences**

a) ***Requirements for qualification and experience of key personnel for each Subproject***

No.	Personnel	Minimum qualification and experience
1	Team Leader (Resettlement expert ) (National expert)	Team Leader has bachelor’s degree in the fields related to social sciences (economics, sociology, land management ...), has experience working more than 15 years since graduation, experimental leader of consultants for 03 independent monitoring consultancy packages on compensation, assistance and resettlement for projects funded by international donors.
2	Social expert (National expert)	Social expert has bachelor’s degree in the fields of social sciences (economics, sociology, land management, etc).

**b) Requirements for capacity and experiences of consulting firm**

- Have working experience in social field in ODA projects for at least 03 years.
- Have experience in working with government and international organizations.
- Have experience and knowledge about issues that might occur during the implementation of compensation and site clearance work.

**VII. Monitoring schedule**

9. The monitoring is expected to be implemented within **6 intermittent months**, started from Quarter 2 of 2019 and finished at the end of Quarter 2 of 2022.

**VIII. Client’s responsibilities**

- Closely coordinate with the Independent Monitoring Consultant during the Contract performance period.
- Provide the Independent Monitoring Consultant with documents related to compensation and site clearance of the project.
- Manage Consulting Service Contract
- Arrange verification, acceptance and submission of outputs fully and timely.