The Northern Delta Transport Development Project
(NDTDP)

VOL. 2

RESETTLEMENT POLICY FRAMEWORK
(RPF)

Consulting Services for Feasibility Studies and Preliminary Engineering Design

Ministry of Transport, Vietnam Inland Waterway Administration (VIWA), Project Management Unit of Waterways (PMU-W)

December 31, 2007
# RESettlement Policy Framework

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ABBREVIATIONS

CRC  Commune Resettlement Committees
DMS  Detailed Measurement Survey
DP   Displaced Person
DRC  District Resettlement Committee
DPC  District’s People’s Committee
DWT  Dead Weight Tons
GOV  Government of Vietnam
HH   Household
IDA  International Development Association
IMO  Independent Monitoring Organization
IOL  Inventory of Loss
LURC Land Use Rights Certificate
MOT  Ministry of Transport
MDTIDP Mekong Delta Transport Infrastructure Development Project
NDTDP Northern Delta Transport Development Project
PDOT Provincial Department of Transport
PMU1 Project Management Unit 1 (under MOT)
PMU-W Project Management Unit of Waterways (under VIWA)
PIB  Public Information Booklet
PPMU Provincial Project Management Unit
PPC  Provincial People’s Committee
PRC  Provincial Resettlement Committee
RP   Resettlement Plan
RPF  Resettlement Policy Framework
RS   Resettlement Site
VIWA Vietnam Inland Waterways Administration
VRA  Vietnam Road Administration
W/CPC Ward’s/Commune’s People’s Committee
DEFINITION OF TERMS

Cut-off date
The date of commencement of census and asset inventory surveys. Displaced Persons and local communities will be informed of the cut-off date for each subproject, and that anyone moving into the Project Area after that cut-off date established for each subproject will not be entitled to compensation and assistance under the Project.

Eligibility
Any person who at the cut-off date was located within the area affected by the project, its sub-components, or other subproject parts thereof, and would: (i) have formal legal rights to land (including customary and traditional rights recognized under the laws of the country); or (ii) 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 processes identified in the resettlement plan; (iii) not have legal nor recognizable by law rights to the land they are occupying or have properties/assets within the project areas before the cut-off date. Persons covered under (i) and (ii) are provided compensation for the land they lose and other assistance at full replacement cost. 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 in this RPF, if they occupy the project area prior to the cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

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. 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.

Resettlement
The general term related to land acquisition and compensation for loss of asset whether it involves actual relocation, loss of land, shelter, assets or other means of livelihood.

Displaced Persons affected (DP)
The organizations, households and individuals who have occupied land, assets, entitlement and being listed in the IOL of DMS, including:
- People whose houses, structures and/or occupied agricultural/residential land are affected.
- People whose income from business and/or other forms production are affected by the Project.
- People whose seasonal/annual/perennial tree, vegetable and other crops are affected.
- People whose ponds used for fish-rearing or other purposes are affected.
- People who become unemployed on either a temporary or permanent basis as a result of this Project.
1. INTRODUCTION

1. The Northern Delta Transport Development Project (NDTDP) is proposed by GOV to resolve a number of important transport logistics bottlenecks in the Northern Delta region. NDTDP will be financially supported through a World Bank IDA Credit.

2. The Project’s development objective is to enhance the efficiency, environmental sustainability and safety of transport infrastructure and services through the alleviation of physical and institutional bottlenecks in the Northern Delta Region. The NDTDP has three main components.¹

Component A: Multimodal Transport Corridor Investments (US $147.7 million)

This component consists of improvements to two waterway corridors in the Northern Delta Region to increase the efficiency of multimodal transport and supply chains and enhance the environmental sustainability of the waterway system. It has four subcomponents (in addition to "detailed engineering design and supervision"):

Sub-Component A1: Improvements to National Waterway Corridors (US $67.8 million)—The investments under this sub-component are in two corridors: (a) a northern corridor between Viet Tri and Quang Ninh, a distance of 280 km; and (b) a western corridor between Hanoi and Lach Giang, a distance of 180 km. The investments will improve the standard and connectivity of the river network. The corridors will be improved to Class 141 standards and once improved, will be able to accept convoys of fully loaded 4x400 Dead Weight Ton (DWT) barges over their entire length. The upgrading of the corridors will entail dredging to the required widths and depths, bend corrections, bank protection, shoal regulation, air clearance improvement at one bridge crossing (by raising the bridge) and provision of aids to navigation.

Sub-Component A2: Improvements to Ninh Co River Estuary and an Inter-connecting canal between the Day and Ninh Co Rivers with a navigation lock (US $63.1 million)—Shallow depths at the estuaries of the Day and Ninh Co rivers restrict the size of the vessels that can use the rivers to about 200-600 DWT (the latter during high tide) even though many sections of the rivers can handle much larger vessels. As a result, vessels using the coastal route on the Eastern Sea are often unable to pass through the river estuaries to the ports of Ninh Phuc and Hanoi. The sub-component will include investments in an access channel bypassing the mouth of the Ninh Co river estuary to accommodate 3000 DWT vessels and a canal connecting the Ninh Co and Day rivers. The required work will entail dredging the approach channel and connecting canal and construction of breakwaters, a ship lock, bank protection and other river training works.

Sub-Component A3: Improvements to Provincial Ports (US $6.0 million)—This sub-component will comprise the construction of new facilities at Viet Tri and Ninh Phuc ports. Finance will be used to pilot new institutional and management arrangements and to support a range of physical improvements designed to increase capacity and demonstrate improved cargo handling methods to acceptable environmental standards. Potential investments may include new wharfs, storage areas, warehouses, road access and waste disposal facilities. The detailed preparation work for this component is ongoing. The investments are intended to raise the distribution efficiency of the transport network within the Project region in an environmentally sustainable manner and in

¹ The costs are base costs including resettlement, where applicable. They exclude contingencies, incremental operating costs and taxes.
turn improve the connectivity of the region to the sea ports in the north as well as to central and southern Vietnam.

The piloting of the investment in the two ports is planned in conjunction with an institutional sub component to support the implementation and operationalization of two frameworks: (i) a framework for the planning, management, operations and licensing of ports and landing stages (including the definition of the roles of the public and private sectors); and (b) a framework for the environmental management of port and vessel operations. These frameworks are currently being developed under the ongoing MDTIDP. Once the frameworks are in place, more ports and landing stages could be upgraded under future projects.

Sub-Component A4: Pilot Maintenance Contracts (US $1 million) -- This sub-component will explore different arrangements for performing maintenance dredging and will pilot a maintenance scheme in the Project's corridors to help ensure the sustainability of the improvements. The type of pilot project will be selected based on a study of different maintenance contract arrangements including performance-based maintenance contracts. The study will be carried out under the institutional support component.

Sub-Component A5: Design and Supervision (US $10.3 million) -- The cost of the detailed engineering design and supervision for sub-components A1-A3 is estimated at 8% of the total base cost of the civil works contracts (excluding contingencies and taxes).

Component B: Investments in Ferry Boat Stages (US $5.1 million)  
Sub-Component B1: Improvements to Ferry Boat Stages (US $4.8 million) -- This sub-component will include physical improvements to 15-30 pilot ferry boat stages. Access to these ferries from the road is often dangerous and has resulted in accidents and fatalities. In conjunction with the physical improvements, the Project will support the implementation and operationalization of a framework of standards for the design and operation of the different size ferry boat stages under its institutional support component. The framework will be developed under MDTIDP.

Sub-Component B2: Design and Supervision (US $0.3 million) -- The cost of the detailed engineering design and supervision of sub component B1 is estimated at 8% of the total base cost of civil works contracts (excluding contingencies and taxes).

Component C: Institutional Support to MoT, VIWA and the Provinces (US $5.3 million)  
This component consists of three sub-components:

Sub-Component C1: Institutional support to VIWA (US $1.0 million) -- This sub-component will support VIWA and MoT operationalize frameworks developed under MDTIDP for planning and management of ports and waterways, and to help VIWA more effectively carry out its tasks as manager of the inland waterway network in Vietnam. This will be coordinated with, and complementary to, the institutional reform initiatives being undertaken under MDTIDP. The initiatives that will be addressed under NDTDP include:

- C1i: Support for the improved management of ports, landing stages and ferry boat crossings based on frameworks for the planning, general and environmental management developed under the MDTIDP (US$ 0.25 million);
- C1ii: Support for maintenance through the piloting of new maintenance arrangements such as performance-based contracts. (US$ 0.50 million); and
- C1iii: Support for the role of community participation and supervision in project activities (US$ 0.25 million).
Sub-Component C2: Training (US $0.5 million)—Based on the curricula developed under the technical assistance program of MDTIDP, this sub-component will train central and provincial government transport officials involved in the waterway sector in the north.

Sub-Component C3: Project Audit Services (US $1.25 million)—This sub-component will finance two types of independent audits (i) Integrated Project Implementation Audit Services (US $0.80 million) in which independent consultants will be procured to conduct semi annual reviews and to provide heightened technical, fiduciary, safeguards, and general project monitoring; and (ii) standard external project Financial Audit (US $0.45 million).

Sub-Component C4- Preparation of Future Transport Projects (US $2.5 million)—This amount will be used toward the identification and preparation of future Bank-financed transport projects in Vietnam. Potential candidates include the Bassac River project, an expressway project, a provincial roads project, a second phase for NDTDP.

3. The Project is planned to be implemented in 6 years, starting mid 2009. Project Management Unit-Waterways (PMU-W) of the Vietnam Inland Waterways (VIWA), working closely with the Provincial Departments of Transport (PDoTs) and their provincial project management units (PPMUs), is the implementing agency for the NDTDP from preparation to implementation and monitoring and evaluation. MoT has the overall responsibility for overseeing the implementation of the Project reporting to GoV and fulfilling the requirements of the Bank.

4. In order to implement compensation, rehabilitation and resettlement of project, a Resettlement Policy Framework (RPF) is required. Based on the content of RPF, PMU-W and VIWA will prepare the Resettlement Plans (RP). This Resettlement Policy Framework lays down the principles and objectives, eligibility criteria of Displaced Person (DP), entitlements, legal and institutional framework, modes of compensation and rehabilitation, people participation features and grievances procedures that will guide the compensation, resettlement and rehabilitation of the DP. It has been prepared to guide in preparation of a RP for implementation of the Project’s components involving resettlement impacts.

2. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

The project components that are likely to result in land acquisition and resettlement impacts are as follows:
- upgrading and/or widening existing waterways;
- development of a access or connecting channel, river ports, landing stages, and small ferry boat stages;
- mining materials and/or land filling dug and dredged materials;
- development of resettlement sites (in group or separate).

Additionally, land acquisition, permanent or temporary, may also be necessary for:
- Permanent land acquisition for development of individual or group Resettlement Sites;
- Temporary land acquisition during civil works.

Following the above approach, the first phase of the project will be designed in detailed and a RP will be prepared before project appraisal.
3. **LEGAL FRAMEWORK AND ENTITLEMENT POLICY**

5. This Resettlement Policy Framework is consistent with various Laws, Decrees, and Circulars regulating use of land in Vietnam as well as the World Bank policy on Involuntary Resettlement.

3.1 **Vietnam’s Laws, Decrees, and Circulars**

6. The following laws of the Socialist Republic of Vietnam are applied:

- Decree No. 95/2005/ND-CP, 15 July 2005, regulation on property ownership and the right to use urban residential land;
- Decree No. 64/CP, 27 September 1993, regulation on allocating agricultural land to households for long-term use;
- Decree 131/2006/ND-CP/9 November 2006, regulation on Management and Utilization of ODA. (of which international commitments of Government are prevailing and enforceable)
- Decree No188/2004/ND-CP, 16 November 2004, specifying methods for land pricing and issuance of land price framework for land categories;
- Circular No114/2004/TT-BTC by MOF providing guidelines for implementation of the Decree 188/2004/CP.
- Decree No197/2004/ND-CP, 03 December 2004, on compensation, assistance and resettlement when land is recovered by the State (replacing Decree No. 22/CP). And issued guidelines in Circulation No16/2004/TT-BTC by MOF.
- Decree 17/ND-CP, 27 January 2006, on amendment of some provisions of some Decree guiding implementation of the Land Law and the Decree 187/2004/ND-CP on shifting the state companies into stock ones.
- Decree No 131/2006/ND-CP dated 09 November 2006 by Prime Minister on regulations of official development fund ODA using.
- Letter No 1665/Ttg-CN dated 17 Oct 2006 issued by Prime Minister referred to implement the resettlement and bomb scanning activities for transport constructing projects.
- Decision No 96/2006/QD-TTg dated 04 May 2006 issued by Prime Minister referred to the management and implementation of bomb scanning activities.
- Order on Dikes-year 2000 of the National Assembly came into affect from 01 Jan 2001.
- Decision No. 1322/2006/QD-UBND dated 05 April, 2006 issued by Hai Duong PPC on Compensation, Assistance and Compensation when the Government acquires land in Hai Duong Province.
- Decision No. 85/2006/QD-UB dated 22 December 2006 issued by Bac Giang PPC on Compensation, Assistance and Compensation when the Government acquires land in Bac Giang Province.
- Decision No. 1911/2005/QD-UBND dated 22 December 2005 issued by Ha Nam PPC on Compensation, Assistance and Compensation when the Government acquires land in Ha Nam Province.
- Decision No. 494/QD/-UBND dated 22 March, 2007 issued by Ha Tay PPC on Compensation, Assistance and Compensation when the Government acquires land in Ha Tay Province.
- Decision No. 136/QD-UB dated 11 June, 2007 issued by Hung Yen PPC on Compensation, Assistance and Compensation when the Government acquires land in Hung Yen Province.
- Decision No. 2958/2006/QD/-UBND dated 27 December, 2006 issued by Thai Nguyen PPC on Compensation, Assistance and Compensation when the Government acquires land in Thai Nguyen Province.
- Decision No.06/2005/QD-UBND, dated 01 February 2007, issued by the Tuyen Quang PPC on Compensation, Assistance and Resettlement when the Government acquires land in Tuyen Quang Province
- Decision No. 74/1998/QD-UBND, dated 11 September 1998, issued by the Bac Ninh PPC on Compensation, Assistance and Resettlement when the Government acquires land in Bac Ninh Province

7. Relevant transport sector specific issuances include:
3.2 World Bank Policies

8. The basic guiding principle of the World Bank resettlement policy, OP 4.12, is that:
   a) Involuntary resettlement should be avoided where feasible, or minimized exploring all viable alternative in project design;
   b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the person displaced by the project to share in profit benefit. Displaced Person should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
   c) Displaced Person should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

9. The OP 4.10 on Indigenous Peoples, requiring all projects that are affecting indigenous peoples to engage these people in a process of free, prior, and informed consultation; conduct social assessment and to prepare an Indigenous Peoples Plan that will ensure these people to receive social and economic benefits that are culturally appropriate and gender and “inter-generationally” inclusive. It can be noted that initial screening of the Project area suggests that ethnic minority groups are most unlikely to be affected because they primarily reside in the upper watersheds at quite some distance from Project affected areas.

10. The OP 4.11 on Cultural Property, ensuring preservation and seeking to avoid the elimination, of sites having archaeological, paleontological, historical, religious and unique natural values. The Bank declines to assist those projects that will bring damage to cultural property.

3.3 Government, World Bank, and NDTDP

11. In general, the new Vietnamese legislation, Laws and Regulations almost approach to the principles of WB resettlement policies. However, in their implementation practice there still exist the gaps which have to be overcome.
4. **COMPENSATION POLICY**

4.1 **Objectives for Resettlement**

12. The objectives of the Vietnamese legislation governing resettlement and rehabilitation of displaced Persons, and that of the World Bank concerning involuntary resettlement, have been adapted for the preparation of this Resettlement Policy Framework (RPF). The objectives are set out below. An entitlement matrix is shown at the end of this document. The policies and principles adopted for the Project supersede the provisions of relevant decrees currently in force in Vietnam wherever a gap exists between the World Bank's OP 4.12 and Vietnamese law.

13. The main objective of the Resettlement Policy Framework (RPF) is to ensure that all Displaced Person (DP) will be compensated or assisted for their losses and provided with rehabilitation measures to assist them in their efforts to improve, or at least maintain their pre-project living standards and income earning capacity.

4.2 **Principles of Resettlement**

14. The principle for resettlement policy in the project will be as follows:

a) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible.

b) All DP residing, working, doing business or cultivating land within the recovered area under the Project as of the cut-off-date are entitled to be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-Project living standards, income earning capacity and production levels. Lack of legal rights to the assets lost will not bar the DP from entitlement to such rehabilitation measures.

c) The rehabilitation measures to be provided are: (i) compensation at replacement cost without deduction for depreciation or salvage materials for houses and other structures; (ii) priority given for compensation mode of agricultural land-for-land of equal productive capacity acceptable to the DP; (iii) priority given for compensation mode of replacement of residential land (if any) of equal size and with access to public facilities and services acceptable to the DP; (iv) transportation and subsistence allowances, and (v) business/income rehabilitation allowances.

d) Replacement residential and agricultural land will be as close as possible to the land that was lost, and acceptable to the DP. In case replacement land at location acceptable to the DP is not available, or at the informed request of the DP, cash compensation may be applied. If a DP loses more than 20% of his or her agricultural land holding, then in addition to the compensation for lost land, the project will provide rehabilitation /assistance measures.

e) The resettlement transition period will be minimized and the rehabilitation means will be provided to the DP no later than one month prior to the expected start-up date of civil works in the respective Project site.

f) Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the DP to ensure minimum disturbance. Entitlements will be provided to DP no later than one month prior to expected start-up of civil works at the respective project site.

g) The previous level of community services and resources will be maintained or improved.

h) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement and rehabilitation within the agreed implementation period. Physical resources for resettlement and rehabilitation will be made available as and when required.

(i) The contractors should only start their civil works in those project’s sections where the compensation payment and rehabilitation assistances is completed in accordance with the project’s resettlement policy.
Institutional arrangements will ensure effective and timely design, planning, consultation and implementation of the Resettlement Plan (RP).

Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. Evaluation of the land acquisition process and the final outcome will be conducted independent of the executing agency.

4.3 Compensation Policy for Loss of Agricultural Land (applicable for both road and waterway components)

15. DP will be entitled to the following types of compensation and rehabilitation measures:

(a) The general mechanism for compensation of lost agricultural land will be through provision of "land for land" arrangements of equal productive capacity, satisfactory to the DP. If replacement land is smaller in size or of lower quality, DP will be entitled to compensation or cash equivalent for the differences.

However, if land is not available following compensation measures applies:

4.3.1 Legal and legalizable land users:

(i) The marginally affected HHs, losing 20% or less of the total area of the landholding and the remained area is sufficient for effective farming:

- Cash compensation for the lost area, at full (100%) replacement cost, may be provided to the DP,

- If the remaining area of the partially affected plot is not suitable for economic use, the project will recover the whole plot and that DP will be entitled to compensation for seriously affected persons, as follows:

(ii) The severely affected farmers, losing more than 20% of a household’s allocated agricultural land, or losing less than 20% of the holding, but where the remaining area is rendered economically unviable:

- Provision of a plot with collection of Land Use Right Fee at a location convenient for production operation or carrying out non-farm activities, in case there is no relevant agricultural land for compensation.

- Cash compensation at full (100%) replacement cost for the lost area (or for the entire affected plot if the remaining area of the plot is not economically viable),

- Rehabilitation assistances including:

  ➢ Subsistence Allowance equivalent to the market value of 30 kg of rice /person/month for 3 months if the DP do not have to relocate to new place (re-organizing) DP and for 6 months if DP have to relocate;

  ➢ Job training Assistance on shifting to new occupation for the labour-aged members of the DP. The training assistance will be provided through (a) the project will pay training fees to the training institutions directly, at maximum not exceeding 1,500,000 VND/HH. Additionally, each trainee will be given a subsistence allowance of 350,000 VND/month/person. The duration for receiving training subsistence allowance depends on the type of training course but cannot be more than 6 months. Such assistance aims to partially compensate the loss of income and other related expenses during training course; OR (b) training assistance in cash but the project will coordinate with relevant local organizations to provide technical services for agricultural development to all agricultural DPs severely affected to assist them to improve productivity on their remaining land; OR, (c) training assistance in cash but in combination with credit or other technical assistance for small business development/financial management and other forms of...
appropriate investment. The forms of assistance will be decided upon consultation with DPs to ensure that the measures are both appropriate and effective in restoring their income generating capacity and income levels. Job training assistance is provided to tenants who are seriously affected by land acquisition, not provided to whom who owns and lend the land.

4.3.2 Users with temporary or leased rights to use land:

- Cash compensation of an amount corresponding to the remaining lease period (at least equal to 30% of compensation at replacement cost) on the lost area if the remaining area is sufficient for effective farming or for the whole plot if the remaining area is rendered economically unviable. In the event it is impossible to assess the value of the remaining investment cost, the compensation will be made at 30% of replacement cost;
- Cash assistance for the income lost from the acquired land for the remaining duration of the land rent or lease contract or of temporary land use rights with specified period.

4.3.3 Land Users without recognized Rights to Use Land

(a) In lieu of compensation for land, a cash equivalent to the remaining value of the investments and inputs made on the land. In case it's impossible to assess the value of the investment, the compensation will be made at 60% of land replacement cost;

(b) For poor and vulnerable severely affected farmers, being landless farmers, who do not meet conditions for compensation, then in addition to the above, the Project will provide rehabilitation assistances including (i) a Subsistence Allowance equivalent to market value of 30 kg of rice/person/month for 3 months if the DP do not have to relocate to new place (re-organizing) and for 6 months if DP have to be relocated, and (ii) a training assistance not less than 1,500,000 VND/HH to ensure the DP are able to at least restore or improve their income levels and living standards.

(c) In case the required public land (Right of way or protected areas along Hydrolic Works) is occupied by the DP with an understanding and on conditions to return the same as and when requested by respective authorities, the DP will not be compensated for this public land, but will be compensated for crops and trees at full market prices.

4.4 Compensation Policy for Residential Land

16. The compensation policy for affected residential land is as follows:

DP losing residential land without structures:
Compensation for loss of land in cash at 100% replacement cost to legal and legalizable land users. Assistance equal the remaining investment cost made on the land, at least equal to 30% of replacement cost, to land users with temporary land use rights.

DP losing residential land with structures built thereon and the remaining land is sufficient to rebuild (reorganizing DP):
(a) Compensation for loss of land in cash at 100% replacement cost to the legal and legalizable land users;
(b) Compensation for loss of land in cash not less than 30% of land replacement cost to land users with temporary land use right
(c) If DP have to rebuild their main house, the project will provide a cash Subsistence Allowance of value of 30kg of rice/person/month for duration of 3 months.

DP losing residential land with structures built thereon and without sufficient remaining land to rebuild (relocating DP): The minimal remaining size determining the relocation entitlement of DP is not less than 40 m2 for urban areas and 100 m2 for rural areas.
The policy for land compensation is as follows:

(i) The DP, who have legal or legalizable rights to the affected land, can opt for one of the followings:

(a) The provision of replacement residential land of equivalent size, but not exceeding the land size norms regulated by PPCs, at a RS with full infrastructure or at a location acceptable to the DP plus an amount in cash, as regulated by local PPC, to develop basic infrastructure including access road, access to electricity, water supply and drainage with full land title without any cost;

If there no land available for "land for land" compensation, then:

(b) Cash compensation for lost residential land at full replacement cost and a right to rent or purchase an apartment in a RS, acceptable to the DP.

OR, on request of the DP's as their fully informed choice,

c) Cash compensation for lost residential land at full (100%) replacement cost and provision of relocation assistance to develop basic infrastructure at new site, in amount regulated by local authorities (PPCs/City PCs),

(ii) The physically displaced DP, who has no entitlement for land compensation, can opt for one of the following:

(a) DPs who already have residence somewhere else in the commune, the project will provide assistance of 10,000,000 VND/HH for self relocation.

(b) Poor or vulnerable DP (as defined by the Government regulated standards and/or those receiving regular social assistance) who are not entitled for land compensation and do not have alternative residential land/house for self relocation, the project will provide (i) a residential plot of minimal standard size at a common RS or, (ii) provision of an apartment on rental or right to purchase one of size not smaller than the affected one; OR, at the informed request of the DP (iii) assistance amounting to not less than 10,000,000VND/HH for them to rearrange relocation by themselves.

(iii) The DP who are using State-owned house or house of organizations (other than apartments in multi-storied houses) which are built on separate land to be acquired, who have to be relocated but do not continue to rent State-owned house at proposed RSs, will be provided:

(a) If in the rental contract or decision of house allocation there were recorded exact areas, then an assistance equal 60% of land replacement cost for such recorded area will be provided;

(b) If in the rental contract or decision of house allocation there were no recorded exact areas, then an assistance equal 60% of land replacement cost for an affected area not exceeding the minimal sizes regulated by the local authorities.

(c) An assistance equal to 30% of land use value for the affected area exceeding the respective locally regulated minimal size (but the total affected area should not exceed the local ceiling size)

(d) An assistance equal to the remaining investments made in land for the affected area exceeding the local ceiling residential size.

(2) Rehabilitation allowances, including:
(i) **Transportation Allowance** not to exceed 3,000,000 VND per HH, if DP relocate to new site within the city/province and not exceeding 5,000,000 VND per HH if they relocate to another province;

(ii) **Subsistence Allowance** equivalent to the market value of 30 kg of rice/person/month for 3 months if DP have to rebuild house on their remaining land and for 6 months if DP have to relocate to new site;

(iii) **House Rental Assistance** if the project cannot provide location to the physically displaced DP prior the land acquisition, then the DP will be provided with a house rental allowance at a level regulated by local PPC/City PCs, for the duration: (i) from the moment of handing over the acquired land up to the receipt of a new plot in RS plus 6 months of house construction; if DP opt for /are allocated new land; or (ii) from the moment handing over land to the moment of receiving the new apartment, if DP are entitled to rent or buy an apartment in a multi-storied living building; or, (iii) for 6 months if the DP opt to relocate by themselves.

In case the project arranges to provide the DP with temporary accommodation, this house rental entitlement will not be applicable.

4.5 **Compensation Policy for Loss of Houses/Structures**

4.5.1 **Loss of Houses and other Structures:**

DP losing private houses and/or other structures will be entitled to the following:

(i) Compensation in cash for all affected structures will be provided at 100% of the replacement cost for materials and labour, irrespective of the legal status of the affected houses/structures. The amount will be sufficient to rebuild a structure to the one that affected at current market prices.

(ii) If house/structure is partially affected, the project will provide a house/structure repairing cost, in addition to the compensation, to enable the DP to restore it to former or better conditions.

(iii) Compensation and assistance will be provided in the form of cash. No deductions will be made for depreciation or salvageable materials.

(iv) The calculation of compensation rates will be based on the actual affected area and not the useable area.

4.5.2 **Tenants**

(i) The tenants of State or organization’s houses will be provided an assistance equal 60% of replacement cost of the affected house. The area owned and created by the DP themselves which has authorized permission will be compensated at their full replacement costs. In case the construction of the structures have no authorized permission or violate regulation, the assistance equal from 60% to 80% of replacement costs will be provided by Decision of PPCs. If the tenants so request, they are entitled to rent or buy a new apartment of the area at least equal to their affected ones.

(ii) The tenants who have leased a private house for residential purposes will be provided with assistance equal to the remaining rental contracted value, but not exceeding rental value for six months, plus transportation allowance of not less than 500,000 VND for moving their belongings, as well as assistance in identifying alternative accommodation.
4.5.3 **Loss of Graves:**

The level of compensation for the removal of graves will be to cover all costs of excavation, relocation, reburial, purchasing/obtaining land for relocation and other related costs. Compensation in cash will be paid to each affected family.

Other attached structures which are not main part of graves will be compensated in accordance with their loss.

4.6 **Compensation for loss of Standing Crops and Trees**

17. For annual and perennial standing crops, and aqua-cultures, regardless of the legal status of the land, compensation will be paid to households who cultivate the land, according to the full market value of the affected crops and/or at replacement cost for affected perennial trees. Regarding the removable affected trees, the compensation will be equal to transportation cost plus actual loss.

4.7 **Compensation Policy for Loss of Income and/or Business/Productive Assets**

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

1. Cash compensation for the loss of income during the transition period for registered affected business, equivalent to 30% of the annual net income average for the last 3 years as recognized by a tax-collecting agency. (This amount is equivalent to 100% of monthly net income for 3.6 months).

2. Cash assistance ranging from 500,000 VND to 1,000,000 VND per business HH for the loss of income to the affected business DP who paying tax but without a business license, or business DP having a license but not paying tax.

3. If the business has to be relocated, then, in addition to compensation for lost land, assets and loss of income, the project will assist to arrange a replacement land of standard size, at location convenient and accessible to customers plus special business allowance. In case suitable land for business at location acceptable to DP is not available, the Project will assist DP to be trained in a new job.

4.8 **Temporary Impact during Construction**

19. For temporary loss of land and properties, DP are entitled to the following:

**For arable land temporarily affected:**

(i) Compensation for one harvest of crops/trees at full market prices

(ii) Compensation for loss of net income from subsequent crops that cannot be planted for the duration of the temporary use by the project, AND

(iii) Restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified, AND

(iv) If the duration of project's use the land exceed more than two years, then the DP have option to: 1) Continue using land, OR, 2) Give it to the Project and be compensated as a permanent loss

**For temporary loss of residential land:**

(i) Compensation for all affected movable properties at full replacement cost.

(ii) Restoration of land to its previous or better quality.

**For temporary impact on business:**

(i) Compensation for temporary loss of income, equivalent to an average monthly net income for at least for three months.
(ii) Compensation for all affected movable properties at full replacement cost.

(iii) Restoration of land to its previous or better quality.

For damages caused by contractors to private or public structures:

20. Damaged property will be restored, to its former condition by contractors immediately, after completion of civil works.

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

4.9 Secondary Displaced Person

22. This applies to those affected by development of individual resettlement or group resettlement sites. Since all secondary DP are likely to be affected in similar ways as primary DPs, they will be entitled to compensation and rehabilitation assistance in accordance with the provisions of this policy.

4.10 Compensation for Loss of Community Assets

23. In cases community infrastructure such as schools, bridges, factories, water sources, roads, sewage systems is damaged, PPCs and PMUs will ensure that these would be restored or repaired as the case may be, at no cost to the community. The compensation will be provided at replacement cost without depreciation but including deduction of salvage materials.

4.11 Social Assistance and Incentive Bonus

24. Social assistance: The physically displaced DP who are currently receiving social assistance, will be provided additional social assistance in accordance with local regulations in addition to their normal entitlements for compensation and other assistance.

25. Incentive Bonus: The DP who voluntarily hand the affected land to the project in accordance with the implementation schedule as announced by the project will be entitled to a bonus of 5% of the total compensation amount but not exceeding 5,000,000 VND/land-user/house-owner in accordance with local regulations.

5. SITE SELECTION, SITE PREPARATION, AND RELOCATION

26. If affected DPs are required to be relocated because of the project impacts and resettlement sites are required, the PCs and local authorities will provide information in the RP on alternative relocation sites and criteria used to select final relocation site covering:

(a) institutional and technical arrangements for identifying and preparing relocation sites of productive potential, location advantages, and other factors at least comparable to 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 person 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 re-settlers.

(e) housing, infrastructure, and social services. Plans to provide (or to finance re-settlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; including necessary site development, engineering, and architectural designs for these facilities.

(f) 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).

6. INSTITUTIONAL ARRANGEMENTS

27. The implementation of resettlement activities requires the involvement of agencies at the national, provincial, district and commune level. The Ministry of Transport (MOT) will be responsible for the overall implementation of RPF and RPs. Resettlement committees shall be established at the provincial and/or district levels according to the provision of the Decree 197/2004/CP. The provisions and policies of the RPF and the RPs will form the legal basis for the implementation of resettlement activities in the NDTDP.

28. Following is a general overview of key resettlement responsibilities at/for each level/unit involved in Project implementation with respect to land acquisition and resettlement.

6.1 Central level

6.1.1 Ministry of Transport (MOT)

29. The MOT, on behalf of the Government, is responsible for the realization of NDTDP and the RPF of the project. PMU-W is responsible for the implementation of component A and C. The ferry boat stages will be implemented by PPMUs of Provincial Department of Transport (PDOT).

6.1.2 Project Management Unit of Waterways (PMU-W) and Vietnam Inland Waterway Administration (VIWA)

30. VIWA is the investment owner for the national waterway corridors. PMU-W is responsible for ensuring overall project coordination and supervision of resettlement activities and land acquisition process of the national waterways corridors and national roads, in accordance with the approved RP. The detailed responsibilities for PMU-W is as follows, but not limited to

(i) Guiding resettlement implementing agencies at different levels in updating DMS based on detailed technical designs. Identify exact number of DP and their impacts levels, serving as a legal base for compensation payment.

(ii) Finalizing RPs and obtaining the World Bank approval before implementing approved RPs.

(iii) Guiding Provincial Resettlement Committees (PRCs) to execute resettlement activities in accordance with the Resettlement Policy Framework (RPF) and RP; and if any mistakes or shortcomings are identified through internal and/or external monitoring of RPs implementation, ensure that the correction measures are adopted and objectives of the RPs are met.

(iv) Guiding the local resettlement agencies on procedures of preparation and submission for approval of documents related to compensation and resettlement.
(v) Overall supervision of the progress of project’s compensation and resettlement programs implementation and supervising the coordination between civil works in each road/waterway sections with respective resettlement activities.

(vi) Providing necessary resettlement training to implementing agencies at all levels.

(vii) Establishing standard procedures for information dissemination and stakeholder consultation with DPs. Implement Project resettlement information disclosure, including the delivery of public resettlement information documents and conduct consultation with DPs in accordance with guidelines established by the Project.

(viii) Providing coordination between various agencies involved in RPs implementation and monitoring the RP implementation. Establishing liaison on working relations to ensure proper technical support to PPMUs.

(ix) Ensuring coordination between PPCs/City PCs, review and provide advice to the PPCs/City PCs to make adjustment, if necessary, on compensation rates for land and house/structures in accordance with provisions of this PRF.

(x) Budget planning for resettlement implementation.

(xi) Establishing procedures for ongoing internal monitoring and review of project progress reports and ensure compliance with project resettlement policy provisions.

(xii) Establishing procedures for ongoing internal monitoring and coordination between contractors and local communities and prompt evaluation and compensation for community assets impacted during civil works.

(xiii) Establish procedures for prompt implementation of correction measure and actions in response to DP grievances.

(xiv) Coordinate for supplying the project related employment to DP (consult with contractors on employment opportunities for local population, inform them about such opportunities and advice them how to utilize the opportunities).

(xv) Manage a standardized DP database, serving practical resettlement implementation needs.

(xvi) Recruit and supervise work of consultants, including the external independent organization for resettlement monitoring.

(xvii) Maintain proper accounting procedures and information on costing for resettlement implementation for respective subprojects.

(xviii) Consolidate project progress reports on land acquisition and resettlement for submitting to the MOT and WB.

6.2 Local level

6.2.1 Provincial/City’s People’s Committees (PPCs/City PCs)

32. The PPCs are responsible for investment decisions on provincial roads and access waterways. PPCs are also responsible for overall supervision of compensation and resettlement implementation in accordance with principles and policy of the approved Resettlement Plan, within their provincial boundaries. The PPCs/City PCs are responsible for compliance of the project’s RPF approved by the Prime Minister as a condition to participate in the Project.

33. Based on local needs of resettlement implementation, in each project implementation stage, the PPCs will delegate responsibilities of resettlement implementation to respective level agencies in accordance with the Decree No. 197/2004/CP.

The Provincial Resettlement Comittees (PRC) will assist the PPCs/City’s PCs to carry out their overall responsibilities as follows:

(i) Reviewing the updated RP and submit it to PPCs/City PCs after approval on the draft final RP is received from the WB;
(ii) Advice the PPCs/City's PCs to approve the project's land acquisition and allocate the land to the project for its development.

(iii) Submit to PPCs/City's PCs for approval of location and land use planning of RSs.

(iv) Advice PPCs/City's PCs to make final decision on compensation unit costs, subsidies, allowances, and on supporting policies for severely affected DP, and poor and vulnerable affected groups in accordance with this RPF and the approved RP.

(v) Responsible for ensuring coordination between the related institutions and provincial departments for the implementation of the RP.

(vi) Review and submit to PPCs/City's PCs for approval of compensation options, and land clearance in accordance with delegated responsibilities.

(vii) Ensure that the subproject's resettlement activities in their provinces are carried out in compliance with policies and provisions of this RPF and the RP. If any mistakes or shortcomings are identified through internal and/or external monitoring of RP implementation, the PPC would take responsibility to ensure that the objectives of the RP are met.

(viii) Cooperate with project management and implementation units to assist PPCs/City's PCs in taking decisions for the prompt resolution of grievances and complaints of DPs or from local district-communes, according to their competence and responsibilities.

6.2.2 District's People Committees

34. The District's People Committees are responsible for:
(i) Identification of legality of land use rights or ownerships of affected land and structures;
(ii) Appraise and approve compensation options for DP within their administrative competence;
(iii) Issuing regulations and procedures of solving administrative matters related to the project resettlement and compensation implementation within their administrative boundaries;
(iv) Directing the establishment of and appointing members of the District RCs and assigning functional tasks for the District's RCs.

District Resettlement Committees (DRCs)

35. The DRCs will be responsible for:
(i) Planning and implementing all day-to-day resettlement activities of the subproject within their administrative boundaries, in accordance with their delegated competences;
(ii) Responsible for DMS, preparation and completion of compensation forms, preparation of compensation charts to submit to the DPCs or PPCs/City's PCs for approval in accordance with their delegated competences and monitoring or carry out the delivery of compensation to each DP;
(iii) Identify and develop relocation sites and carry out procedures for relocation of displaced DP;
(iv) Receive and appoint inspectors to redress DP' grievances related to resettlement policies and entitlements;
(v) Establish, if necessary, ward's/commune's resettlement committees (W/CRCs) and direct their operations during the implementation of the resettlement activities;
(vi) Pay special attention to the needs and demands of specific groups (ethnic minority groups) and vulnerable people (children, the elderly, woman/single headed households); 
(vii) Cooperate fully with the external monitoring organization.

6.2.3 Ward's/Commune's People Committee (W/CPC)

36. W/CPC is responsible for followings:
(i) Participate as member of DRCs
(ii) Assign concerned ward/commune officials/professionals to carry out all resettlement activities in its ward/commune;
(iii) Assist others bodies/agencies, including PMU-W and VIWA, in dissemination of project information and facilitating public meetings and consultation with DP;
(iv) Assist others agencies, including PMU-W and VIWA, in census surveys, replacement cost survey, DMS, and other resettlement-related activities;
(v) Checking and confirming the legal status of affected land, houses, structures and other assets/losses of organization
(vi) Participate in all activities related to land acquisition and allocation, resettlement, rehabilitation measures and social development support activities;
(vii) Support DP in all resettlement and rehabilitation-related activities. Co-sign compensation documents with the DP;
(viii) Verify the list of the poor or disadvantaged DP; and
(ix) Ensure DP’s grievances redress mechanisms are appropriate and properly put in place. Document DP grievances and maintain records of all grievances. Assist and advise DP on speedy redress of grievances.

6.3 Agency Responsible for External Monitoring

37. An agency or institute, specialized in social sciences, must be identified and engaged to carry out socio-economic surveys, external monitoring, and post-implementation evaluation of resettlement implementation for the whole project. PMU-W and VIWA will sign contract with the selected External Monitoring Agency/ies (EMA or, in other words, IMO – Independent Monitoring Organization). External monitoring cost will be paid from the IDA credit. The IMO will submit periodic reports on the implementation progress and make recommendations for the issues identified.

6.4 Institutional Capacity

6.4.1 PMU-W

38. PMU-W will be responsible for vast majority of the Resettlement under the Project. PMU-W greatly benefited from a resettlement pilot prior under the Inland Waterways and Ports Rehabilitation Project that was completed in 2006. The pilot helped build capacity in the PMU. The pilot led to the creation of the Resettlement and Environment Unit (REU) in the PMU with separate groups to focus on the key resettlement activities such as demarcation, entitlement, consultation, data management, and monitoring. The REU developed an efficient data management and documentation system. For resettlement implementation, emphasized external monitoring and most importantly had a dedicated team to implement and supervise Resettlement implementation.

39. The World Bank has also another transport project (RT3) which has sub-projects in 13 of the 15 provinces participating in this Project. As part of Rural Transport Project 3 they have received resettlement training and will continue to receive further training through a number of regional support centers that have been set up in the Red River Delta area.

6.4.2 PRC and DRC

40. The above notwithstanding, once resettlement committees are established, the capacities of these committees and their members will be assessed and all local resettlement staff
at PRCs, DRCs, and commune levels will be trained by resettlement specialists to ensure their ability to effectively carry out their responsibilities with respect to resettlement activities.

7. PREPARATION OF SUBPROJECT RESETTLEMENT PLANS

7.1 Preparation of Subproject Resettlement Plans

41. Using this RPF, the RP for first year program of the Project will be prepared by PMU-W then reviewed and approved by Ministry of Transport (MoT). For the sequencing years’ programs, relevant RPs will be developed by relevant PPMUs for respective components involving resettlement impacts due to civil works and dredging improvement in every province/city. The draft final RPs should be submitted to WB for review and clearance before final approval is given by the MoT.

Procedure of Preparation of RP.

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

**Step 1.** Based on the preliminary subproject design, assign appropriate resettlement category based on the degree and scale of resettlement impacts: (i) no resettlement impacts, (ii) marginal resettlement impacts, and (iii) significant resettlement impacts. Both (ii) and (iii) require preparation of a resettlement plan.

**Step 2.** Further refine the project preliminary physical design by consulting with potential DP and engineers to avoid or minimize resettlement impacts as much as possible. For example, a realignment and adjustment of direction of roads, stations and giving priority to the existing routes, using of public land...may reduce the level of resettlement impacts on affected persons.

**Step 3.** For projects falling under categories (ii) and (iii) above, a census survey of all the potential DP shall be conducted. This includes socioeconomic data of DP, measurement of type and level of loss. The date of census survey (or the DMS) establishes the cut-off date for the eligibility of entitlement, and is carried out in the presence of relevant local authorities. The following type of data needs to be collected:

(i) Data about DP, total number of DP:
   - Demographic, education, income, and occupational profiles
   - Inventory of all property and assets affected
   - Socio-economic production systems and use of natural resources
   - Inventory of common property resources if any
   - Economic activities of all displaced person, including vulnerable groups
   - Social networks and social organization
   - Cultural systems and sites
   - Public utilities such as clinique, post office, water supply, power supply, market.

(ii) Data on land and the area:
   - Map of the area and villages affected by land acquisition
   - Total land area acquired for the Project
   - Land type and land use
   - Ownership, tenure, and land use patterns

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2 The term “resettlement impacts” includes the loss of assets, crops and incomes, in addition to physical relocation. While resettlement should be avoided, in cases where it cannot be, the entitlement policy outlined in this RPF will apply.
Step 4. In parallel to DP’s census survey, consultation with DP will continue to identify their preferences and special needs that should be addressed in the RP. In addition, information on market prices for land, crops, and other assets need to be collected from respective provincial, district, and commune authorities and the local market, so that the cost estimates for the RP can be provided.

Step 5. Prepare an RP. The Entitlement Matrix in this framework (Annex) should be used for each project. In addition, specify the number of DP, the size of land affected, the number of other assets affected, and the compensation amount for each category.

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

7.2 Project Appraisal

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

44. MoT will be responsible for approval of the RPs and all resettlement-related issues. After detailed engineering designs are completed, a DMS should be carried out to update information on DP and lost assets. Compensation unit rates will be updated and issued by PPCs for all categories of lost assets and allowances based on replacement cost surveys during implementation. Following approval by the WB, the PPCs will be responsible for overall implementation of the revised RPs. WB shall not approve any civil works contracts for any project’s sections to be financed from the loan proceeds unless the compensation payment and provision of rehabilitations measures in the respective sections have been satisfactorily completed, in accordance with the project’s resettlement policy.

8. PUBLIC PARTICIPATION, CONSULTATION, AND GRIEVANCE MECHANISMS

8.1 Objectives of Public Information and Consultation

45. Information dissemination to Project Displaced Person and involved agencies is an important part of Project preparation and implementation. Consultation with DP and ensuring their active participation will reduce the potential for conflicts and minimize the risk of project delays. This will also enable the Project to design the resettlement and rehabilitation program as a comprehensive development program to suit the needs and priorities of the Displaced Person, and thereby maximizing the economic and social benefits of investments. The objectives of the public information and consultation program are as follows:

(i) To ensure that local authorities, as well as representatives of DP, will be included in the planning and decision-making processes. The PMU-W and VIWA will work closely with the Provincial/City’s People’s Committees and the District’s People’s Committees and related line departments/ agencies during project implementation. DP involvement in implementation will be continued thereafter by requesting each district to invite DP representatives to be a member of the DRCs and take part in the resettlement activities (property evaluation, compensation, resettlement, and monitoring).

(ii) To fully share information about the proposed project components and activities with the DP.
(iii) To obtain information about the needs and priorities of the DP, as well as receiving information about their reactions to proposed policies and activities.

(iv) To ensure that DP are able to make informed decisions on issues that will directly affect their incomes and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them.

(v) To obtain the cooperation and participation of the DP and communities in activities necessary for resettlement planning and implementation.

(vi) To ensure transparency in all activities related to land acquisition, resettlement, and rehabilitation.

8.2 Consultation during Subproject Preparation

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

47. The methods of project information and public consultation may include participatory rapid appraisals and stakeholder’s consultations, using techniques of site and household visits, public meetings, group and focus group discussions and the household socio-economic survey.

48. At the early stage of the project preparation, local authorities and leaders of different administrative were informed about the project proposal, its objectives and proposed activities. They were intensively consulted, and actively participated in discussions on their development needs and priorities, about their perception toward project objectives. DP will be consulted on project potential impacts and possible measures to reduce potential negative impacts, and improve benefits for local people.

49. The local authorities are consulted on their agreement and commitments to follow the project resettlement policy described in the RPF, reflecting both the Government and WB resettlement objectives and principles.

50. After the project is approved, mass media, including both central and local TV programs and newspapers, will provide information on the proposed project, including its objectives, components and on-going activities to the general public.

8.3 Consultation Proposed During Implementation

A. Information Dissemination and Consultation

51. During project implementation, the PMU-W/VIWA, will undertake the following:

(i) Provide information detailed information on project policies and implementation procedures to resettlement committees at all levels through training workshops.

(ii) Conduct information dissemination to and consultation with DP throughout the life of the project.

(iii) Update compensation unit rates, and confirm land acquisition requirements and impact on properties through Detailed Measurement Survey (DMS) in consultation with DP. DP will be asked to counter-sign the DMS form to signify his/her agreement with the information. A copy of the completed DMS form will be given to the DP for his/her record during the follow-up visit.

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

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

(vi) A letter/questionnaire about resettlement options will be given to all DP entitled to
relocation (a) to inform them about resettlement options (a clear explanation of the
consequences of choosing each option will be given), (b) to request that DP confirm their
choice of resettlement option and their preliminary confirmation of resettlement site
location, and (c) to request that DP indicate services such as education/health/markets that
they are currently using and their current distance from such services.

(vii) Consultation regarding DP preferred option for rehabilitation assistance. This applies to
severely affected and vulnerable DP. The resettlement committee will inform DP of
options and entitlement to rehabilitation assistance before asking them to indicate
preferences for such rehabilitation assistance.

B. Public Meetings

52. Prior to the beginning of the detailed design, a public meeting will be held in each
ward/commune to provide DP with additional information and an opportunity for open
discussion about resettlement policies and procedures in each affected commune. A letter of
invitation will be sent to all DP at least 1 week before the meeting in their area. This meeting is
intended to clarify information that has been given to date and to provide DP with the
opportunity to discuss issues of concern and obtain clarification. In addition to a letter informing
the DP, other means will be used to inform DP and the general public, such as posters in
prominent locations in the communes and districts where DP currently reside, radio, newspaper
and public poster announcements. The letter and notices will advise the time and location of the
meeting, and who can attend. Both men and women from affected households will be encouraged
to attend, as well as other interested community members. The meeting will explain the Project,
and households’ rights and entitlements, and there will be opportunities to ask questions. Such
meetings will be conducted periodically during the life of the Project. Meetings will be conducted
at times that do not interfere with seasonal agricultural activities or when women are unable to
attend due to domestic responsibilities.

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

(i) Explanations given verbally and in visual format, including written information and
drawings of the proposed design for the different component of the Project.

(ii) Adequate opportunities will be provided for DP to respond with questions and comments.
DP will be encouraged to contribute their ideas for DP rehabilitation options.

(iii) DRCs will establish a complete list of all DP present at the meetings.

(iv) DRCs will make a complete record of all questions, comments, opinions and decisions
that arise during the information/consultation meetings, and present a report of all the
meetings to the PPMU.

54. Information about the following will be given to DP:

(i) Project components. This includes the places where they can obtain more detailed
information about the Project.

(ii) Project impacts. Impacts on the people living and working in the affected areas of the
project, including explanations about the need for land acquisition for each subproject
components.
(iii) **DP' rights and entitlements.** These will be explained to DP (with the cut-off date). The rights and entitlements for different impact on DP, including the entitlements for those losing businesses, jobs and income; options for land-for-land and cash; options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each; entitlement to rehabilitation assistance and opportunities for project-related employment will be explained.

(iv) **Grievance Redress Mechanism and the appeal process.** DP will be informed that project policies and procedures are designed to ensure their pre-project living standards are restored. DP will also be informed that if there is any confusion or misunderstanding about any aspect of the Project, the resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. DP will receive an explanation about how to access grievance redress procedures.

(v) **Right to participate and be consulted.** The DP will be informed about their right to participate in the planning and implementation of the resettlement process. The DP will be represented in District’s resettlement committees, and the representative for the DP will be present whenever commune/district/provincial committees meet to ensure their participation in all aspects of the project.

(vi) **Resettlement activities.** DP will be given an explanation regarding compensation calculations and compensation payments; monitoring procedures which will include interviews with a sample of DP; relocation to an individual location/self-relocation; and preliminary information about physical works procedures.

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

(viii) **Implementation schedule.** DP will receive the proposed schedule for the main resettlement activities and informed that physical works will start only after the completion of all resettlement activities and clearance from the subproject area. It will be clarified that they will be expected to move only after full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

C. **Compensation and Rehabilitation**

55. A letter of notification will be sent to each DP with the time, location, and procedure for receiving compensation payment. Severely affected and vulnerable DP will be personally contacted to confirm their preferences for rehabilitation assistance.

D. **Public Information Booklet (PIB)**

56. To ensure that DP, their representatives, and local governments in the affected areas fully understand the details of the resettlement program, and are also informed about the compensation and rehabilitation packages applicable to the Project, a Public Information Booklet (PIB) will be prepared by the PPMU, in consultation with the World Bank. This booklet will be distributed to all DP in the project area. General contents of the PIB will include the following:
Brief Description of the Project, Implementation Schedule, Project Impacts, Entitlements and Rights of DP, Resettlement and Rehabilitation Policies for All Types of Impacts, Institutions Responsible for Resettlement, Information Dissemination to and Consultations with Project Displaced Person, What to do if DP have a Question or a Problem, Grievance Procedure, and Independent Monitoring.

E. Disclosure

57. In addition to disclosure to Displaced Person and communities, this Resettlement Policy Framework and the RP will be available at the Provincial Information Centres, in PPMUs and Project Districts, as well as in the Info shop in Washington DC and in VDIC in Hanoi.

8.4 Grievance Redress Procedure

58. DP can lodge their complaints regarding any aspect of compensation policy, rates, land acquisition, resettlement and entitlements relating to rehabilitation assistance programs. Complaints by DP can be lodged verbally or in written form, but in case they are lodged verbally, the committee to which it is lodged will write it down during the first meeting with the DP. DP will be exempted from administrative and legal fees.

Local mass organizations, including the Fatherland Front, Association of Farmers, Youth Association, Trade Unions, Vietnam Women's Union, and other mediator groups will be mobilized to actively participate in process of solving of DP emerged complaints/grievances.

56. To favor process of remedial of complaints and grievances raised by DP, the Project proposes a four-stage procedure as follows:

Stage 1 - Complaints from DP on any aspect of the resettlement program, or losses not previously addressed shall first be lodged verbally or in written form to the people's committee at commune level. The complaint can be discussed in an informal meeting with the plaintiff and the chairman of the people's committee at commune level. The people's committee at commune level will be responsible for resolving the issue within 15 days from the day it is lodged.

Stage 2 - If no understanding or amicable solution reached, or if no response from the people's committee at commune level is received by the DP within 15 days of registering the complaint, he/she can appeal to the District Resettlement Committee. The DRC will provide a decision within 1 month of the registering of the appeal.

Stage 3 - If the DP is not satisfied with the decision of the DRC or its representative, or, in the absence of any response by the DRC, the DP can appeal to the Provincial/City People’s Committee. The City/Provincial People’s Committee together with the representative of the Provincial/City RC will provide a decision on the appeal within 30 days from the day it is lodged with the PPC.

Stage 4 - If the DP is still not satisfied with the decision of the PPCs/City PCs or PRCs/City PCs on appeal, or in absence of any response from the PPCs/City PCs within the stipulated time, the DP as a last resort, may submit his/her case to the district court.

9. IMPLEMENTATION SCHEDULE

60. The implementation schedule is as follows:

1. Information Dissemination Prior to Detailed Design. Prior to the commencement of detailed design, VIWA/PMU-W will provide information about the Project throughout the project area. Information meetings will be held in all potentially affected wards/communes to inform the communities about (i) the project scope; (ii) impacts; (iii) entitlements for all categories of loss; (iv) schedule of activities beginning with the detailed measurement survey; (v)
institutional responsibilities; and (vi) the grievance mechanism. The PIB will be prepared and distributed to all affected communities during the meetings.

2. Establishment of Resettlement Committees. All provinces will establish their resettlement committees at District’s level as soon as the Project is started.

3. Training for Resettlement Staff. Once Resettlement Committees are established, all local resettlement staff at PRCs, DRCs and commune levels will be trained by Resettlement specialists. Training subjects will include
   (i) Objectives of RP;
   (ii) Principles, policies, and entitlements of the RP;
   (iii) Consultation and information dissemination methods
   (iv) Implementation steps, procedures, and schedule;
   (v) Grievance redress mechanism; and
   (vi) Powers and obligations of individuals/agencies involved in the process of resettlement programs.

4. Updating Compensation Rates. During the preliminary detailed design process, the PPCs/City PCs will update unit rates at replacement cost for all categories of loss and adjust allowances to account for inflation. This will be done in consultation with DP and local government agencies.

5. Detailed Measurement and Census Survey. Before each new phases of the NDTDP, DMSs will be updated or conducted in each subproject area after completion of the detailed design. These surveys will serve as a basis for compensation and updating the RPs. Data will be computerized by DRCs.

6. Pricing Application and Compensation to DP. District Resettlement Committees will be responsible for pricing application and preparing compensation charts for each affected commune/district. These will be subject to verification by DPCs or PPCs/Cit RCs on unit prices, quantity of affected assets, DP entitlements, etc. before posting them at each commune for the people to review and comment. All compensation forms must be checked and signed by the DP to indicate their agreement.

7. Compensation and allowances will be handled under the supervision of representatives of CPCs, DRCs and representatives of DP.

10. BUDGET

All of resettlement cost (except independent monitoring cost) of Project will be funded by GOVN budget. Cost for all items regarding to resettlement implementation will be estimated by PRC/DRC, reviewed by PMU-W before approval by VIWA.

11. MONITORING AND EVALUATION

11.1 Monitoring

61. Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation.

62. Monitoring has two purposes:
   (i) To verify that project activities have been effectively completed including quantity, quality, and timeliness; and
11.2 **Internal Monitoring**

64. The Central Management agencies (PMU-W and VIWA) are responsible for internal monitoring of the RP’s implementation for their respective components. The agencies will oversee the progress in resettlement preparation and implementation through regular progress reports.

65. The main indicators that will be monitored regularly are:

   (i) payment of compensation to DP in various categories, according to the compensation entitlements described in the RP;
   (ii) delivery of technical assistance, relocation, payment of subsistence, and moving allowances;
   (iii) delivery of income restoration and rehabilitation assistance entitlements;
   (iv) public information dissemination and consultation procedures;
   (v) adherence to grievance procedures and outstanding issues requiring management’s attention;
   (vi) priority of DP regarding the options offered; and
   (vii) co-ordination and completion of resettlement activities and award of civil works contract.

66. The PMU-W/VIWA will collect information every month from the different resettlement committees. A database of resettlement monitoring information regarding the Project will be maintained and updated every month.

67. The PMU-W will submit a monitoring report on the progress on implementation of the RP to VIWA and the Bank as part of their regular quarterly report to Bank. The internal monitoring reports shall include the following topics:

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

11.3 **External Monitoring**

68. Objectives. The general objective of the external monitor is to provide an independent periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the displaced Person people, the organizational effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning.

69. Agency Responsible. In accordance with the World Bank requirements for consultant procurement, the PMU-W will hire one or more organizations for the independent monitoring and evaluation of RP’s implementation. This organization(s), to be called the Monitoring
Organization (MO), should be specialized in the Social Sciences and experienced in resettlement monitoring. The MO/s should start their work as soon as the updated RP have been approved.

70. Monitoring and Evaluation Indicators. The following indicators will be monitored and evaluated by the MO:

(i) Conduct a replacement cost survey of affected land and attached properties/assets to assess level of adequacy of PPC/City’s PCs issued compensation prices, comparing with their replacement costs. In case there are considerable gaps, the MO will submit recommendations to the PMU-W to ensure that any necessary adjustments can be made, ensuring the project’s resettlement principles are met.

(ii) 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.

(iii) Provision of technical assistance for house construction to DP who are rebuilding their structures on their remaining land, or building their own structures in new places as arranged by the project, or on newly assigned plots.

(iv) Provision of income restoration assistance.

(v) Public consultation and awareness of compensation policy: (a) DP should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) the monitoring team should attend at least one public consultation meeting in each subproject to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) public awareness of the compensation policy and entitlements will be assessed among the DP; and (d) assessment of awareness of various options available to DP as provided for in the RP.

(vi) Affected Persons should be monitored regarding restoration of productive activities.

(vii) The level of satisfaction of DP with various aspects of the RP will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.

(viii) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

11.4 Evaluation

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

<table>
<thead>
<tr>
<th>No</th>
<th>TYPE OF LOSS</th>
<th>APPLICATION</th>
<th>DEFINITION OF ENTITLED PERSON</th>
<th>COMPENSATION POLICY</th>
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</table>
| 1  | Permanent loss of arable land | Less than 20% of total land holding lost. Marginal impact on household income and living standards. | User with legal or legalizable rights to use the affected land. | DP will be entitled to: 
  (i) Cash compensation for acquired land at 100% of replacement cost. | If the viability of the remaining land is less than the minimum viable economic unit, then the entire piece of land would be acquired and the DP would fall under the severely impacted category. |
|    |              |             | Land Users With Temporary or Leased Rights to public/communal Land | (i) Cash compensation for acquired land equivalent to remaining investment made on the land; or equal to 30% of its replacement cost, | In case the DP informally utilizing the public land for growing crops/trees, which is required for acquisition by the project, then she/he will not be compensated for land, but will be compensated for crops and trees at market prices/replacement cost. |
|    |              |             | User without legal or legalizable rights to use land | (i) In lieu of compensation for land, a cash equivalent to the remaining value of the input made on the land, or at 60% of land replacement cost. | Rehabilitation assistance will be applied in case the "land for land" option is not available. The type of assistance will be decided in consultation with the DP to ensure that it meets their needs and priorities and that the DPs are able to restore their income generating capacity and income levels. |
|    | More than 20% of total land holding lost. Severe impact on household income and living standards. | User with legal or legalizable rights to use the affected land. | (a) - As a priority, compensation in kind "land for land" of equivalent productive capacity at a location acceptable to the DP, or, 
  - If requested, or if replacement land is not available, provision of a plot with collection of Land use right fee at a location convenient for production operation or carrying out non-farm activities OR 
  - Cash compensation for the lost land at 100% of replacement cost, AND 
(b) A rehabilitation assistance including: 
  * If replacement land not available, then a training assistance on shifting to new occupation for the labour-aged members of the DP. The training assistance will be provided through (a) The project will pay training fees to the training institutions directly, not exceeding 1,500,000 VND/labor. Additionally, each trainee will be given a subsistence allowance of 350,000 VND/month/person. The duration of training subsistence allowance will depend on the type of training course but not exceeding 6 months. Such assistance aims to partially compensate the loss of income and other related expenses during training course; OR 
  (b) training assistance in cash but the project will cooperate with relevant local organizations to improve technical services for agricultural development to all agricultural DP severely affected to assist them to improve productivity on their remaining land; OR, (c) training assistance in cash but in combination with credit or other technical assistance on business/financial management, investment. | If the viability of the remaining land is less than the minimum viable economic unit, then the entire piece of land would be acquired. |
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<td></td>
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<td></td>
<td>Land Users with Temporary or Leased Rights to public/communal land</td>
<td>(i) Cash compensation for the lost area equal to its 30% replacement cost. OR, (ii) Cash compensation for the income lost from the acquired land for the remainder of the lease / contract duration</td>
<td>If the value of remaining investment made by DP on the affected land is higher than 30% of the replacement cost, the PMU and RCs will revise and adjust the compensation entitlements to the DP on case to case basis.</td>
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<td>Illegal land users</td>
<td>(i) In lieu of compensation for land, the DP will receive assistance corresponding 60% of land replacement cost. (ii) For poor and vulnerable, including landless, severely affected farmers, landless farmers, who do not meet conditions for compensation, then in addition to the above, the Project will provide rehabilitation assistance including (i) a subsistence assistance equivalent to market value of 30 kg of rice/person/month for 3 months if the DP do not have to relocate to new place, and for 6 months if DP have to be relocated, and (ii) a training assistance not less than 1,500,000 VND/HH to ensure the DP are able to at least restore or improve their income levels and living standards.</td>
<td>In case the DP informally utilize the public land for growing crops/trees, which is subject to acquisition by the project, then she/he will not be compensated for land, but will be compensated for crops and trees at market prices/replacement cost.</td>
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<tr>
<td></td>
<td>Loss of residential land</td>
<td>Land acquired without structures built therein. Marginal impact</td>
<td>User of the affected land</td>
<td>Cash compensation for land at (i) 100% of replacement cost of the land acquired to the legal/legalizable users; (ii) 30% of replacement cost of the land acquired to the users with temporary use rights;</td>
<td>At the time of compensation, allowances will be adjusted to account for inflation.</td>
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<tr>
<td>2</td>
<td></td>
<td>Land acquired with structures built thereon and the remaining land is sufficient to rebuild. Marginal or severe impacts</td>
<td>Reorganizing DP.</td>
<td>1. Cash compensation for land acquired at (i) 100% of replacement cost of the land acquired to the legal/legalizable users; (ii) at least at 30% of replacement cost of the land acquired to the users with temporary use rights; (iii) If HHs have to rebuild their main house, then they will receive transition allowances, including subsistence allowance equivalent the market value of 30 kg of rice/person/month for 3 months.</td>
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### Table: Compensation Policy

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|    |              |             | Land acquired with structures built thereon and the remaining land is not sufficient to rebuild on (the remained area is less than 40m² in urban and 100m² in rural area) Severe impact | (1) Compensation policy for land:  
   (i) The DP, who have legal or legalizable rights to the affected land, can opt to one of the followings:  
   (a) The provision of replacement residential land of equivalent size, but not exceeding the land size norms regulated by PPCs, at a RS with full infrastructure or at a location acceptable to the DP plus an amount in cash, as regulated by local PPC, to develop basic infrastructure, including access road, access to electricity, to water supply, drainage, with full land title without any cost; OR,  
   (b) Cash compensation for entire residential land at full replacement cost plus relocation assistance in cash to develop basic infrastructure.  
   (ii) The DP, who do not meet conditions for land compensation, are entitled to the followings  
   (a) The DP who already have residence somewhere else in the city, the project will provide an assistance of 10,000,000 VND for self relocation.  
   (b) The poor or vulnerable, DP who do not meet conditions for land compensation and do not have alternative residential land/house for self relocation, the project will provide (i) a residential plot of standard minimal size at a common RS or at an individual resettlement site, with full titled to the land plus a cash assistance to develop basic infrastructure as for legal user; or, if replacement land not available,  
   (ii) an assistance amount not less than 10,000,000 VND/HH for self relocation; OR,  
   (iv) an amount equal 30% of land replacement cost for them to arrange relocation by themselves. | At the time of compensation, allowances will be adjusted to account for inflation. |
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| (continued) | (ii) The relocating DP who are using house provided by state or institutions (which is not in multistored apartments), built on separate land which is to be acquired, but do not wish to rent state house or move to at the proposed RSs, will be provided:  
- If in the rental contract or decision of house allocation specify exact areas, then an assistance equal 60% of land replacement cost for such recorded area will be provided  
- If in the rental contract or decision of house do not specify exact areas, then an assistance equal 60% of land replacement cost for an affected area not exceeding the minimal sizes regulated by the local authorities  
- An assistance equal 30% of land use value for the affected area exceeding the respective locally regulated minimal size (but the total affected area should not exceed the local ceiling size)  
An assistance equal to the remaining investment made on the land for the affected area exceeding the local ceiling residential size. | (2) Rehabilitation allowances, including  
(i) Transportation allowance not exceeding 3,000,000 VND per HH, if DP relocate to new site within the city/province; and not exceeding 5,000,000 VND per HH if they relocate to another province;  
(ii) Subsistence allowance equivalent to the market value of 30 kg of rice/person/month for 3 months if DP have to rebuild house on their remaining land and for 6 months if DP have to relocate to new site;  
(iii) House renting assistance if the project cannot provide suitable relocation site to the relocating DP prior the land acquisition, then the DP will be given a house renting allowance at level regulated by local PPC/City PC's, for a duration: (i) from the moment handing the acquired land to the moment receiving a new plot in RS plus 6 months of house construction, if DP opt for are allocate new land, or (ii) from the moment handing land to the moment receiving new apartment, if DP entitled to rent or buy apartment in multistored apartment; or, (iii) for 6 months if the DP opt to relocate by themselves. |  
In case the project arranges to temporarily provide the DP with accommodation, then house rental entitlement will not be applicable. |
### IMPLEMENTATION ISSUES

The calculation of rates will be based on the actual affected area and not the useable area.

### COMPENSATION POLICY

1. A compensation policy for affected house/structures is as follows:
   (i) Compensation in cash for all affected structures will be provided at 100% of the replacement cost for materials and labour, the houses/structures can be legal or illegal.
   (iv) In case at the moment of the house/structure construction the relevant authority had issued the decision or notification on violation, then the house or structure would not be compensated or assisted

2. If house/structure is partially affected, the project will provide a house/structure repairing cost, in addition to the compensation to restore it to former or better conditions.

3. Compensation and assistance will be provided in the form of cash. No deductions will be made for depreciation or salvageable materials.

### TYPE OF LOSS

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<tbody>
<tr>
<td>3</td>
<td>House/structures and graves</td>
<td>Owners of affected structures</td>
<td>Tenants of state or organization’s houses will be provided an assistance equal to 60% of replacement cost of the affected houses. The structures created by the DP themselves with authorized permission will be compensated at 100% for legal house/structure and at 60% to 80% of their replacement costs if their construction were not permitted or violated regulation. If the tenants so request, they will be entitled to rent or buy new apartment of the area at least equal to their affected ones. Tenants who have leased a private house for residential purposes will be provided an assistance equal to remaining rental contracted value, but not exceeding rental value for six months, and transportation allowance for moving assets not less than 500,000 VND, as well assisted in identifying alternative accommodation.</td>
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<tr>
<td></td>
<td>Houses/structures located in the project recovered area.</td>
<td>Owners of graves.</td>
<td>The level of compensation for the removal of graves will be for all costs of excavation, relocation, reburial, purchasing/obtaining land for relocation and other related costs. Compensation in cash will be paid to each affected family. Other attached structures which are not of main part of graves will be compensated in accordance to their loss. For graves without any claiments, the compensation will be given to local PC to relocate them to new site.</td>
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<tbody>
<tr>
<td>4</td>
<td>Loss of standing crops and trees</td>
<td>Crops affected.</td>
<td>Owners of affected crops</td>
<td>DP are entitled to compensation for affected crops in cash at market value.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Trees affected.</td>
<td>Owners of affected trees.</td>
<td>DP are entitled to compensation in cash at market value on the basis of type, age, and productive value. If affected trees are removable, the compensation will be equal to the transportation cost plus actual loss.</td>
</tr>
<tr>
<td>5</td>
<td>Loss of income and business/other productive assets</td>
<td>Loss of income and business/other productive assets</td>
<td>Owner of the affected business/other productive assets</td>
<td>1. Policy for compensation of income loss as follows: Compensation for loss of income during the transition period, equivalent 30% of the annual net income average for the last 3 years, recognized by a tax agency. A cash assistance amount of value 500,000 VND per business HH for the loss of income to the affected but un-registered business. DP will be given notice prior to the DPs relocation along highway, community roads and along canals near the bridges or footbridges in order to maximize their benefit from business opportunities. At the time of compensation, allowances will be adjusted to account for inflation.</td>
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<td>DP will be given priority for business relocation along highway, community roads and along canals near the bridges or footbridges in order to maximize their benefit from business opportunities.</td>
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<tr>
<td>6</td>
<td>Temporary impact during construction</td>
<td>Temporary loss of arable land</td>
<td>Users of affected land</td>
<td>(i) Compensation for one harvest of crops/trees at full market prices. (ii) Compensation for loss of net income from subsequent crops that cannot be planted for the duration of project temporary use. AND (iii) Restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified. DP will be given priority for business relocation along highway, community roads and along canals near the bridges or footbridges in order to maximize their benefit from business opportunities. At the time of compensation, allowances will be adjusted to account for inflation.</td>
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<tr>
<td></td>
<td></td>
<td>Temporary loss of residential land</td>
<td>Users of affected land</td>
<td>(i) Compensation for affected assets at replacement cost. (ii) restoration of land to former conditions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Temporary impact on business</td>
<td>Owner of business</td>
<td>(i) Compensation for loss of income during transition period, equivalent to average monthly net income at least for three months. (ii) Compensation for affected assets at replacement cost. (iii) restoration of land to former conditions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Damages by contractors to private or public structures or land</td>
<td>Owner or person with use rights</td>
<td>(i) The contractor will be required to pay compensation immediately to affected families, groups, communities or government agencies. (ii) Damaged property will be restored immediately to its former condition.</td>
</tr>
<tr>
<td>7</td>
<td>Secondary impacts</td>
<td>Loss of land and properties for development of RS</td>
<td>Land users</td>
<td>Because secondary DP are affected in similar ways, the same respective provisions will apply to secondary DP.</td>
</tr>
<tr>
<td>No</td>
<td>TYPE OF LOSS</td>
<td>APPLICATION</td>
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<tr>
<td>8</td>
<td>Loss of community assets</td>
<td>Community buildings, structures, community forest/grazing/or other land/irrigation systems affected by temporary or permanent land acquisition or spoil disposal</td>
<td>Village, Ward, Government Unit</td>
<td>(i) Restoration of affected community buildings and structures to at least previous condition, or (ii) Replacement in areas identified in consultation with affected communities and relevant authorities, or (iii) The compensation will be provided at replacement cost without depreciation but includes deduction for salvage materials</td>
</tr>
<tr>
<td>9</td>
<td>Allowances</td>
<td>Materials transport allowance</td>
<td>Relocating DP</td>
<td>A transportation allowance not exceeding 3,000,000 per HH as regulated by respective local policy, if DP relocate to a new site within the city/province; and not exceeding 5,000,000 VND per HH if they relocate to another province.</td>
</tr>
<tr>
<td></td>
<td>Subsistence allowance</td>
<td>Relocating DP and DP who have to rebuild main house on their remaining land</td>
<td>A subsistence allowance equivalent to the market value of 30 kg of rice/person/month for 3 months if DP have to rebuild house on their remaining land and for 6 months if DP have to relocate to new site;</td>
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</tr>
<tr>
<td></td>
<td>House rental assistance</td>
<td>Relocating DP and DP who have to rebuild main house on their remaining land</td>
<td>(i) If the project can’t provide DP with land or accommodation before land acquisition, then the DP will be given a house renting assistance at rate as regulated by local government, for duration from the moment of land acquisition to: - the moment receiving a new plot plus 6 months of house construction, if DP are allocated new land; or, - the moment receiving new apartment, if DP entitled to rent or buy apartment in multistoried residential building; or, - for 6 months for reorganizing on site DP and those relocating DP who opt to relocate by themselves;</td>
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<tr>
<td></td>
<td>Self relocation assistance</td>
<td>Self relocating DP</td>
<td>(i) If the DP are entitled for relocation measures, but they opt for self relocation by themselves, they will be given a relocation assistance as regulated by local authorities to develop basic infrastructure on new site. (ii) In case the relocating DP are of poor or vulnerable group and have to be relocated, but who do not meet conditions for compensation for land and housing, the project will provide with assistance of not less than 10,000,000 VND/land user/house owner, to ensure that they could afford to relocate to a new site.</td>
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<tr>
<td></td>
<td>Rehabilitation assistance</td>
<td>Severely affected farmers who have lost more than 20% of their agricultural land and receiving compensation in cash</td>
<td>People losing more than 20% of agricultural land will be provided with (i) subsistence allowance equivalent to market value of 30 kg of rice/person/month for 3 months if the DP do not have to relocate to new place, and for 6 months if DP have to be relocate, and (ii) a training assistance: for 1 labor if DP lose from 20% to 50% of their land holding; 2 labors if DP lose from 50% to 70%; for all HH's labors if DP lose more than 70%</td>
<td></td>
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<td></td>
<td>Social assistance</td>
<td>Relocated DP who are currently receiving social assistance</td>
<td>Severely affected DP losing income and/or business/productive assets</td>
<td>(1) cash compensation for the loss of income during the transition period for registered and affected business, equivalent 30% of the annual net income average for the last 3 years, recognized by a tax-collecting agency. (This amount is equivalent to 100% of monthly net income for 3.6 months), or (2) a cash assistance amount of value from 500,000 VND to 1,000,000 VND per business HH for the loss of income to the affected but un-registered business DP</td>
</tr>
<tr>
<td></td>
<td>Incentive bonus</td>
<td>DP who handover the affected land to the project in a timely manner</td>
<td>A bonus of 5% of the total compensation amount, but not exceeding 5,000,000 VND/HH</td>
<td></td>
</tr>
</tbody>
</table>