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Development**
FCPF

Resettlement Policy Framework (RPF)
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Government Statement

The Government in common with all international stakeholders in Vietnam's REDD+ Program is seeking to ensure that the ER-P does not result in significant levels of involuntary resettlement. The Government further understands that the WB OP/BP 4.12 has been prepared not simply to address significant impacts associated with large-scale infrastructure projects but also other sectors, including relatively minor land acquisition and projects and programs with less severe impacts. However, it recognizes that some of the proposed key activities may well result in the involuntary restriction of access to legally designated areas (primarily in the context of ER-P protected forests resulting in adverse impacts on the livelihoods of displaced people. It is envisaged that no physical resettlement should occur but in the very unlikely even that this were to occur affected households will need to be compensated.

The Government also recognizes that where affected persons lose income-generation assets and/or are forced to pursue different livelihood activities they must receive monetary assistance and other forms of livelihood support until they at least restore and preferably improve upon their pre-Program standards of living. Land-based natural resource programs such as this ER-P do not generate immediate benefits that

restore affected people's living standards and the Government understands that ER-P will need to be monitored both during and post-implementation to ensure "acceptable practices" based on the RPF materialize. The RPF focuses on affected people experiencing involuntary resettlement impacts and the WB OP/BP 4.12 provides for both iterative monitoring and supervision as systematic processes whereas most other international REDD+ stakeholders focus wholly on all project affected people irrespective as to whether they are subject to involuntary resettlement actions.

Vietnam wants to follow a country approach and develop its own legal framework based on Decision No 58/QD-BNN- to meet UNFCCC, UNREDD+, the World Bank safeguards and other international stakeholders including the Asian Development Bank, KfW Development Bank, bilateral providers of ODA and NGOs and CSOs. The legal basis for this Decision N° 58/QD-BNN-HTQT dated 10th January 2013 has adopted this Resettlement Policy Framework (hereinafter called RPF). This framework is prepared based on the harmonization of the World Bank's policy OP/BP 4.12 and Vietnam's Laws and Decrees on compensation, assistance and resettlement, with reference to the proposal of program, environmental and social impact assessment and the consultation with

stakeholders of the project.

Following this the Ministry of Agriculture and Rural Development (MARD) has requested the World Bank and UNREDD to assist the government with the development of a national framework for addressing REDD+ safeguards (i.e. a national safeguards framework for REDD+ safeguards and would be largely based on the World Bank and UNFCCC safeguards) to provide the basis for safeguards that will facilitate the implementation of Vietnam's National REDD Action Plan (NRAP). The government would otherwise face significant challenges in implementing the NRAP, if individual donors each applied their respective safeguard requirements.

It is anticipated that other safeguard policies and principles, especially those associated with UNFCCC, will be included in the National Framework for REDD+ Safeguards. Although their inclusion is subject to the recognition made above that for the most part they do not focus on involuntary resettlement impacts. This, as the Government recognizes is because other international REDD+ stakeholders focus more on governance issues alone and assume that WB OP/BP 4.12 is more biased towards large-scale infrastructure projects whereas in reality it is targeted at a range of different sector projects and programs.

The RPF will be applied to all the sub-projects under the “Emission Reduction Program in Vietnam” if they result in any actions identified as being caused by (i) relocation or loss of shelter; (ii) loss of income sources or means of livelihoods, whether or not affected people are required to move to other locations; or (iv) involuntary restriction of access to legally designated protected forest areas resulting in adverse impacts on the livelihoods of displaced people.

Contents

1	Introduction	15
1.1	<i>The Program Overview</i>	15
1.2	<i>Objectives and principles of the Resettlement Policy Framework</i>	21
1.3	<i>Linked activities</i>	Error! Bookmark not defined.
1.4	<i>Resettlement Policy Framework Preparation and Purpose</i>	23
1.5	<i>Displaced Persons (DPs)</i>	29
1.6	<i>Principles and Objectives</i>	31
2	Legal Framework	32
2.1	<i>The Legal Framework of the Government of Vietnam</i>	32
2.2	<i>The World Bank's Operational Policy on Involuntary Resettlement (OP 4.12)</i>	34
2.3	<i>Comparison between Government of Vietnam and World Bank Approaches</i>	35
3	Principles and Policies for Resettlement, Compensation and Rehabilitation	39
3.1	<i>General principles</i>	39
3.2	<i>Compensation Policies</i>	40
3.3	<i>Resettlement and income restoration strategy</i>	63
3.4	<i>Vulnerable Groups, Gender, and Ethnic Minorities</i>	63
4	Eligibility Criteria and Entitlements	65
4.1	<i>Eligibility of displaced persons</i>	65
4.2	<i>Identification of vulnerable groups or households (HHs)</i>	65
4.3	<i>Eligibility</i>	66
4.4	<i>Entitlements</i>	66
4.5	<i>New households after the cut-off-date</i>	66
5	Consultation with Program Affected People	67
5.1	<i>Objectives of public information and consultation</i>	67
5.2	<i>Consultation approach adopted when preparing this RPF</i>	68
5.3	<i>Consultation during Sub-Project Identification and Preparation</i>	68
5.4	<i>Consultation proposed during sub-project implementation</i>	69
6	Information Disclosure	73

7	Restrictions on Resource Use	74
	7.1 <i>Potential relocation</i>	76
8	Implementation Arrangements	78
	8.1 <i>Organizational arrangements</i>	78
	8.2 <i>Preparation and Approval Procedures for a Resettlement Action Plan (RAP)</i>	80
	8.3 <i>Replacement Costs Survey</i>	82
	8.4 <i>Implementation of RAP</i>	83
9	Feedback and Grievance Redress Mechanism	85
	9.1 <i>Requirements of the OP 4.12</i>	85
	9.2 <i>Feedback and Grievance Redress Mechanism</i>	86
10	Costs and Budget	90
11	Monitoring and Evaluation	91
	11.1 <i>Monitoring</i>	91
	11.2 <i>Internal Monitoring</i>	91
	11.3 <i>Independent Monitoring</i>	92
	11.4 <i>Methodology for Independent Monitoring</i>	93
12	Annexes	95
	12.1 <i>Annex 1 - Social Screening Report</i>	95
	12.2 <i>Annex 2 - Public Information Booklet (PIB)</i>	99

Tables

Table 1.1 The Emission Reduction Program Area, Population and Growth Rates of Accounting Area.....	19
Table 1.2 Proposed ER-P Activities and Potential Involuntary Resettlement Impacts.....	23
Table 2.1 Comparison of GoV and World Bank's Policies Related to Involuntary Resettlement	36
Table 3.1 Entitlements Matrix	51
Table 4.1 Implementation Arrangements for Involuntary Resettlement Impacts.	

Figures

Figure 1.1 The ER-P Accounting Area.....	18
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Acronyms and Abbreviations

ACMA	Adaptive Collaborative Management Approach
ADB	Asian Development Bank
AH	Affected Household
AP	Affected Person
BCC	Biodiversity Conservation Corridor
BSM	Benefit Sharing Mechanism
BSP	Benefit Sharing Plan
CF	Carbon Fund
CPC	Commune People's Committee
CFM	Community Forest Management
CPMU	Central Program Management Unit
DARD	Dept. of Agriculture and Rural Development (at the Province)
DMS	Detailed Measurement Survey
DP	Displaced Person
DPC	District People's Committee
DRC	District Resettlement Committee
EIA	Environmental Impact Assessment
EMDP	Ethnic Minorities Development Plan
EMPF	Ethnic Minorities Policy Framework
ER	Emission Reduction
ER-P	Emission Reduction Program (area)
ER-PD	Emissions Reduction Programme Document
ER-PIN	Emissions Reduction Programme Identification Note
ERPA	Emission Reduction Payment Agreement
ESMF	Environmental Social Management Framework
FCPF	Forest Carbon Partnership Facility
FLA	Forest Land Allocation
FLEGT	Forest Law Enforcement, Governance and Trade
FMC	Forest Management Council
FME	Forest Management Enterprise
FRGM	Feedback and Grievance Redress Mechanism
FSDP	Forest Sector Development Project
GAP	Gender Action Plan
GoV	Government of Vietnam
HH	Household
IOL	Inventory of Losses
IMC	Independent Monitoring Consultant
IPM	Integrated Pest Management
LAR	Land Acquisition and Resettlement
LURC	Land Use Right Certificate
MARD	Ministry of Agriculture and Rural Development
MOF	Ministry of Finance
MOLISA	Ministry of Labor, Invalids, and Social Affairs
MONRE	Ministry of Natural Resources and Environment
NFI	National Forest Inventory
NGO	Non-Government Organization
NTFP	Non-Timber Forest Products
OP	Operational Policy
PFMB	Protection Forest Management Board
PPC	Provincial People's Committee
PPMU	Provincial Program Management Unit
RAP	Resettlement Action Plan
REA	Rapid Environment Assessment
RPF	Resettlement Policy Framework
PRA	Participatory Rapid Assessment
REDD	Reduction of Deforestation and Forest Degradation

SEDP	Socio-Economic Development Plan
SERNA	Socio-Economic, Environmental and REDD+ Needs Assessment
SFC	State Forest Company
SMART	Specific, Measurable, Achievable, Relevant and Time-bound
SPRCC	Support Program to Respond to Climate Change
SUF	Special Use Forest
TOR	Terms of Reference
USD	United States Dollar
VND	Vietnamese Dong
VNFOREST	General Department for Forestry
WB	World Bank
	Weights and Measures m = meters; ha = hectares
	Currency M = million; k =thousand Currency Unit = US\$ Dollar US\$1 = VND 22,588 (13/09/17)

Definition of Terms

Program impacts	Any impacts relating directly to land acquisition or limit using legal areas or protected areas.
Affected persons	Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.
Cut-off-date	Is the date when the PPC issues the Notification of Land acquisition for the relevant project (Article 67.1 of Land Law 2013) before implementation of detailed measurement survey. A census survey will be done before the cut-off date is announced to establish a list of potential affected households.
Eligibility	Any person who used the land affected by the program and listed before the cut-off-date: (i) with formal legal right to land; (ii) without formal legal right to land but have a claim to such land or assets recognized under the laws of the country (iii) without recognizable legal right or claim to the land they are occupying.
Replacement cost	<p>For agricultural land, the replacement cost is the pre-program or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, plus the cost of transporting building materials into the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not considered, nor is the value of benefits to be derived from the program deducted from the valuation of an affected asset.</p>
Resettlement	Covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to its usual meaning-physical relocation. Resettlement can, depending on the case, include (i) acquisition of land and physical structures on the land, including businesses; (ii) physical relocation; and (iii) economic rehabilitation of affected persons (APs), to improve (or at least restore) incomes and living standards.
Inventory of Losses (IOL)	Is process of accounting for physical assets and income affected by the program.

Socio-Economic Baseline Survey (BLS)	A socio-economic baseline survey of households, businesses, or other project-affected parties needed to: identify and accurately compensate or mitigate losses, assess impacts on household economy, and differentiate affected parties by level of impact.
Vulnerable groups	People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits, include: (i) women headed household (single, widow, disabled husband) with dependents, (ii) disables (loss of working ability), the elderly alone, (iii) poor and near poor household, (iv) the landless, and (v) ethnic minority groups.
Livelihood	Economic activities and income streams, usually involving self-employment and or wage employment by using one's endowments (both human and material) to generate adequate resources for meeting the requirements of the self and household on a sustainable basis.
Income restoration	Re-establishment of sources of income and livelihoods of the affected households.
Stakeholders	Any and all individuals, groups, organizations, and institutions interested in and potentially affected by the program or sub-project or having the ability to influence a project or program.

Executive Summary

This Resettlement Policy Framework (RPF) has been prepared at the request of the Government of Vietnam (GoV) to support its Emission Reduction Program (ER-P) with the technical and financial support of the Forest Carbon Partnership Fund (FCPF), which is a World Bank (WB) program to support REDD+ initiatives associated with the Cancun Agreement of the Conference of Parties of United Nations Framework Convention to Climate Change (UNFCCC). The GoV is seeking to ensure that activities it has identified as priority activities designed to address REDD+ initiatives do not lead to serious involuntary resettlement impacts but to safeguard stakeholders (primarily local forest-dependent communities who are the users of forest resources and the Forest Management Entities who are the owners and managers of most of the forest resources that will be included in this ER-P) from the negative impacts of involuntary resettlement.

The ER-P designed by the GoV has four components – 1) Strengthening of the Enabling Conditions for Emission Reductions; 2) Promotion of the Sustainable Management of Forests and Carbon Stock; 3) Promotion of Climate Smart Agriculture and Sustainable Livelihoods for Forest Dependent People; and 4) Program Monitoring and Emissions Monitoring – that have as their development objective to develop an effective system to support REDD+ implementation that contributes to sustainable forest management, green economic growth and poverty reduction, and helping to mitigate climate change at regional and global levels.

It will be implemented in six provinces of the Northern Central Coastal Region of Vietnam – Thua Thien Hue, Quang Tri, Quang Binh, Ha Tinh, Nghe An, and Thanh Hoa – where 10 per cent of Vietnam's population can be found and of which 11 per cent of the total NCC population belong primarily to upland ethnic minority groups. The total cost for the ER-P is estimated to be US\$312,000,000. and does not include any costs associated with the mitigation of involuntary resettlement impacts. The ER-P is expected to be implemented from 2018-24 once the Carbon Fund approves the ER-PD in December 2017.

The cornerstone of the ER-P will be the establishment of Forest Management Councils (FMCs) that agree to adopt a collaborative management approach (as reflected in the Adaptive Collaborative Management Approach or ACMA) that will involve Forest Management Entities (PFMBs, SUFs and SFCs) and local forest-dependent communities either living in or close proximity (typically the buffer zones) to the these FMEs. Via the processes embedded in the ACMA approach it is anticipated that FMCs will seek to avoid activities wherever possible that lead to any but minor forms of involuntary resettlement. However, the FMEs will not be responsible for implementing any RAPs, whether full RAPs and abbreviated RAPs, dependent on the magnitude of the impacts. This is the organization responsibility of the District Resettlement Committees. It is envisaged that there will be few full RAPs but there may be a considerable number of abbreviated RAPs. The different requirements between the two are noted in this RPF.

This RPF includes a Table 1.2 that identifies some of the activities that might trigger OP4.12 based on the premise that there will be some restrictions on some groups to existing forest resources and there may also be some activities that impact upon land that was originally natural forest land but has been deforested or degraded and being used for other purposes. The RPF will ensure that despite the legality or otherwise of current non-sustainable forest-based activities that individuals, households, groups and communities, if required to desist from current livelihood activities will be compensated in accordance with entitlements that both the GoV and WB deem suitable. Although the RPF in accordance with OP4.12 and the agreed provisions of ODA between providers of ODA and the GoV clearly states that where there are discrepancies between the WB's OP4.12 and the GoV laws and policies the WB's policies are binding on the GoV.

This RPF discusses the legal framework (both GoV and WB); principles and policies for resettlement, compensation and entitlement (importantly that program affected people should be no worse off and ideally better off); eligibility, criteria and entitlements (it differentiates between legally eligible APs in the Vietnam context but that based on OP4.12 legally ineligible APs also are entitled to some forms of compensation); consultation with PAPs (and especially women and ethnic minority APs); the importance of information disclosure (this also to be in a culturally appropriate manner); implementation arrangements (importantly there is a role for the FMCs); the grievance and redress mechanism (for involuntary resettlement purposes the existing GRM has been retained); and monitoring and evaluation (this includes not only the utilization of an independent monitoring consultant but also APs).

As with other RPFs it does not include actual costs of possible involuntary resettlement impacts although it includes accepted procedures for how the budget is allocated. The appendices include the suggested format for the social screening report to be undertaken by the FMEs and the public information booklet.

The RPF has yet to be disclosed to the GoV at the national, provincial, district or commune level or to existing FMEs or local communities that are likely to be targeted. However, once the WB either approves this RPF or requests amendments it will be translated into Vietnamese, disseminated as widely as possible (including in ethnic minority languages where possible) and uploaded to the GoV Information Portal and the WB's FCPF website.

1 Introduction

1.1 The Program Overview

The proposed Emission Reduction Program (ER-P) continues from the World Bank (WB) project that was approved by the Minister of Ministry of Agriculture and Rural Development at Decision No.58/QD-BNN-HTQT on 10th January 2013. Vietnam Administration of Forestry (VNFOREST) is assigned to be the Project Owner and responsible for the Project. The ER-P is expected to project last for six years (2018-2024).

REDD+ is an initiative to reduce greenhouse gas emissions and protect global climate system through forest development and protection, utilization and sustainable management of forests in developing countries with technical and financial supports of international community. The COP16 decision No. 1/CP16 (the Cancun Agreement) of the Conference of Parties of United Nations Framework Convention to Climate Change (UNFCCC) identifies five key activities: i) reducing emissions from deforestation, ii) reducing emissions from forest degradation, iii) conservation of forest carbon stocks; iv) sustainable management of forests and v) enhancement of forest carbon stocks.

In Vietnam, REDD+ implementation is fully consistent with Government's policies on responding to climate change, on green growth. It is expected that REDD+ will create new financial resources, contributing to forest development and protection, increase in value of forests and socio-economic development. Furthermore, REDD+ preparation and implementation shows willingness of Vietnam to join hands with the international community to protect global climate system.

The development objective of the ER-P is to support REDD+ in Vietnam to have an effective system for REDD+ implementation that contributes to sustainable forest management, green economic growth and poverty reduction, and helping to mitigate climate change at regional and global levels.

The specific objective is to contribute to successful implementation of the National REDD+ Action Plan (NRAP). This will be achieved through four components:

Component 1: Strengthening of the Enabling Conditions for Emission Reductions.

This component is designed to support improved conservation of natural forest and strengthen sustainable forest management and the expected outcomes are better policy guidelines, coordination mechanisms and enhanced forest governance for minimizing the conversion of natural forests to rubber and infrastructure development (primarily energy and transport projects). The activities proposed for the two sub-components are as follows: 1) adopt a legal framework to control the conversion of natural forests to rubber and infrastructure development; 2) enhance cross-sector coordination at central and provincial levels between the National Program on Sustainable Forestry Development and REDD+; 3) develop regulations to enable information on conversion of natural forests and improve public access to environmental impact assessments on proposed conversion; 4) improved protection for FMEs through collaborative approaches involving all stakeholders and including especially local forest-dependent communities via systemic dissemination of relevant legal decrees and guidelines; identification of hotspots and implementation of the ACMA approach via proposed Forest Management Councils (FMC); 5) use of improved technology to monitor forest conversion activities by NGOs/CSOs, FMEs

and local communities; and 6) cross-border collaboration with the Lao PDR to prevent illegal logging and export thereof.

Component 2: Promoting the Sustainable Management of Forests and Carbon Stock Enhancement.

This component is designed to reduce deforestation and enhance forest carbon stock and the expected outcomes are the improved management of natural forests, increased forest cover and enhanced productivity and values of planned forest in the ER-P area. The activities proposed for the three sub-components are largely based on the adoption of the ACMA approach and include: 1) resolution of conflicts between FMEs and local forest-dependent communities; 2) forest protection contracts, benefit sharing and clarification of user rights over forest resources; 3) allocation of natural protection forest managed by CPCs to local communities and/or groups within these local communities 4) improved forest management plans to develop supply chains leading to higher value production forests through longer rotations and higher value timber species for harvesting; and 5) reforestation of coastal protection forests (mangroves and other tree species suitable for coastal dune protection, minimization of coastal erosion and protection from storm damage)¹ and protected and special use forests in the upland and mountainous areas of the ER-P area.

Component 3: Promotion of Climate Smart Agriculture and Sustainable Livelihoods for Forest-Dependent People.

This component is designed to provide support for climate smart agriculture and improvements to sustainable livelihoods and the expected outcomes are improved climate resilience agricultural practices and livelihoods for forest-dependent people in the ER-P area. The activities proposed for the two sub-components include: 1) scaling up of successful climate-smart agricultural practices, financial access to revolving funds in the VBSP and VBARD and technical support; 2) identification of deforestation free production models, extension outreach to improve the value of crops such as cassava and other food crops, and support producers organizations in the different supply chains; 3) identification of and support for the harvesting of NTFPs with high value added potential; and 4) provide incentives for off-farm based income generation activities.

Component 4: Program Management and Emissions Monitoring.

The expected outcome from this component is the coordinated management of the ER-P in such a way that an enhanced capacity for managing the results-based performance is both accountable and transparent. The activities proposed for the three sub-components include: 1) management and coordination of the ER-P implementation across all levels; 2) provision of operational costs for implementation; 3) development of an effective M&E system, robust data collection and compliance with social and environmental safeguards; 4) development of MRV that includes data collection modalities and training; 5) preparation of required reports on a semi-annual and annual basis; and 6) facilitation of meetings, workshops, and presentations to share knowledge gained during the implementation of the ER-P.

¹ Reference is made here to the World Bank financed *Forest Sector Modernization and Coastal Resilience Enhancement Project* that was approved in June 2017. The project communes for this project were excluded from the SESA in 2015 for the following reasons: 1) Systemically high incidence of land disputes; 2) Very poor-quality forests; 3) Poor soil quality; 4) Lack of water; 5) Slow growth rates and poor survival rates of existing species; 6) Presence of UXOs; and 7) Probability of very high costs. The decision to exclude the lowland coastal areas of the ER-P provinces was agreed upon in discussions between the GoV and WB and this decision has been adequately documented.

Total costs for the Program are estimated to be USD312.00 (USD6.84 million for Component 1; USD240.63 million for Component 2; USD60.9 million for Component 3 and USD4.43 million for Component 4). Program management and implementation costs for the central, province and district level are included as are costs associated with the establishment of Forest Management Councils based on the established forest management entities (Protection Forest Management Boards, Special Use Forest Management Boards and State Forest Companies) and local forest-dependent communities living in the buffer zones of these entities.

Figure 1.1 The ER-P Accounting Area



The proposed ER Program Accounting Area (Figure 1.1) encompasses the entirety of the North-Central Agro-Ecological Region, an area of land totalling 5.1 million ha (16% of the total land area of Viet Nam), of which 80% is hills and mountains and the remaining is coastal plains with agricultural land, accounting for 14% of the natural area. The region has a tropical monsoonal climate. Average rainfall is about 2,500 mm with two seasons a year: the rainy season from June to December with tropical depressions and typhoons, and 85% of the rainfalls concentrating during September to November and the dry season from January to May.

The region is administered as six provinces – Thanh Hoa, Nghe An, Ha Tinh, Quang Binh, Quang Tri and Thua Thien Hue – and is home to more than 10.5 million people (12% of the total population of Vietnam) see Table 1.1. The region is bordered to the north by the North West and Red River Delta Agro-Ecological regions, and the Southern Coastal Agro-Ecological Region to the South. The region comprises a mountainous hinterland of the Northern Annamites, separating Viet Nam from Laos to the West, and a narrow coastal plain along the margins of the East Sea. Along its total length, the proposed ER program area is mostly settled in the Eastern Coastal Plain and more sparsely populated forested areas in the mountains of the Northern Annamites.

The ER-P Area is home to 13 ethnic minority groups and who constitute 11.5% of the total population. 88% of these ethnic minority groups are found in just two provinces: Thanh Hoa

and Nghe An. Of these ethnic minority groups, the largest are the Thai (45%) followed by the Muong (29%), Bru-Van Kieu (6%), Tho (6%), Hmong (4%), Ta Oi (4%) and Kho Mu (3%). The other ethnic minority groups are the Co Tu in Thua Thien Hue, Chut in Quang Binh, Dao in Thanh Hoa and O’Du in Thanh Hoa. Only the Thai (520,968) and Muong (341,908) have provinces in excess of 100,000. The smallest group, the O’Du only has a population of 340. These ethnic minority groups, with the partial exception of the Thai and Muong in Thanh Hoa, are largely found in 20 mountainous districts and in over 200 communes that have a larger area of land officially classified as forest land².

Poverty rates among ethnic minority groups are at least double those of the Kinh ethnic group but vary from 18.2% among the Thai to 58.5% among the Bru-Van Kieu. Ethnic minority households are generally poorer than Kinh households because their livelihoods are more likely to be wholly land-based than the Kinh. Literacy and education participation rates are generally lower among ethnic minority groups with the exception of the Thai and Muong although in more recent times younger ethnic minority people, especially females with the noticeable exception of the Hmong, are more likely speak the national language and stay at school longer than their mothers. While there are age and gender hierarchies among the Kinh they are more pronounced among most of the ethnic minority groups and once more with the exception of the Thai and the Muong.

The National Forest Protection Department’s FPD) annual forest cover monitoring data indicate that 44% (2.3 million ha) of the proposed ER Program area was forested in 2012; nearly all (95%) of which, is natural forest. Over half (1.7 million ha) of the region’s forestland is under the management of the state; nearly one third (0.9 million ha) has been allocated to individual households or village communities.

Table 1.1 The Emission Reduction Program Area, Population and Growth Rates of Accounting Area

ER Province	Area (km ²)	% of area	Population 2015	% of population	Average annual growth rate %
Thanh Hoa	1,1130.5	21.6	3,514,200	33.0	0.33
Nghe An	16,492.7	32.1	3,063,900	29.0	0.38
Ha Tinh	5,997.3	11.1	1,261,300	12.0	0.12
Quang Binh	8,065.3	15.7	872,900	8.0	0.39
Quang Tri	4,739.8	9.2	619,900	5.0	0.44
Thua Thien Hue	5,033.2	9.8	1,140,700	10.0	0.59
Total	51,458.8		10,472,900	(97.0)	0.36
	(5,145,800 ha)				

Source: General Statistics Office (GSO) 2016: Rounded Out % of Population

The national FPD’s annual forest cover monitoring data indicate that 44 % (2.3 million ha) of the proposed ER Program area was forested in 2012; nearly all (95%) of which, is natural forest. Over half (1.7 million ha) of the region’s forestland is under the management of the state; nearly one third (0.9 million ha) has been allocated to individual households or village communities.

The Resettlement Policy Framework addresses all program components and the necessary measures designed to ensure that involuntary resettlement impacts are addressed and affected

² This data is extracted from the SESA completed for the FCPF Readiness Project, specifically Section 3, pp.58-60. All subsequent data for the six ER-P is based on the SESA.

people are at the very least adequately compensated, defined being able to restore pre-ER-P living standards and ideally improve upon these standards:

- Through the development of a localized dynamic modeling platform (identified as the ACMA processes that will be embedded in the Forest Management Councils: FMCs)³ ensure that proposed interventions are assessed for their impact on the forest-based activities of households who will be identified as contributing to unsound forest use activities and intervention measures are being proposed and their impact on the poorest and most vulnerable households.
- Through the strengthening of forest governance and law enforcement ensure that households in forest-dependent communities are not unfairly targeted while non-local users of the forests avoid being subject to more robust law enforcement measures and also to assess what impact the more transparent application of local law will have on the living standards of local forest-dependent households in breach of the law.
- Ensure that the SERNA (Socio-Economic and REDD+ Needs Assessment)⁴ that will be facilitated in the ER-P areas that will involve management entities and local forest-dependent communities living in the buffer zones are able to identify hotspots where there are high levels of deforestation and forest degradation as per the forest information system involves households that are likely to be affected by some form of involuntary resettlement.
- Where FCM decisions in relation to restricting access to forests (this could be for the unlimited harvesting of NTFPs or tree felling for domestic house-building purposes) under their jurisdiction or proposes to change land-use (such as reforestation of poor natural forest land or extending the rotation cycle of agro-forestry investments) are agreed upon people who are significantly impacted by restricted access or having to defer downstream income are adequately compensated (this is defined as what appears in this RFP).
- Ensure that APs are entitled to enjoy similar access to the ER-P's BSP as part of their participation in the FMCs, especially if the FMC⁵ decides to allocate carbon credit payments on an individual household basis. Where it is decided that individual households can receive benefits from the BSP for providing forest protection services if they are adversely affected (i.e., losing more than 10% of their income-generation assets/opportunities) such APs should be prioritized for such activities if they choose to participate in such activities.
- Where land is acquired to increase emission reductions those households affected must either be offered land of equivalent productivity but if no such land is available locally

³ More detailed information on the ACMA can be had from both Section 4, 14 and 15 and Annex xx of the ER-PD.

⁴ See details of the RNA and SSR in Section 14 and 15 and Annex xx of the ER-PD. It also referred to as the SERNA and is also described in the ESMF.

⁵ It is not recommended based on the unknown sequestration value of the carbon emission payments during implementation and also because payments to individual households are likely to be small that payments on an individual household basis not be made but the decision is that of the FMCs, which it is assumed all or most households will be represented on. See Section 17 of the ER-PD for further details on this issue.

then the RPF will require that such affected households be offered other appropriate forms of livelihood support including if necessary non-land-based livelihood activities.

- Where it is possible to introduce new activities, such as climate-smart agricultural activities (e.g. annual food crops being inter-cropped with forest trees, fruit trees and industrial trees) affected people will be prioritized and until they can stabilize their household income and/or regain food security, they will be provided with income support as per existing GoV programs.
- Provision of capacity building at the provincial, district, commune and village level to better understand the RPF and ensure during implementation robust monitoring of involuntary resettlement impacts is undertaken and post-ER-P undertake/support any necessary impact evaluation.

The Resettlement Policy Framework addresses all program components and the necessary measures to ensure positive results of resettlement include:

- Consulting the people affected by Program on feasible measures to mitigate land acquisition impacts and ensure income restoration;
- Providing the people affected by the Program with options for resettlement and income restoration;
- Involving the AHs in the planning and selection of options;
- Providing compensation, assistance, and the replacement cost for damaged assets;
- Selecting resettlement sites that can provide at a minimum or equal to the benefits and services where they lived before;
- Providing allowances, training and income assistance to assist relocation;
- Identifying vulnerable groups and providing special assistance for displaced persons; and
- Establishing an institutional structure and organization to support this process until successful completion.

1.2 Objectives and principles of the Resettlement Policy Framework

According to the Land Law No. 45/2013/QH13, Article 83, Clause 2. Compensation, Assistance, and Resettlement in Special Cases applies as follows: “*For projects using loans from international organizations, foreign which Vietnam State has committed to a policy framework for compensation, assistance and resettlement it will comply with that policy framework*”.

The RPF of this Program is prepared based on the harmonization of the World Bank’s OP/BP 4.12 and Vietnam's Laws and Regulations on Compensation, Assistance and Resettlement. The basic objective of the Resettlement Policy Framework to ensure that all Program Affected People (PAPs) will be compensated at replacement cost and assisted with livelihood

restoration measures to help them improve or at least maintain the living conditions and the capacity to make income before the project.

This Resettlement Policy Framework presents the basis for preparation, review and approval of Resettlement Action Plans (RAP) for later sub-projects of the project. Subproject-specific RAPs will be prepared consistent with the provisions of the policy framework. This RPF is to be submitted to the World Bank for approval before the sub-project is accepted for Bank financing (OP 4.12, paragraph 29).

The Resettlement Policy Framework will be published in the Vietnamese language and made available on the Vietnam REDD+ Office website and made available in sub-project for affected communities. The English version of the RPF will be publicly disclosed at the World Bank InfoShop prior to program appraisal.

The RPF is prepared based on the results of (1) ER-PD; (2) Strategic Environment Social Assessment (SESA) report (3) Policies of Vietnam and WB on involuntary resettlement in all areas that may cause impacts of land acquisition and resettlement; (4) consultations of local stakeholders with the participation of: (i) provincial representatives including Department of Agriculture and Rural Development (DARD), Department of Natural Resources and Environment (DONRE); Committee for Ethnic Minorities (CEM); Sub-department of Forestry Development; Sub-department of Forest Protection; (ii) representatives of the districts in the ER area; and (iii) at ward/commune level, many consultations/direct interviews with residential communities and affected people; and (4) results of social impact screening, social impact assessment.

In the period of program preparation, the RAPs for the sub-projects/ intervention activities will be prepared based on the guidance given in this RPF and the Investment report of each local/sub-project intervention. In the period of program implementation, the updated RAP of each sub-project will be prepared when the detailed engineering design has been finished to allow both an Inventory of Loss (IOL) and Detailed Measurement Survey (DMS) of losses and damages and precise identification of affected persons to be conducted. This updated RAP requires clearance from PPC review before payment release.

Where impacts on the entire affected population are minor, or fewer than 200 people are affected, an abbreviated resettlement plan will be applied. Where impacts on the entire affected population are significant, or equal to or higher than 200 people are affected, a full resettlement plan will be applied.

Abbreviated RAPs will include at least the following elements: (i) A description of the project or sub-project intervention and the socio-economic conditions of the community and households affected in the sub-project area; (ii) legal framework, resettlement policy and the rights of the affected people; (iii) the results of the census and inventory of affected people (BLS); (iv) impacts caused by land acquisition (especially on livelihoods and income); (v) results of consultations, (vi) entitlements and assistance to be provided for AHs/APs; (vii) arrangements for organization and implementation; (viii) arrangements for management of grievances; (ix) budgets and cost estimates; and (x) an implementation timetable.

The full RAP will include: (i) Introduction; (ii) Results of socio-economic survey of people affected; (iii) The scope and the impacts of land acquisition; (iv) Legal framework; (v) RAP Implementation and timetable; (vi) Entitlements and measures to restore their livelihoods and income; (vii) Information dissemination and community consultation; (viii) Mechanism for

complaints and resolving complaints; (ix) Organization and implementation; and (x) Cost estimates and budgets⁶; and (xi) Monitoring and evaluation.

Responsibility for compilation and implementation of RPF and RAP is as follows:

- (a) The general responsibility of the elaboration and implementation of the resettlement policy framework belongs to the Central Program Management Unit (CPMU). The CPMU shall employ consultants in close coordination with such relevant agencies as Ministries/Departments at central level, People's Committees of province/district/town involved in the program and affected communities to prepare the RPF. This RPF will be approved by the GoV and cleared by the WB prior to the time of Agreement Negotiation;
- (b) The full or abbreviated RAP of each sub-project will be made by social consultant hired by local on the basis of principles of the RPF. PPCs will be responsible for approving and implementing the RAP;
- (c) The fund for the preparation and implementation of compensation, assistance and resettlement of the sub-project and cost for independent land appraiser(s) will come from the counterpart fund of the locals; and
- (d) The CPMU under MARD, via the Environment and Resettlement Division, shall be responsible for ensuring effective implementation of the RPF and the RAPs in close consultation to the same level departments and program provinces.

1.3 *Resettlement Policy Framework Preparation and Purpose*

The World Bank’s Operational Policy on Involuntary Resettlement (OP 4.12) is one of the two social safeguard policies that apply to the program along with relevant GoV laws, policies and procedures to address projects and programs where there are involuntary resettlement impacts.

A full social assessment has been carried out during program preparation under the responsibility of MARD through the development of a strategic environmental and social assessment (SESA). Two teams of independent national and international consultants have assessed the positive and negative social impacts of the main components of the project. The purpose of the social assessment was to address the World Bank’s social safeguard policies and to recommend related improvements in the program design. The social assessments have identified local people, including vulnerable groups, who live in the proposed program and sub-project intervention areas, and have analyzed land-related issues. They have confirmed that some minor land acquisition activities might occur under the project, and that improved management of forests, especially SUFs, will quite conceivably result in some restrictions in resource access.

Table 1.2 Proposed ER-P Activities and Potential Involuntary Resettlement Impacts

ER-P Activities	POTENTIAL SOCIAL IMPACTS/	MITIGATION MEASURES
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⁶ As noted above these costs and the budget have yet to be finalized for the ER-P area but it was proposed they should be based on the costs associated with the operation of the Forest Management Councils.

	RISKS	
Component 1: Enabling conditions for emission reductions		
1.1.1. Adoption of legal framework to control the conversion of natural forests to rubber and infrastructure development	This activity will unlikely result in any risks of relocation, land acquisition. Access restrictions by local communities to natural forest may happen if the legal framework is strengthened	RPF entitlements are applied in case of access restrictions by ethnic minority groups and other local communities to natural forest *primarily to the harvesting of NTFPs or “social logging” for house construction (ethnic minority groups permitted to log up to 10m ²)
1.1.2. Enhancing cross sector coordination of the Steering Committees for the National Program on Sustainable Forest Development/ REDD+ at central and provincial levels	This activity may result in some risks associated with relocation, land acquisition and access restrictions	In such instances OP4.12 will be triggered.
1.1.3. Develop regulations on publication and access to information on conversion of natural forests and environmental impact assessment reports	This activity may result in risks of relocation, land acquisition and access restrictions	In such instances OP4.12 will be triggered.
1.2.1. Dissemination of legal guidelines on controlling conversion of natural forests by local authorities, forest entities, local communities and other stakeholders	This activity will unlikely result in any risks of relocation and land acquisition. Access to NTFPs in natural forests by local communities and ethnic minority groups may be restricted and thus their regular income from forests is affected	RPF entitlements are applied in case of access restrictions by local communities and ethnic groups to natural forest; more livelihoods options are introduced and supported to generate alternative income for those who are affected
1.2.2. Improve capacity of stakeholders to monitor the conversion of natural forests, verification of timber legality and activities to address violations of forest law	There may be risks of access restriction to natural forests as well as exploiting timber for community construction, that may lead to changes in traditional practices of housing	RPF entitlements are applied in case of access restrictions by local communities and ethnic minority groups to natural forests; supports needed with regards to environmentally friendly substitute housing materials while traditional values are retained
1.2.3. Implement independent monitoring of forest conversion by local communities and civil society organizations	This activity will unlikely result in any risks of relocation, land acquisition and access restriction	
1.2.4. Strengthening regional collaboration among provinces in	There may be risks of relocation when people from one country	RPF entitlements are applied for those who are affected by relocation

<p>the NCC and with Lao PDR on effective measures to control illegal logging and manage legal timber trade</p>	<p>move to settle in the other country and now must go back. Access restrictions may happen when the two neighboring countries enhance the control over illegal logging</p>	<p>and access restrictions. A collaboration on resettlement/ migration crossing border areas can help those families settle their lives smoothly</p>
<p>Component 2: Promoting sustainable management of forests and carbon stock enhancement</p>		
<p>2.1.1. Clarification of land and forest boundaries among the forest entities (FMBs, SFCs) in hotspots areas</p>	<p>Clarification of land and forest boundaries involving FMEs and villages either physically residing within the existing boundaries of the FMEs, living in the buffer zones, or households involved in the unauthorized harvest of NTFPs or “social logging” (the common practice among ethnic minority groups of logging up to 10m² of natural forest for housing construction purposes)</p>	<p>The number of households actually residing within the current boundaries of FMEs varies from FME to FME. It would not be the intention of the ER-P to force such households to physically relocate outside the existing or newly established boundaries. The unauthorized harvesting of NTFPs will be countered by the closer collaboration between FMEs and communities involved with a negotiated benefit-sharing arrangement. “Social logging” for household construction purposes will not be a prescribed activity considering the cultural preferences of specific ethnic minority groups</p>
<p>2.1.2. Implement collaborative management of natural forests between FMBs, SFCs and communities</p>	<p>Adoption of the ACMA approach and the establishment of FMCs to promote greater forms of collaboration between the owners and users of forests</p>	<p>The FMCs are designed to function of a consensual basis but where this consensus impacts upon the existing livelihoods of forest dependent households (e.g. HHs in hotspots required to desist from cropping where reforestation or forest enrichment is likely to occur) will be compensated for loss of production</p>
<p>2.1.3. Promote implementation of community based forest management</p>	<p>Allocation of natural production forests managed by the CPCs to villages on either a community, group or household basis within the same commune for forest protection activities</p>	<p>Via the ACMA process embedded in the FMCs every attempt will be made to ensure village elites do not capture all the benefits of such activities. This includes recognition of existing “informal” agreements or arrangements that might exist between CPCs and village groups or individual households</p>
<p>2.1.4. Implement sustainable</p>	<p>Improve forest management plans</p>	<p>These plans, which may <i>inter alia</i></p>

<p>management of natural forests by FMBs and SFCs</p>	<p>for FMEs based on collaboration between the FMEs and local communities via the FMCs and develop business plans for SFCs that enable them to be placed on a more competitive commercial footing</p>	<p>restrict existing access of some forest-dependent households to forest resources, will be discussed and new arrangements agreed upon via the FMCs and negotiated BSAs. Developing business plans for SFCs will generally pose no involuntary resettlement impacts but if they do OP4.12 will be used to mitigate possible negative impacts</p>
<p>2.2.1. Investment in transformation of short-rotation plantations to long-rotation plantations for sawn timber supply</p>	<p>Investment in the transformation of short-rotation plantation forestry to longer-rotation plantation forestry to produce higher value timber suitable for a wider range of uses than possible from short-rotation plantation forestry</p>	<p>Such investments will be of a voluntary nature but the ER-P will assist in the transformation by leveraging the program to seek financial assistance from providers of finance in both the private sector and the Vietnam Bank for Social Policy</p>
<p>2.2.2. Investment in reforestation of long rotation plantations</p>	<p>Investments (financial and technical support and training) in natural assisted forest regeneration that involve identification, planning and implementation of regeneration activities. Such activities are likely to have quite significant impacts on some upland and forest-dependent ethnic minority groups</p>	<p>This activity does not require additional planting but if any households are affected by being forced to desist from using this land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts</p>
<p>2.3.1 Investments in assisted natural regeneration (no supplemental planting)</p>		<p>This activity does not require additional planting but if any households are affected by being forced to desist from using this land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts</p>
<p>2.3.2. Investment in enrichment planting for poor natural forests</p>	<p>Investments (financial and technical support and training) in enrichment planting for poor natural forests that involve identifying, planning and implementation in areas deemed to be technically suitable. Some of</p>	<p>This activity does not require additional planting but if any households are affected by being forced to desist from using this land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be</p>

	these poor natural forests are the result of increased population among ethnic minority groups who have traditionally resided in the upland areas of the ER-P accounting area	compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
2.3.3. Investment in reforestation of coastal protection forests (mangrove and sand break forests)	Investments (financial and technical support and training) in the reforestation of Coastal Protection Forests (mangrove and sand-break forests) in the coastal areas that include identification, planning and implementation of reforestation activities. As per the social assessment and the EMPF for the WB financed <i>Forest Sector Modernization and Coastal Resilience Enhancement Project</i> there are significantly smaller numbers of ethnic minority groups residing in and relying on the coastal forest protection forests for their livelihoods	This activity does not require additional planting but if any households are affected by being forced to desist from using this land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
2.3.4. Investment in reforestation of protection and special use forests in mountainous areas	Investments (financial and technical support and training) in the reforestation of Protection and Special Use Forests in the mountainous areas that include identification, planning and implementation of reforestation activities. Such activities might impact on ethnic minority groups because some live-in existing boundaries of the FMEs or in the buffer zones	This activity does not require additional planting but if any households are affected by being forced to desist from using this land for other purposes (e.g. traditional swidden agricultural cropping or livestock grazing) they will be compensated for loss of production and OP4.12 will be used to mitigate possible negative impacts
Component 3: Promotion of climate smart agriculture and sustainable livelihoods for forest dependent people		
3.1.1. Implementation of climate-smart agriculture and agroforestry through the ACMA in deforestation and forest degradation hotspots	Incentivized climate-smart agriculture and agroforestry through the FMCs in deforested and forest degradation hotspots.	This type of activity is unlikely to have any negative impact if a consensus can be achieved at the local level and the program is able to assist impacted or targeted households seek financial assistance either through the Vietnam Bank for Social Policy or

		the Vietnam Bank for Agricultural and Rural Development. Land will not be acquired for this activity as it will be land already being used by forest-dependent households
3.1.2. Support to deforestation free agricultural value chains	Support for deforestation free agricultural value chains based on the identification of deforestation free production models, training and extension outreach for selected agricultural crops and support for producer organizations in different supply chains	This type of activity is unlikely to have any negative impact if a consensus can be achieved at the local level and the program is able to assist impacted or targeted households seek financial assistance either through the Vietnam Bank for Social Policy or the Vietnam Bank for Agricultural and Rural Development. Land will not be acquired for this activity as it will be land already being used by forest-dependent households
3.2.1. Promotion of sustainable use and development of NTFPs in the forest areas	Promotion of sustainable use and development of NTFPs in forested area by identifying suitable NTFPs, providing technical support (sustainable guidelines for harvesting) and financial support to market NTFPs	What the ER-P defines as the sustainable use and development of NTFPs might be at loggerheads with what local communities think and should BSPs favor the harvesting of some NTFPs and not others (e.g. medicinal NTFPs over NTFPs used for HH food consumption) this would constitute practices consistent with restricted access to forest resources. The FMC would be expected to ensure BSPs consider adverse impact on both NTFP harvesters (typically the poor and less well connected) and other harvesters (typically those HHs that do not have to rely for harvesting NTFPs for food security)
3.2.2. Improve alternative off-farm income for forest dependent people	Facilitate the enabling environment for the development of alternative off-farm and non-farm-based income generation opportunities through the promotion of goods and services in local demand (e.g. handicrafts and eco/cultural tourism, vocational training and access to	This is more of a social and poverty issue rather than one associated with safeguard compliance and sharper targeting, equitable access and positive outcomes are the key issues here. If a safeguard issue it should be address via OP4.10 and gender issue via the GAP.

	market information	
Component 4: Program Monitoring and Emissions Monitoring		
4.1 Effective Management and Implementation of the ER-P	Facilitate insitutional setup, coordination mechanisms, program implementation manual; training programs and Financial Management.	Nil Impacts
4.2 Monitoring and Evaluation including Monitoring of Safeguards and Forest Information	Development of effective M&E system that includes training on data collection and reporting on safeguards and MRV data and information	It is requirement that the RP be monitored and evaluated to ensure all measures to mitigate the negative impacts of involuntary resettlement are adequately documented.

Relocation of Households from Production Forests: The land law stipulates that Production forest can be legally owned by individual households. Where production forest land has to be acquired for the purpose pf the ERP, then affected households have to be fully compensated according to the provisions of the RPF.

Relocation of households in protected forest: where households living in protection forests are forced to relocate, then the provision of RPF applies, however compensation will be based on the loss of income generation and not on the loss of land because they are illegally occupying this land. Land acquisition for civil works: ERP activities are not expected to engage in civil works.

A resettlement plan or an abbreviated plan cannot be prepared since the numbers and location of displaced persons are not known at this stage⁷. Instead, an RPF is needed to address the various types of land acquisition and resettlement that may occur during the project. The RPF sets out the principles and objectives to address the possible impacts of involuntary resettlement, eligibility criteria of displaced persons, modes of compensation and rehabilitation, participation features and grievances procedures that will guide the compensation and potential resettlement of these persons. It further describes the planning and documentation requirements for such activities under the project.

A standalone Process Framework has been prepared for the activities identified that would be undertaken in Components 1, 2 and 3 of the ER-P. The Process Framework will assess and address restrictions in access to natural resources and remedies to these restrictions on a case-by-case basis. It addresses World Bank safeguard policy: OP 4.12 on Involuntary Resettlement

1.4 *Displaced Persons (DPs)*

This section identifies all categories of persons who may be affected by the acquisition of land, houses or other assets or by restricted access to special use forests.

Displaced persons under the Program may be:

⁷ The quantitative impacts will only be known on completion of the SERNA although most of the impacts will occur in hotspot villages located in or around the existing FMEs.

- a) Households or individuals who are local residents in their village/hamlet and currently farm, reside in, or otherwise use land where access to plantation forests holdings would be built not only for their own benefit but also for the benefit of others. These include households undertaking sedentary cultivation as well as those undertaking rotational cultivation, even if land is currently under fallow. They may be households who participate in the program to plant trees on this land or households affected by the construction of a path or minor road without being a program participant;
- b) Households or individuals who are local residents in their village and who currently manage a plantation forest to be harvested or replanted, where a permanent plantation path or minor road would be built not only for their own benefit but also for the benefit of others;
- c) Persons and communities who live in, or close to, protection forests/special use forests that have agreed to participate in the ER-P in the hope they can benefit from the REDD+ activities and who currently use the forest land, including for the “illegal” cultivation of agricultural crops and/or for harvesting NTFPs that will be curtailed because of improved forest management ; and
- d) Individuals or organizations that own or otherwise use rural or urban land where any civil works or construction of other small infrastructures would take place under any of the program components.

The DPs include individuals, groups and organizations that hold land use certificates and other legal titles to the land affected under the project, as well as other rural households and communities who currently use the land for whatever productive or income-generation purpose but are not in possession of a legally recognized LURCⁱ These have a claim to legal rights based upon (i) the laws of Vietnam, (ii) the possession of documents such as land tax receipts and residence certificates; (iii) the unwritten permission of local authorities to occupy or use the program affected plots and even though the Land Law of 2013 does not recognize this practice if affected households are displaced they must be considered as APs within the context of OP4.12 and be entitled to compensation and other allowances or (iv) continued possession of public land where the Government has not sought their eviction.

State forest farm workers who manage land under pluriannual contracts are eligible DPs under the same conditions as farming households.

People who reside in protection forests/special use forests are considered as displaced persons under the Program even though many of them may be considered by the FMEs as illegal occupiers and users of this land.

The framework applies to all impacts to DPs, regardless of whether these impacts derive from activities directly funded by the program or from an activity fully funded by Government during program implementation and directly related to a program intervention activity.

The following types of persons and organizations are not defined as displaced persons under this framework:

- a) State Forest Management Enterprises (PFMBs, SUFs and SGCs), businesses, government and other organizations who manage land where a path or minor road or additional office space would be built for their own benefit only; and

- b) Farming households who participate in a joint plantation and where land has been redistributed in such a manner that land lost to path of minor road construction is equally distributed among plantation participants. The agreement of households for this redistribution must have been made formally prior to the allocation of Land User Rights Certificates (LURCs). It is also necessary to ensure that any agreement to such an arrangement is reached that includes all of the farming households.

1.5 Principles and Objectives

The principles outlined in the World Bank's Operational Policy 4.12 have been adopted in preparing this Resettlement Policy Framework.

In this regard, the following principles and objectives will be applied:

- a) Acquisition of land and other assets will be minimized as much as possible, and a minimum of structures or fixed assets will be affected:
- In activities associated with Component 2, in order to minimize land acquisition, the program focuses on the participation of households and priority is given to households currently living in program areas. Participation is voluntary and households deciding not to participate will not be coerced into moving from their land. However, where potentially APs are residing illegally in forests under the control of the PFMBs or SUFs while they should not be coerced into moving to a site outside these entities they will need to be offered livelihood measures to ensure any attempts to mitigate the impacts of proposed sustainable forest management measures (e.g. reforestation) do not impact negatively on them.
 - Likewise, in order to minimize land acquisition and resettlement, the program will develop participatory approach whereby local communities are not considered as illegal occupiers of forests under the control of FMEs, but as potential partners in the improved management of the natural resources. This participatory approach is specified in the Process framework.
- b) All DPs will be compensated at full value for the loss of land and other assets, although those DPs illegally occupying land that cannot be legalizable will only be compensated for loss of income from activities undertaken on such land.
- c) Resettlement of individuals or communities (whether voluntary or involuntary) will not be funded by the project and this issue needs to be made very explicit to ensure that FMCs do not rely on the ER-P for such financial support. All alternatives to avoid where feasible or at least minimize resettlement (fully funded by Government but covered under this Policy framework) should be explored. Displaced persons should be assisted in their efforts and provided with rehabilitation measures to assist them to improve their livelihoods and standard of living, or at least restore them in real terms to pre-displacement levels or to levels prevailing prior to beginning of program implementation, whichever is higher.
- d) Plans for acquisition of land and provision of compensation will be carried out in consultation with the DPs. The Process Framework explains how these consultations will be facilitated and they will be based on better practices associated with effective

stakeholder participation that has been embodied in other WB financed programs and projects in Vietnam.

Vulnerable groups, which as per the SESA are identified as households living in poverty according to MOLISA's new multidimensional poverty criteria, female-headed households, war veterans, physically and intellectually disabled household members, and ethnic minority groups (especially but not exclusively the major ethnic minority group living within a village but also numerically smaller ethnic minority group/s living in the same village) will be identified and special attention is paid to these groups during the implementation of the specific RAP. Where ethnic minority groups are involved the provisions embodied in the Ethnic Minority Policy Framework (EMPF).

2 Legal Framework

This section seeks to ensure compatibility of the World Bank requirements, as stated in OP 4.12 and resulting in the above principles and definition of displaced persons, with the Vietnamese legal framework. The approaches of the Government of Vietnam to land acquisition and compensation - either in policy, laws and regulations or practice - are generally compatible with the above World Bank policy requirements:

- a) Most people without legal land rights may meet conditions of legalization and receive compensation for losses but it needs to be recognized that forest protection land is excluded except in the context of assisting DPs to develop sustainable livelihoods that do not undermine sustainable management of special use and protection forests;
- b) Legally registered APs (including those who may be absent working, studying or for other purposes) will be provided with options that include relocation to an improved site, cash, and if necessary equivalent agricultural cropping land and/or land that is suitable for production forestry and/or opportunities for short-term vocational training or a combination thereof; and
- c) In the event of physical resettlement the resettlement sites are required to offer not only improved infrastructure and services but also the opportunity to enjoy a higher standard-of-living. Allowances are provided to assist the displaced persons in the transitional period to ensure they can at least restore their living standards to pre-displacement level. It is also necessary that where resettlement will be to existing villages, which is likely to be if it occurs at all in this ER-P, that host villages must not have their existing living standards undermined as a result of physically DP assuming residence in the host village.

2.1 The Legal Framework of the Government of Vietnam

The GOV's Legal Framework with respect to land acquisition, compensation and resettlement is based on the Constitution of the Socialist Republic of Vietnam (2013), and the Land Law 2013 (revised), and other relevant decrees/guidelines. The principal legal documents applied for this RPF include the following:

- a) General laws:

- Constitution of Vietnam 2013;
- The Land Law No. 45/2013/QH13 which has been effective since July 1, 2014;
- The Law on Forest Protection and Development No. 29/2004/QH11 dated December 14, 2004.
- The Law on Forests (Draft approved by National Assembly in November 2017 and will be ratified by the National Assembly during the latter part of 2018))

b) Regulations on the Compensation Framework:

- Decree No.43/2014/ND-CP dated on May 15, 2014 guiding in detail some articles of Land Law 2013;
- Decree No.44/2014/ND-CP dated on May 15, 2014 provides on method to determine land price; make adjusted land price brackets, land price board; value specific land price and land price consultancy activities;
- Decree No. 47/2014/ND-CP dated on May 15, 2014 providing compensation, assistance, resettlement when land is recovered by the State;
- Decree No. 38/2013/ND-CP dated on April 23, 2013, on management and use of official development assistance (ODA) and concessional loans of WB;
- Circular No. 36/2014/TT-BTNMT dated on 30 June 2014, regulating method of valuation of land; construction, land price adjustment; specific land valuation and land valuation advisory;
- Circular No. 37/2014/TT-BTNMT dated on 30 June 2014, regulating compensation, assistance and resettlement when the State acquires land;
- Decision No. 1956/2009/QD-TTg, dated on November 17, 2009, by the Prime Minister approving the Master Plan on vocational training for rural labors by 2020;
- Decision No. 52/2012/QD-TTg, dated on November 16, 2012, on the assistance policies on employment and vocational training to farmers whose agricultural land has been acquired by the State;

Other laws, decrees and regulations relevant to land management, land acquisition and resettlement include the Construction Law 50/2014/QH13, dated on 18 Jun 2014, on construction activities, rights and obligations of organization and individual investing in civil works construction and construction activities; Decree No. 102/2014/ND-CP on sanctioning of administrative violations in the field of land replaced by Decree No. 15/2013/ND-CP dated on February, 06, 2013 on quality management of constructions; Decree No. 12/2009/ND-CP of the Government, dated 12 February 2009 on the management of construction investment projects and replacing the Decree 16/2005/ND-CP, the Decree 38/2013/ND-CP of the Government on the Management and Use of Official Development Assistance (ODA) fund, and Decree 126/2014/ND-CP of the Government on Marriage and Family Law implementation, stipulating that all documents registering family assets and land use rights must be in the names of both husband and wife; Decisions of program provinces relating to compensation, assistance and resettlement in provincial territory will be also applied for each relevant ER-P province..

The Law on Forest Protection and Development 2004 provides for the management, protection, development and use of forests (hereinafter referred collectively to as forest protection and development); and forest owners' rights and obligations. This Law applies to State agencies, domestic organizations, households and individuals, overseas Vietnamese as well as foreign organizations and individuals involved in forest protection and development in Vietnam. However, it needs to be stressed that forest protection and special use forest land belongs to the people of Vietnam as represented by the GoV and other non-state groups

CANNOT own either category of land. These other groups can use such forest land if permitted by the FME but not legally for activities leading to deforestation

The Law on Forestry (2018) will have a range of activities that were not included in the preceding law. These include inter alia: Expanded scope for the processing and trading of NTFPs and benefits accrued from the provision of forest environmental services, institutionalization of forest ownership institutions according the regulations of the 2013 Constitution, and specifically in relation to REDD+ the assessment of emission reductions from deforestation and forest degradation, sustainable forest management, conservation and enhancement of forest carbon stocks and additional provisions on the rights and obligations of the communities that are allocated sacred forests (these forest areas cannot be logged), protection forests and production forests by the State.

There is also the proposal for local communities to be able to receive payments directly from the State (the ER-P via the BSP is seeking to ensure that such payments be made on a group, village or commune basis for reasons explained in both the ER-PD and on the basis of consultations undertaken to date), which previously was not possible with the commune (or in some instances established cooperatives recognized by the State) being the lowest organizational level that could receive such payments.

Laws, decrees and decisions relevant to public disclosure of information at the Article 67 Land Law No. 45/2013/QH13, require disclosure of information to affected people prior to acquisition of agricultural and non-agricultural lands within a maximum of 90 days and 180 days respectively.

Decrees relevant to protection and preservation of cultural property include Decree No. 98/2010/ND-CP. Detailed regulations for implementation of some articles of the Law on Cultural Heritage and the Law on editing and supplementing some articles of the Law on Cultural Heritage requiring that sites currently recognized as cultural and historical vestiges, should be kept intact according to current legal regulations.

Documents relating to complaints and resolve complaints mechanisms: Law on Complaints 02/2011/QH13 dated on November 11, 2011, Decree No. 75/2012/ND-CP of the Government dated on March 10, 2012.

This RPF has been submitted to the Prime Minister to obtain the following waivers:

- a) To waive Article 7 and Article 18 of Decree 22/CP in order to permit assistance and rehabilitation measures for illegal users of land as required by OP 4.12, para. 15 and 16; and
- b) To waive Articles 8 and 17 of Decree 22/ CP in order to ensure that unit prices for land and assets for compensation will be at replacement costs in accordance with para. 6 of OP 4.12.

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

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

The WB's involuntary resettlement policy objectives are the following:

- (i) Involuntary resettlement should be avoided where feasible, or minimized after exploring all viable alternatives in program or sub-project design;
- (ii) Where resettlement cannot be avoided, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the people affected by the Program to share in benefits. Affected Persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs; and
- (iii) Affected Persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-program levels or to levels prevailing prior to the beginning of program implementation, whichever is higher.

2.3 Comparison between Government of Vietnam and World Bank Approaches

There are some differences between the Government of Vietnam's Laws, policies, regulations related to land acquisition/resettlement, and the World Bank's OP 4.12 on Involuntary Resettlement. The following table highlights the key differences in order to establish a basis for the design of the principles to be applied for compensation, assistance and livelihood restoration support for the affected households, which will be applied for this ER-P.

Table 2. Comparison of GoV and World Bank's Policies Related to Involuntary Resettlement

Subjects	Bank's OP 4.12	Government of Vietnam	Program Measures
1. Land Property			
<i>1.1. Policy objectives</i>	PAPs (Project/ Program Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of program implementation, whichever is higher	Not mentioned. However, there is a provision of support to be considered by PPC to ensure they have a place to live, to stabilize their living and production. (Article 25 of Decree 47). In case the amount of compensation/support is not enough for resettled people to buy a minimum resettlement plot/apartment, they will be financially supported to be able to buy a minimum resettlement plot/apartment (Article 86 of Land Law 2013 and Article 27 of Decree 47)	Livelihoods and income sources will be restored in real terms, at least, to the pre-displacement levels or to levels prevailing prior to the beginning of program implementation, whichever is higher.
<i>1.2. Support for affected households who have no recognizable legal right or claim to the land they are occupying</i>	Financial assistance to all program affected persons to achieve the policy objective (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 program implementation, whichever is higher)	Only agricultural land used before July 1, 2004 is eligible for compensation. Other cases may be considered for assistance by PPC if needed.	Financial assistance of an agreed amount will be provided to all PAPs, regardless of their legal status, until their livelihoods and standards of living restore in real terms, at least, to pre-displacement levels.
<i>1.3. Compensation for illegal structures</i>	Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.	No compensation	Compensation at full replacement cost will be provided for all structures affected, regardless of legal status of the land and structure.
2. Compensation			
<i>2.1. Methods for determining compensation</i>	Compensation for lost land and other assets should be paid at full replacement costs,	Compensation for lost assets is calculated at price close to transferring the assets in local markets or the cost of	Independent appraiser identifies replacement costs for all types of assets affected, which are appraised by land

Subjects	Bank's OP 4.12	Government of Vietnam	Program Measures
<i>rates</i>		newly-built structures. Provincial People's Committees are granted to identify compensation prices for different categories of assets. Independent land valuator can be used to determine land prices, which will be appraised by land appraisal board before Provincial People's Committee approval.	appraisal board and approved by Provincial People's Committees to ensure full replacement costs.
<i>2.2. Compensation for loss of income sources or means of livelihood</i>	Loss of income sources should be compensated (whether or not the affected persons must move to another location)	Assistance in respect of income loss is given only for registered businesses. Assistance measures to restore income sources are provided.	All income losses are to be compensated and, where necessary to achieve the objectives of the policy, development assistance in addition to compensation will be provided.
<i>2.3. Compensation for indirect impact caused by land or structures taking</i>	It is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups.	Not addressed.	Social assessment has been undertaken and measures identified and being implemented to minimize and mitigate adverse impacts, particularly upon poor and vulnerable groups.
<i>2.4. Livelihood restoration and assistance</i>	Provision of livelihood restoration and assistance to achieve the policy objectives.	Livelihood restoration and assistance measures are provided. No follow-up for full livelihood restoration after resettlement completion.	Provision of livelihood restoration and assistance measures to achieve the policy objectives. These will be monitored as detailed in the RAP
<i>2.5. Consultation and disclosure</i>	Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Feedback and Grievance Redress Mechanisms	Focus mostly on consultation during planning (consultation on draft plan of compensation, support and resettlement and plan for training, career change and facilitating job searching); information sharing and disclosure.	Consultation and participation incorporated into RAP design, along with information sharing with PAPs and stakeholders.

Subjects	Bank's OP 4.12	Government of Vietnam	Program Measures
3. Feedback and Grievance Redress Mechanism			
	Feedback and Grievance Redress mechanism should be independent	The same governmental body makes decisions on compensation and resettlement, and also handles grievances at the first step. However, complainants can go to court at any stage if they so wish but this is time consuming and costly.	More effective Feedback and Grievance Redress Mechanism is to be established, built on the existing governmental system, with monitoring by an independent monitor
4. Monitoring and Evaluation			
	Internal and independent monitoring are required	Citizens are allowed to supervise and report on breaches in land use and management on their own (or through representative organizations), including land recovery, compensation, support and resettlement (Article 199, Land Law 2013). There is no explicit requirements on monitoring of the resettlement works, including both internal and independent (external) monitoring.	Both internal and external (independent) monitoring is to be regularly maintained (on a monthly basis for internal and bi-annual basis for independent monitoring). An end-of-program/ project report will be done to confirm whether the objectives of OP 4.12 were achieved.

3 Principles and Policies for Resettlement, Compensation and Rehabilitation

3.1 *General principles*

All program/project affected people (PAP) who have assets within or reside within the area of program/ project land-take before the cut-off date are entitled to compensation for their losses. Those who have lost their income and/or subsistence will be eligible for livelihood rehabilitation assistance based on the criteria of eligibility defined by the program in consultation with the PAPs. If, by the end of the project, livelihoods have been shown not to be restored to pre-program levels, additional measures will be provided.

- The compensation rates will be determined based on the results of independent appraisal of the land/crops/assets (associated with the land) in a timely and consultative manner. All fees and taxes on land and/or house transfers will be waived or otherwise included in a compensation package for land and structures/or houses or businesses. The local authorities will ensure that PAP choosing relocation on their own, obtain, without additional costs, the necessary property titles and official certificates commensurate with similar packages provided to those who choose to move to the program resettlement sites.
- Land will be compensated “land for land”, or in cash, according to PAP’s choice whenever possible. The choice of land for land must be offered to those losing 20% or more of their productive land. If land is not available, the Central Program Management Unit (CPMU) must assure itself, that this is indeed the case. Those losing 20% or more of their land will have to be assisted to restore their livelihood. The same principles apply for poor and vulnerable people losing 10% or more of their productive landholding.
- PAPs who prefer “land for land” will be provided with land plots with the equivalent productive capacity for lost lands or a combination of land (a standard land plot) in a new residential area nearby for residential land, and cash adjustment for difference between their lost land and the land plots provided. The resettlement area will be planned properly and implemented in consultation with the PAPs. All basic infrastructures, such as paved roads, footpaths, drainage, water supply, and electricity and telephone/internet connectivity, will be provided.
- PAPs who prefer “cash for land” will be compensated in cash at the full replacement cost. These PAPs will be assisted in rehabilitating their livelihoods and making their own arrangements for relocation.
- Compensation for all residential, commercial, or other structures will be offered at the replacement cost, without any depreciation of the structure and without deduction for salvageable materials. Structures shall be evaluated individually. Any rates set by category of structure must use the highest value structure in that group (not the lowest).

- Households whose income generation activities, or livelihoods are affected as a result of water cut during dam/reservoir rehabilitation (temporary impact) will be compensated for at replacement costs principle.
- As for the displaced households affected with shelter (displaced from existing residential land because the remaining land area is not feasible for building house or entire land acquisition), the local resettlement board needs to conduct consultations and makes agreed solutions to assist for new shelter for affected households.
- The displaced households whose residential houses are partially affected but can be rebuilt on their remaining land (not subject to displacement) will be applied general policies of the program in accordance with the agreed entitlement matrix.
- The PAPs will be provided with full assistance (including a transportation allowance) for transportation of personal belongings and assets, in addition to the compensation at replacement cost of their houses, lands and other properties.
- Compensation and rehabilitation assistance must be provided to each PAP in full or in installments prior to displacement at least 30 days prior to the acquisition of the assets for those who are not to be relocated and 60 days for those who will have to be relocated. Exceptions should be made in the case of vulnerable groups who may need more time. Also, if a bonus is to be paid for more prompt relocation allowance needs to be made for those APs who cannot for whatever reasonable reason (such as childbirth, illness unknown at time of the DMS memo being signed, newly constructed house not ready for occupation, or planned infrastructure, especially water and electricity not being connected or if during the school term either the school cannot accommodate additional children without more physical space being made available or an additional teacher/s being employed or insufficient staff at the commune medical center.
- If, by the end of the project, livelihoods have been shown not to be restored to pre-program levels, additional measures will be provided.
- Additional efforts, such as economic rehabilitation assistance, training and other forms of assistance, should be provided to PAPs losing all or some of their existing sources of income, especially to vulnerable groups, in order to enhance their future prospects toward livelihood restoration and improvement.

3.2 Compensation Policies

All APs who are identified in the sub-project-impacted areas on the cut-off date of the Inventory of Loss (IOL) will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to enhance, or at least restore their livelihoods in real terms relative to pre-program levels; and to improve the standards of living of the affected poor and other vulnerable groups.

The cut-off date will be the date when the PPC issues the Notification of Land acquisition for the relevant program (Article 67.1 of Land Law 2013) before implementation of DMS. A

census survey will be done before the cut-off date is announced to establish a list of potential affected households. Those who encroach into the investment area or building their new assets (rehabilitation, construction of houses/structures, new tree planting except where replanting occurs on land that has been used for production forestry) after the cut-off date will not be entitled to compensation or any other assistance.

Based on the feasibility study report, the baseline social survey (BLS), social impact assessment initially, the impact of resettlement: the group of people affected, download the affected land and other impacts through IOL. Based on the objectives of the policy and policy harmonization land acquisition, resettlement is proposed for the project, the interests of the affected people are required by law. The specific benefits for each group of affected people mentioned in the entitlement matrix.

3.2.1 Compensation policy for permanent impact

For Loss of Agricultural land

Legal land users:

If the lost area represents less than 20% of a Household's (HH's) land holding (or less than 10% for poor and vulnerable groups), and the remaining area is economically viable, compensation in cash will be at 100% replacement cost for the lost area.

If the lost area represents 20% or more of the HHs' land holding, (or 10% or more for the poor and vulnerable groups) or the remaining area is economically not viable, then "land for land" compensation should be considered as the preferred option. If no land is available, then the PPMU must demonstrate this to the World Bank's satisfaction before proceeding. If land is not available, or if the PAP prefers cash compensation, then cash compensation will be provided for the lost area at 100% of land replacement cost, and the PAP will be provided with rehabilitation measures to restore the lost income sources, such as agricultural extension, job training, provision of non-agricultural land at a location appropriate for running off-farm business or services.

If the PAPs wish, and there is land of similar value elsewhere, the program should also assist these PAPs to visit these areas and help with legal transactions should they wish to acquire them. For agricultural land lying intermixed with residential areas, and garden and pond land lying adjacent to residential areas, apart from compensation at the price of agricultural land having the same use purpose, monetary support shall also be provided; with the prices for such support being equal to between 50% and 70% of the prices of adjacent residential land; and with the specific support levels being decided by the Provincial People's Committees (PPC) based on the highest market value at the time and incorporating principles enshrined in the willing-seller and willing-buyer principle.

Users with temporary or leased rights to use commune/public land (PAPs who rent communal or public land):

Cash compensation at the amount corresponding to the remained investment put on the land or corresponding to the remained value of the land rental contract, if it exists.

For PAPs currently using land assigned by State-owned agricultural or forestry farms on a contractual basis for agricultural, forestry, or aquaculture purposes (excluding land under special use forests and protected forests), compensation shall be provided for investments made on the land, but not for the land itself, and these PAPs will also receive additional support for income rehabilitation if they are directly involved in agricultural activities as per Government's regulations. Where PAPs receive land on a contractual basis but are other than the individuals specified as above, they shall only receive compensation for investments made on the land.

Land Users who do not have formal rights to the affected land:

Instead of compensation, these PAPs will receive rehabilitation assistance at 80% of the land value in cash. Agricultural land used before July 1, 2004 will be compensated at 100% as per

Article 77 of the Land Law of 2013. These PAPs will be entitled to the rehabilitation measures mentioned above, to ensure that their living standards are restored.

In cases where the land is rented through civil contracts between individuals, households or organizations, then the compensation for crops, trees or aquaculture products will be paid to the affected land users and PPMU shall assist the tenant to find similar land to rent.

In cases when PAPs utilize public land (or protected areas), with an obligation to return the land to the Government when requested, the PAPs will not be compensated for the loss of use of the land. However, these PAPs will be compensated for crops, trees, structures and other assets they own or use, at full replacement cost.

The social and baseline assessment should consider if a physical impediment caused by the Program (such as a restriction on the usage of toxic chemical inputs, for instance Roundup for environmental reasons including health reasons)) will impose additional costs on PAPs, and whether additional compensation is required to offset these costs.

For Loss of Residential Land

Loss of residential land without structures on it: For legal and/or legalizable land users, all compensation for loss of land will be made in cash at full replacement cost. For land users who have no recognizable land use right, financial assistance will be provided. The amount will be determined by the respective PPC but will not be less than the annual review of property prices for land use type and location in the province.

Loss of residential land with structures built thereon, where the remaining (non-acquired) land is adequate to rebuild the structure (reorganizing PAP): Compensation for loss of land will be made in cash at (i) full replacement cost for legal and legalizable land users; (ii) Financial assistance of an agreed amount will be provided to land users who do not have recognizable land use rights.

Loss of residential land with structures built thereon, and the remaining land is not adequate to rebuild the structure (relocating PAP):

- (i) For PAPs who have legal or legalizable rights to the affected land:
- A land plot of equivalent size and quality, in a well-developed resettlement site. Where land is not available, an apartment will be provided to the PAP. This will be done in consultation with the PAP. Full ownership title to the land or apartment will be given at no cost to the PAP.
- OR,
- On request of and with full consultation with the PAP, cash compensation at full replacement cost, plus the amount equivalent to the value of the infrastructure investments calculated as an average for each household in a resettlement site. In this case, the household will be expected to relocate themselves.

In the event that the compensation amount to be paid is less than the cost of a minimum land plot/apartment in the project's resettlement site, PAPs will be given the support needed to

allow them to acquire the new land plot/apartment at no additional cost to them. If a land plot/apartment in the resettlement site is not the PAP's chosen option, financial assistance, equivalent to the difference in the value of the chosen and actually received land plot/apartment will be provided to them.

(ii) PAPs who do not have formal or customary rights to the affected land:

- Financial assistance of an amount to be determined by PPC will be given.
- If the PAP has no place to move, a land plot or an apartment satisfactory to them will be provided in the resettlement site and they can either pay in installment or rent it for living.

In case the relocated PAPs belong to poor or vulnerable groups or households, additional assistance (in cash and kind) will be provided to ensure that they are able to fully relocate to a new site.

For Loss of House/Structures

Compensation or assistance in cash will be made for all affected private-owned houses/structures, at 100% of the replacement costs for materials and labor, regardless of whether or not they have title to the affected land or a construction permit for the affected structure. The compensation/assistance amount will be sufficient to rebuild the affected house/structure of the same quality. As per OP 4.12 cash compensation will be at full replacement cost in local markets. No deductions will be made for depreciation or salvageable materials.

If the house/structure is partially affected, a financial assistance will be provided to enable PAPs to repair the affected house/structures to restore it to the former condition, or better, at no additional cost to them.

Tenants

- (i) Tenants of state-owned or organization-owned houses will be: (i) entitled to rent or buy a new apartment of an area at least equal to their affected ones or (ii) provided with financial assistance equivalent to 60% of replacement cost of the affected land and houses. The affected structures built at the PAP's own costs will be compensated for at full replacement cost.
- (ii) Tenants who are leasing a private house for living purposes will be provided with a transportation allowance for moving assets, and will be assisted in identifying alternative accommodation.

For Loss of Standing Crops and Trees or Aquaculture Products

For annual and perennial standing crops, trees or aquaculture products, regardless of the legal status of the land, cash compensation at full replacement cost will be paid to the affected persons who cultivate the land, grow trees or raise fish. The compensation will be sufficient to replace the lost standing crops, trees or aquaculture products at local market rates. Perennial crops or trees will be compensated at a rate calculated on their life time productivity. Where affected trees can be removed and transported, compensation will be paid for the loss of the tree plus the transportation cost.

For Loss of Income and/or Business/Productive Assets

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

- (i) Allowance for stable production, business: All affected businesses and production households whose income is affected will be compensated and/or supported for losses in business equivalent to 30% of their actual annual income: (i) For licensed businesses the compensation will be based on their average yearly income as declared with the District General Department of Taxation over the previous three years, and (ii) For unregistered affected businesses but discharged

their tax obligations the compensation will be supported by 50% of the specified support.

- (ii) Employees who are affected by acquisition of residential/commercial land acquisition, public land or land of enterprises: Allowance equivalent to the minimum salary as per the regulations to affected employees during the transition period which can be for a maximum of 6 months. Assistance in finding alternative employment will also be provided.
- (iii) If the business has to be relocated, the program will assist in finding an alternative site with location advantage and physical attributes similar to the land lost, and with easy access to a customer base, satisfactory to the PAP. Alternatively, the PAP will receive compensation in cash for the affected land and attached structures at replacement cost, plus transportation allowance for movable assets.

Compensation for Graves

Compensation for the removal of graves/tombs will include the cost for buying of land for re-burial, excavation, relocation, reburial and other related costs which are necessary to satisfy customary requirements. Compensation in cash will be paid to each affected family or to the affected group as a whole as is determined through a process of consultation with the affected community. The level of compensation will be decided in consultation with the affected families/communities. Household and individual graves are considered physical cultural resources (PCR) and even though the costs associated with their relocation will be covered in the resettlement plan, the WB OP 4.11 on Physical Cultural Resources should be triggered and relevant cross references should be made to the Environmental Management Plan or Program Implementation Manual.

Compensation for other assets

In the case of the affected households is equipped with telephone system, water meter, electric meter, cable TV, internet access (subscription), shall be compensated according to unit price of installing new units offer service announcement or relocation costs due to service providers regulations.

Compensation for Loss of Public Structures

In cases where community infrastructure such as schools, factories, water sources, roads, sewage systems, medical centers, distribution/transmission, communication and fiber cable are damaged and the community wishes to reuse them, the program will ensure that these are restored or repaired as the case may be, at no cost to the community. Public infrastructure directly related to people's livelihoods and developmental needs, such as irrigation canals, water supply systems, school, clinic, etc. will be restored/rebuilt to pre-program or higher quality levels or compensated at replacement cost, as determined through consultation with the affected community.

Land acquisition for the safety corridor of construction, AHs have houses and constructions on the land in safety corridor of construction, to be considered, assessed on impacts level and compensated and assisted in accordance with the policy of the project.

3.2.2 *Compensation policy for temporary impact during construction*

When PAPs are adversely impacted by program/ sub-project works on a temporary basis, they are entitled to the following:

Damages caused by contractors to private or public structures:

Damaged property will be restored to its former condition by contractors, immediately upon completion of civil works. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging property during their construction activities. Where damages do occur, the contractor will be required to repair the damage and may also be required to pay compensation to the affected families, groups, communities, or government agencies at the same compensation rates that are applied to all other assets affected by the Project.

Secondary PAPs:

This refers to PAPs affected by development of individual resettlement or group resettlement sites. Because all secondary PAPs are likely to be affected in similar ways as primary ones, they will be entitled to compensation and rehabilitation assistance in accordance with the impacts on them and according to the same compensation rates and procedures that apply to all PAPs affected in this project.

Compensation for Loss of Community/Public Assets:

In cases where community infrastructure such as schools, bridges, factories, water sources, roads, sewage systems are damaged, the program will ensure that these will be restored or repaired at no cost for the community, and be done to a standard that meets the community's satisfaction.

Any other impacts that may be identified during implementation:

Any other impacts identified during program implementation will be compensated in accordance with the principles of this RPF and World Bank OP 4.12. Any disruption of business will be compensated in accordance with the principles of this RPF.

Support for agricultural households affected by halting water supply during construction (if any). The people in the area affected by the loss/limit water source due to infeasible irrigation water during construction. Support by the average net income per month, not less than 3 months, according to the conditions and extent of the specific impact, PPC decides in specific cases. Prioritized participate in extension programs. In process of assistance plan development, it needs to determine and consult fully with AHs.

3.2.3 *Allowances and rehabilitation assistance*

Besides the compensation for affected assets, PAPs will be provided with financial assistance to cover their expenses during the transition period. The assistance levels will be adjusted,

considering inflation factors and price increases to be appropriate to the payment time. They include, but are not limited to:

For Impacts on Residential Land:

- (i) ***Transportation Allowance to relocating PAP:*** Support will be provided using cost norms that apply to similar allowances in the province with higher amounts payable of PAPs move to another district or province.
- (ii) ***Removal Support:*** Organizations and PAPs that are allocated or leased land by the state or are lawfully using land and have to relocate their productive and/or business establishments are entitled to financial support for dismantling, relocating and re-installation of the establishment. Support levels will be determined by actual costs at the time of removal, based on self-declaration of the organizations and verification by the agency in charge of compensation. This will then be submitted to the relevant authorities for approval.
- (iii) ***House Rental Allowance*** or temporary accommodation will be provided to PAPs who may be forced to relocate from their original homes and are still awaiting the replacement land plots or apartments. In the case of replacement land plots, the rental allowance will extend to the period during which the new house is being built.

For Impacts on Agricultural and Forestry Land:

- (i) ***Allowance for Loss of Livelihood (during transition period):*** (i) PAPs losing 20 - 70% of their agricultural landholding (or 10 - 70% for the poor and vulnerable groups) will be provided with compensation by 30 kg of rice /person/month for 6 months if they do not have to relocate, and for 12 months in case of relocation. In some special cases, in extremely difficult areas, the compensation may be provided for a maximum of 24 months; (ii) PAPs losing more than 70% of their agricultural landholding will be assisted at the above rate for a period of 12 months if they do not have to relocate, and 24 months in case of relocation. In some special cases, in extremely difficult areas, the compensation may be provided up to a maximum of 36 months; (iii) Households affected by loss of less than 20% of land, where the remaining land is rendered unviable for continued use, will be assisted with the above support plus any additional support as determined, for a period of 12 months.

In case of land-for-land compensation, PAPs will be assisted with seedlings, agricultural-forestry extension programs, husbandry etc.

- (ii) ***Support for Skill/Job Change:*** The program will offer a range of training options in consultation with the affected PAPs and relevant to the market demand and needs of the area. The financial compensation will at most 5 times the agricultural land prices established by the PPC of the acquired agricultural land, but subject to the local land allocation limit as per Government's regulations.

- (iii) ***Support for training, apprenticeships on vocational training establishments***: At least one member of each affected household will be entitled to vocational training and assistance in getting employment in the PPC. The PAPs participating in such training programs will be exempted from payment of tuition fees. After finishing training courses, they will be prioritized for employment in the local industrial, commercial and service sectors if and when vacancies occur. Until those APs completing such courses are employed they will be entitled to continue receiving transitional allowances.
- (iv) ***Assistance for agricultural, garden and pond land adjacent to, but not included in the category of residential land***: Additional assistance (equivalent 40% of the cost of compensation for the adjacent residential plot) for garden land and pond land; and (at 50% of the cost of compensation for the adjacent residential plot) for agricultural land.

Other allowances/assistance:

- (i) ***Incentive Bonus***: All PAPs who vacate the affected land immediately after receiving compensation and allowances will be given an incentive allowance consistent with each province. However, this needs to be flexibly applied to consider the individual circumstances of individual AP households as indicated elsewhere in this RPF.
- (ii) ***Repair Allowance***: If house/structure is partially affected and the remaining structure is viable for continued use, the program will provide a repair allowance equivalent to 20% of the compensation for the affected part of the structure, to enable PAPs to restore it to its former size and preferably.
- (iii) ***Relocated households which eligible for resettlement, but self -accommodation***: an amount supported for investment in infrastructure cost/m² announced by the PPC based on estimates of the Ministry of Construction, the land area to support is the actual recovery land but not exceeding the limit of land allocation in accordance with regulations.
- (iv) Households relocating with school-going children will be supported with 1-year tuition payment as regulated by the Ministry of Education.

Allowances/Assistance Targeted to Vulnerable Households:

- (i) For landless households: Assistance through provision of an apartment with either payment by installment to buy it or rent it for living (at PAP's choice). Additional assistance will be considered if needed to ensure the PAPs have a place to live.
- (ii) Social Policy: (i) Relocated Households which included heroic mothers, heroic armed force, heroic labor, war veterans, wounded or who had one or more soldiers killed during the American War and other wars Vietnam was forced to engage in soldiers; (ii) Poor Relocated Household or Poor Household whose 10% or more of

their productive land affected or where <10% land affected but the remaining land will be provided with support as regulated by the PPCs (to be certified by the DPC).

- (iii) Other vulnerable groups: Female headed households with dependents, household with disabled persons, elderly without any source of support, poor and near poor households and ethnic minority households will receive the same additional support given to poor households in accordance with the provincial policy.
- (iv) PAPs who will lose income sources will be entitled to take part in Income Restoration Programs. Rehabilitation measures such as agricultural extension services, job training and creation, access to credit at Bank of Social Policy concessional rates and repayment terms and/or other measures as appropriate will be given to PAPs losing income sources to ensure their livelihood could be restored to the pre-program level.

Apart from the assistances mentioned above, based on the actual situation, the Program may consider other assistance to secure life stabilization, culture, production and livelihoods of APs.

Table 3.1 Entitlements Matrix

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
<p>1. Productive land⁸ (Agricultural, garden, pond land, etc.) either in or out of the residential area.</p>	<p><u>Legal land users</u> 1.1. Marginal loss (< 20% of land holding or < 10% for vulnerable group) The remaining area of affected plot is still economically viable for use or meets the expected personal yield.</p>	<p>Cash compensation at replacement cost (free from taxes and transaction costs) for the affected area of the land.</p>	<ul style="list-style-type: none"> • Affected households to be notified at least ninety days (90) before land recovery by the Project. • The owner of land will hand over the land within 20 days from the date District Compensation Board fully pays compensation for land.
	<p>1.2. Loss of no less than 20% or no less than 10% for vulnerable groups</p>	<p>Land for land compensation should be as the preferred option. If land is not available, or at the PAP's choice, cash compensation can be provided for the lost area at 100% of land replacement cost. The PAP will be provided with the additional rehabilitation measures to restore the lost income sources.</p>	<ul style="list-style-type: none"> • Other assistance options which could decide based on the locality conditions. • Affected households to be notified at least ninety days (90) before land recovery by the Project. • The owner of land will hand over the land within 20 days from the date District Compensation Board/has paid compensation and other allowances in full. • For poor, vulnerable and severely affected farmers, including landless, allocation of arable land equal to per capita arable land in commune, or if there no land available for allocation or, on the PAPs request through informed choice, training/ rehabilitation programs

⁸ The sub-categories of productive land such as agricultural, forestry, garden, aquaculture and pond will be compensated at different rates. These will be specified and detailed in the Resettlement Action Plans to ensure the compensation is reflective of current rates and takes into account geographic variation. Land on which businesses are located will be compensated as detailed in the section on relocation of business.

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
			will be provided to at least restore, if not improve, their income and living standards.
	Land Users with temporary or leased rights to use land.	Cash compensation at the amount corresponding to the remaining investment on the land.	
	Land Users who do not have formal or customary rights to the affected land	<p>PAPs will receive assistance corresponding to 80% of land replacement cost. Agricultural land used before July 1, 2004 will be compensated at 100% as per Article 77 of the Land Law. In addition to above, rehabilitation/training assistance will be provided.</p> <p>In case the PAP uses public land where there was previous agreement to return the land to the Government when so requested, they will not be compensated for the acquired public land but will be compensated for structures, crops, trees and other assets on the land at 100% of the replacement cost.</p>	
2. Residential land	2.1. Marginal loss (i.e., land is still viable for use and not requiring relocation).	<p>Compensation for loss of land in cash at (i) replacement cost to the legal and legalizable land users; (ii) An financial assistance of an agreed amount to the land users not having recognizable land use right.</p> <p>If PAPs have to rebuild their houses, they will receive a house rental allowance for 3 months in recognition of the time needed to rebuild their houses.</p>	<ul style="list-style-type: none"> • Affected household to be notified at least 180 days before land recovery by the program. • The owner of land will hand over the land within 20 days from the date District Compensation Board/has paid compensation in full.

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
	<p>2.2. Relocated PAPs (from production and protection forest)</p>	<p><i>(i) Legal or legalizable land users:</i> A land plot in a resettlement site or apartment will be provided to the PAP, in consultation with them. They will have full land title or apartment ownership title without any cost to them.</p> <p>Or, on request of the PAPs through informed choice, cash compensation at full replacement cost plus the amount equivalent to the value of the infrastructure investments calculated averagely for each household in a resettlement site. In this case, they will be expected to relocate themselves.</p> <p>If the compensation amounts is less than the cost of a minimum land plot/apartment in the project's resettlement site, PAPs will be provided additional supported to enable them to acquire the land plot/apartment (or cash assistance will be provided equivalent to this difference for self-relocated PAPs).</p> <p><i>(ii) PAPs who do not have formal, rights to the affected land:</i> An identified financial assistance of agreed amount will be provided. If the PAP has no place to move, an apartment in the resettlement site will be provided and the PAP can either pay in instalment to buy or rent it for living.</p>	<ul style="list-style-type: none"> • Affected household to be notified at least 180 days before land recovery by the Project. • The process of compensation for a plot/apartment for legal and legalizable PAPs at the resettlement site will be as follows: <ul style="list-style-type: none"> • If the selling cost of minimum plot(s)/apartment at the new site is more than the value of the affected residential land, PAPs receive new plot/apartment at no additional cost. • If the plot(s)/apartment at the new site is equal the value of affected residential land, PAPs receive new plot/apartment at the new site without any balance. • If the plot(s)/apartment at the new site is less than the value of affected residential land, PAPs will receive plot/apartment and the difference in cash. <p>The planning and detailed design for the relocation sites will be done by consultant of DCB in consultation with stakeholders and then approved by the PPC.</p> <p>Detailed regulation on plot/apartment allocation will be developed by DCB through consultation with commune and PAPs, followed by approval of PPC.</p> <p>For relocating households, assistance is in form of land-for-land of similar</p>

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
		<p>In case the relocated PAP belongs to poor or vulnerable groups or HHs, the program will help ensure that the PAP is able to relocate and re-establish themselves to a new site.</p>	<p>characteristics with title at no cost. The replacement land is no less than 40m², or compensation in cash with equal value if PAPs for self-relocation.</p> <p>Area and number of land plot/apartment in resettlement sites will be decided in consultation with PAPs.</p>
			<p>For poor or vulnerable PAPs who have no other residential land in the affected commune they are residing in, the program will provide an apartment and the PAPs can either pay in instalments to buy or rent it for living.</p>
<p>3. Houses</p>	<p>3.1. Partial impact: Unaffected portion of the house is still viable for use and could be remained from the technical viewpoints, therefore, require no relocation.</p>	<ul style="list-style-type: none"> • If house/structure is partially affected and the remaining structure is viable for continued use, the program will provide a house/structure repair cost, in addition to the compensation for affected portion at replacement cost, to enable PAPs to restore it to former or better conditions. • Compensation for other structures/fixed assets will be at full replacement cost and will be in cash. 	<p>The calculation of rates will be based on the actual affected area and not the useable area.</p>
	<p>3.2. Full impact (i.e., house is partially acquired by the program but no longer viable for continued use or the entire structure is acquired).</p>	<ul style="list-style-type: none"> • Compensation in cash for entire affected structures will be provided at 100% of the full replacement cost for materials and labor, regardless of whether or not they have title to the affected land or permit to build the affected structure. The amount will be sufficient to rebuild a structure the same as the former one at current market prices. No deductions will 	<p>The calculation of rates will be based on the actual affected area and not the useable area.</p>

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
		<p>be made for depreciation or salvageable materials.</p> <ul style="list-style-type: none"> • Compensation for other structures/fixed assets will be at full replacement cost and will be in cash. Tenants of state or organization’s houses will be: (i) entitled to rent or buy a new apartment of the area at least equal to their affected ones; or (ii) provided an assistance equal 60% of replacement cost of the affected land and houses. Any investments such as structures, trees, crops etc. made on the land by the PAPs will be compensated at their full replacement cost. <p>The tenants who are leasing a private house for living purposes will be provided with transportation allowance for moving their assets. They will also be assisted in identifying alternative accommodation.</p>	
4. Crops and Trees, aquaculture products	Owners regardless of tenure status	For annual and perennial standing crops or trees, aquaculture products regardless of the legal status of the land, compensation in cash will be paid to the affected persons, who cultivate the land, at full replacement cost in local markets to ensure the compensation is sufficient to replace the lost standing crops, trees or aquaculture products.	PAPs will be given notice several months in advance regarding the need to cease the cultivation of new season crops. Crops grown after issuance of the deadline will not be compensated.
5. Public structures	Loss of, or damage to assets	Either in (i) cash compensation to cover the cost of restoring the facilities or (ii) in kind compensation based on the negotiation between District Compensation Board and owners of	For public structures, the displacement will be carried out by the owners prior to the start of works.

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
		assets.	
6. Communal-owned assets, collective assets	Loss of, or damage to assets of village, ward, commune, district, provincial government unit.	Either (i) cash compensation to cover the cost of restoring the facilities or (ii) in kind compensation based on the negotiation between DCB and owners of assets.	For the commune owned assets directly affecting lives and production activities of the community, restoration must be done prior to the start of works.
7. Graves	Have to move the graves or tombs	All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family. Graves to be exhumed and relocated in culturally sensitive and appropriate ways.	
8. Loss of Income/ Livelihood due to loss of productive land	Impacts due to permanent loss of 20% or more of their total productive land or where <20% land affected but the remaining land is rendered unviable. (Legal, legalizable land users and PAPs with lease agreement over the affected land)	Allowance for Loss of Livelihood: Affected person will be compensated with 30kg of rice/person/month, including: (a) Affected households losing 20% to 70% of their agricultural land will be assisted for 6 months if the remaining land is viable for continued use, and for 12 months in case the remaining land is rendered unviable and entire land is acquired by the project. In some special cases, in extremely difficult areas, the assistance may be given up to a maximum of 24 months; (b) Affected households losing more than 70% of their agricultural land acquired will be assisted for 12 months if the remaining land is viable for continued use, and for 24 months in case the remaining land is rendered unviable and entire land is acquired by the project. In some special	

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
		<p>cases, in extremely difficult areas, the assistance may extend to a maximum of 36 months; In addition, these PAPs will be targeted for livelihood restoration program;</p> <p>(c) households affected by loss of <20% of land and the remaining land is rendered unviable for continued use, the PAPs will be provided assistance for 12 months;</p> <p>Assistance for agricultural, garden and pond land in the residential area adjacent to residential land, but not recognized as residential land: Additional assistance (40% of the cost of compensation for the adjacent residential plot) for garden land and pond land; and (at 50% of the cost of compensation for the adjacent residential plot) for agricultural land. In case of land-for-land compensation, PAP will be assisted with seedlings, agricultural-forestry extension programs, husbandry etc.</p> <p>Vocational conversion assistance: Every PAP affected by loss of productive land, irrespective of the degree of impact, will be provided with additional assistance equivalent to at most 5 times the agricultural land price established by PPC.</p> <p>Support for vocational training and job</p>	

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
		<p>creation: At least one member of households affected by loss of productive land will be entitled to vocational training and assistance in getting employment in the province. The PAPs participating in such training programs will be exempted from payment of tuition fees course will be paid directly to the vocational training centers. After finishing training courses, they will be given priority for local job placement if and when where such opportunities exist.</p>	
<p>9. Loss of Income/ Livelihood due to relocation of business</p>	<p>Marginal impacts</p>		
	<p><i>Owner of the affected business and employees</i></p>	<p>For PAPs losing income and/or business/productive assets as a result of land acquisition, the mechanism for compensating will be:</p> <p>(i) Allowance for Business Loss: All affected businesses and production households whose income is affected will be compensated or supported for losses in business equivalent to 50% of their actual annual income: (a) For licensed businesses the compensation will be based on their average yearly income declared with the taxation agency over the previous three years, and (b) For unregistered affected businesses but have made their tax obligations the compensation will be supported by 50% of the specified (ii) Employees who are</p>	

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
		<p>affected by acquisition of residential/commercial land acquisition, public land or land of enterprises: Allowance equivalent to the minimum salary as per the provincial regulations to affected employees during the transition period for a maximum of 6 months, and will be assisted in finding alternative employment.</p>	
	<p><i>Relocating shop owners regardless of tenure status.</i></p>	<p>If the business has to be relocated, the program will provide alternative site with local advantage and physical attributes similar to the land lost with easy access to customers base, satisfactory to the PAP, OR compensation in cash for the affected land and attached structures at replacement cost, plus transportation allowance for movable attached assets.</p>	<p>PAPs will be given priority for business relocation at conveniently located in order to maximize their benefit from business opportunities. At the time of compensation, allowances will be adjusted to account for inflation.</p>
<p>10. Allowances /Assistance Targeted to Vulnerable Households</p>	<p>Loss of land and non-land assets <i>Affected vulnerable groups regardless of severity of impacts. The vulnerable groups were defined as in Terms of Terminology</i></p>	<p>Specific assistance to vulnerable groups would be as follows: For landless households, assistance through provision of an apartment that PAP can either pay in instalment to buy or rent it for living. Social Policy: (i) Relocated Households that include heroic mothers, heroic armed force, heroic labor, war veterans, wounded or dead soldiers' families will be provided with support as regulated by the PPCs; (ii) Poor Relocated Households or Poor Households where 20% or more of their productive land is affected or where <20%</p>	<p>Allowance for households as per Government regulation (social policy households, heroic mothers, and households that include war wounded or the households from where dead soldiers were members prior to being killed in combat or as a result of war injuries). If the household eligible to more than one additional support allowance for the vulnerable people, only one package with the highest value will be applied</p>

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
		<p>land is affected but the remaining land is rendered unviable and to be certified by local authority).</p> <p>Other vulnerable groups affected by the Project, whether they have to relocate or not, (female headed households with dependents, households with disabled persons, elderly without any source of support, ethnic minority households) will get the same support given to poor households in accordance with the provincial policy.</p> <p>These households are entitled to take part in Income Restoration Program</p>	
<p>11. Other Allowances/ Assistances</p>	<p>Loss of land and non-land assets</p>	<p>Incentive Bonus: All PAPs who vacate the affected land immediately after receiving compensation and allowances will be given an incentive allowance in accordance with the provincial policy.</p> <p>Repair Allowance: If house/structure is partially affected and the remaining structure is viable for continued use, the program will provide a repair allowance equivalent of 20% of compensation for the affected part of the structure to enable PAPs to restore it to former or better conditions.</p> <p>The relocating households with children who are attending schools will be</p>	

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
		<p>supported with 1-year tuition as regulated by the Ministry of Education Based on the actual situation of the locality, the PPC Chairman issues other allowances to ensure accommodation and livelihood restoration for PAPs.</p>	
12. Temporary impacts	Temporary loss of land and assets.	<p>Compensation for all damaged or lost assets, including trees, crops at full replacement cost Rental in cash for the land acquired at a rate which will be no less than the net income that would have been derived from the affected property during disruption;</p> <p>Restoration of the land within 3 months after use: The contractor is expected to return the land in its original condition within 3 months of the termination of the civil works.</p>	<p>If the quality of land is radically changed when returned to PAPs, requiring PAPs to change in the types of land use; then PAPs should be compensated for all envisaged cost of losses.</p>
	Households whose income generation activities, or livelihoods are affected as a result of water cut during dam/reservoir rehabilitation (temporary impact)	<p>Compensation for all lost will be at replacement costs.</p> <p>Priority of participation in agricultural extension, and other assistance of local.</p>	<p>People to be assisted must be specified and consulted fully.</p>
13. Any other impacts that may be identified during implementation	Individuals, organizations in the program area	<p>Entitlements to compensation and other assistance would be provided in accordance with the compensation policy.</p> <p>Secondary impacts on production and business or PAPs isolated from access to resources temporarily have to be compensated and supported in</p>	<p>In case of impacts on livelihoods of PAPs, the contractors, construction units have to agree with the households on payment for disruption of business.</p>

Type of Loss/Impacts	Application	Entitlements	Implementation Arrangements
		accordance with RAP.	

3.3 *Resettlement and income restoration strategy*

For *households with affected residential land and have to resettle*. Households that have to resettle, relocate will identify and select options of relocation on their existing plots or to move to plots provided by the district or to receive cash compensation to make their own arrangements for relocation. In the case that any businesses have to relocate, they will be assisted to find viable new sites.

For households with acquired agricultural land. Apart from the compensation and assistance foresaid, they are entitled to assistance policy for job creation and vocational training for the persons of working age (Decree 52/2012, Decree 47/2014). They will be provided with assistances:

Assistance for vocational training including: short-term vocational training courses (primary level and vocational training of less than 3 months) or vocational training at mid-level and college levels and the local authority pays tuition for one training course. The expenditure for vocational training is taken from total expenditure of the investment program or the approved plan on compensation, assistance and resettlement;

Assistance for job creation in the country: providing consultation on vocational training, free-of-charge job referral opportunities at the employment centers managed by DOLISA. Potential employers of vocational training graduates are entitled to receive a range of concessions to ensure the additional costs incurred in hiring these graduates are offset in accordance with existing policy on concessions such employees are entitled to.

The AHs who are compensated with agricultural land will be assisted to stabilize production stable production, including: Assistance for plant varieties and animal breeds for agricultural production, agriculture and forestry services, plant protection services, veterinary medicine, cultivation techniques, breeding techniques and professional techniques for production and business. Appropriate livelihood restoration programs will be designed and implemented in consultation with the APs during the project implementation stage.

3.4 *Vulnerable Groups, Gender, and Ethnic Minorities*

The Program realizes that there are certain social groups that have fewer possibilities to restore their living conditions, livelihoods, and income levels and the Program has integrated these issues in program preparation and implementation activities through the participation of Ain all aspects of resettlement planning The SESA has demonstrated how women in villages possible ER-P villages make highly significant contributions to the social and economic development of the villages they live in not just within the household but on a wider village basis. They will be empowered to become active members in community activities as well as in supporting program implementation and monitoring.

During the implementation process, the Program will pay special attention to the women and female-headed HHs as the program beneficiaries. Women will participate equally in the whole process of program implementation to enhance the program sustainability. Active participation of women and the ethnic minority group will ensure that design of restoration measures suits their specific needs or concerns, e.g. groups of people without land, the poor and female household, the physically and mentally impaired, the elderly and children who

have no assistance sources. In case of having a full resettlement action plan that is required because of the scope and magnitude of involuntary resettlement impacts and agreed by all relevant parties, a strategy of gender and specific actions for the ethnic minority groups, will be incorporated.

4 Eligibility Criteria and Entitlements

4.1 *Eligibility of displaced persons*

People directly affected by the program/ sub-project through the loss of land, residence, other structures, businesses, other income-generation assets, or access to resources, specifically are:

- Persons whose agricultural land will be affected (permanently or temporarily) by the Program;
- Persons whose residential land/houses will be affected (permanently or temporarily) by the Program;
- Persons whose leased-houses will be affected (permanently or temporarily) by the Program;
- Persons whose businesses, farming activities, occupations. or places of work will be affected (permanently or temporarily) by the Program;
- Persons whose crops (annual and perennial)/ trees will be affected in part or in total by the Program;
- Persons whose other assets or access to those assets, will be affected in part or in total by the Program; and
- Persons whose livelihoods will be impacted (permanently or temporarily) due to restriction of access to production forest by the Program
- Persons whose livelihoods will be impacted (permanently or temporarily) due to restriction of access to protected areas by the Program will be particularly addressed in PF.

4.2 *Identification of vulnerable groups or households (HHs)*

During the SERNA, it will be possible to identify following vulnerable persons:

- Poor and near poor households as identified by DOLISA and according to local regulatory criteria;
- Poor landholders that have limited productive land (this will be determined by the minimum amount of farm land needed to be a viable farmer in the program area);
- Ethnic minority Households;
- Mentally and physically disabled people or people in poor physical health; infants, children and women without assistance;

- Poorest women-headed households or women-headed households with no other support;
- Other PAP identified during resettlement investigations who do not have landholdings that are legalizable based on the Land Law and therefore not legally entitled to compensation for land acquired but who would be entitled to compensation for loss of income due to the cessation of productive activities on such land;; or
- Any additional groups identified by the SERNA which will include a participatory approach to public consultations of this nature.

4.3 *Eligibility*

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

- (i) Those who have formal legal rights according to the 2013 Land Law. I
- (ii) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized according to the 2013 Land Law; and
- (iii) Those who have no recognizable legal right or claim to the land they are occupying.

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

4.4 *Entitlements*

With respect to a particular eligibility category, entitlements are the sum of compensations and other forms of assistance provided to PAP. Please refer to the Entitlement Matrix.

4.5 *New households after the cut-off-date*

Those households separating from the larger extended families after the cut-off-date who meet the following conditions will be eligible for resettlement benefits as stand-alone households and are recognized as PAPs:

- Households separating from a family with minimum of two couples and having a minimum of six persons; and
- Endorsement by the DPC, with verification of the CPC that the separate households have been established.

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

5 Consultation with Program Affected People

5.1 Objectives of public information and consultation

Disseminating information to people affected by the program and the involved agencies is an important part in the work of program preparation and implementation. The consultation with affected persons and the active participation of APs will reduce the potential conflict and risk of slowing the project. This allows the program to design a resettlement and rehabilitation program as a general development program, in accordance with the needs and priorities of affected people and therefore, maximizes economic and social viability of the investment. Objectives of the information and community consultation program include:

- (i) Ensuring that local competent authorities as well as representatives of affected persons will be involved in the planning and making decisions and this importantly must include women, ethnic minority, poor and other vulnerable APs. The PPMUs will work closely with the DPCs and CPCs during the sub-project implementation. The participation of affected persons in implementation stage will be continued by requesting each district/commune to invite representatives of affected persons to participate as members of the Council/Board of Compensation and Resettlement of the district and participate in resettlement activities (property evaluation, compensation and resettlement and monitoring);
- (ii) Sharing all information about planned work items and activities of the sub-project with the affected people;
- (iii) Collecting information on needs and priorities of affected persons as well as receive their response information on planned policies and activities;
- (iv) Ensuring that affected persons will be fully informed concerning the decisions which directly affect their income and living standards and they have the opportunity to participate in the activities and make decisions about issues directly affecting them;
- (v) Gaining the cooperation and participation of affected persons and communities in the activities, which are necessary for planning and implementing resettlement activities; and
- (vi) Ensuring the transparency in all activities related to land acquisition, compensation, resettlement and restoration.

5.2 Consultation approach adopted when preparing this RPF

The purpose of the Resettlement Policy Framework is to provide a set of principles for compensation, assistance and resettlement, the institutional organization, funding mechanisms and design criteria applicable to the preparation of sub-projects during project implementation (OP 4.12, paragraphs 26-28).

Consultations during the preparation of the Resettlement Policy Framework: From May to mid-June 2017, the ER-P conducted various consultation meetings with relevant stakeholders. These include the Provincial People's Committees, District People's Committees and relevant departments/agencies, Commune People's Committees and relevant organizations, Mass Organizations including the Fatherland Front, Vietnam Women's Union, Farmer's Association, War Veterans Association, and Youth Association, (Thanh Hoa and Nghe An where the majority of upland ethnic minorities are located) in all six provinces of the ER-P Accounting Area: Thanh Hoa, Nghe An, Ha Tinh, Quang Binh, Quang Tri and Thua Thien Hue. The objectives of the consultations were to: (i) provide project information, including: possible scope, scale, proposed components, main activities, potential positive/negative impacts and mitigation measures, implementation plans, based on the ACMA approach (ii) participants' comments were incorporated into the draft RPF.

5.3 Consultation during Sub-Project Identification and Preparation

The sub-project investment preparation stage, public information and consultation aims to gather information for assessing sub-project resettlement impacts and clarify recommendations on possible alternative technical options⁹. This will reduce or mitigate potential negative resettlement impacts on local population and to proactively address issues or problems that may emerge during the implementation. The methods of the sub-project information and public consultation should ideally include a variety of consultative tools and techniques including a participatory rapid assessment that facilitates effective stakeholder engagement, using techniques of site and household visits, public meetings, group meetings and focus group discussions and the household socio-economic survey.

At the early stage of the sub-project preparation, local authorities and leaders of different administrative levels in each sub-project will be informed about the project, its objectives and proposed activities. They will be intensively consulted and actively participate in discussions on their development needs and priorities of their locality and how any proposed resettlement activities can be leveraged to assist in meeting these priorities with the major priority of course being to ensure that APs livelihoods are safeguarded. AHs will also be consulted on assessment of the potential impacts by the sub-project and possible mitigation measures and measures on improvement of sub-project benefits for themselves. The CPC and DPC is consulted to secure agreement and commitments to follow the program resettlement policy described in the RPF, reflecting both the Government and WB resettlement objectives.

⁹ As per the Forest Management Councils the ACMA process is designed to ensure there is as much local stakeholder participation as possible from forest-dependent communities but it is recognized that membership of the Forest Management Council via elected representatives is on a voluntary basis. Please refer to the **Appendix xx** in the ER-PD that provides more extensive details on the ACMA process.

After the sub-project is approved, the program information including RAP, objectives, components and on-going activities at public sites shall be publicly disclosed.

5.4 Consultation proposed during sub-project implementation

Information dissemination and community consultation: during the program implementation, the PPMUs/DRCs, with the assistance of the program safeguards consultants and also representative/s of the FMC, will undertake the following tasks:

- (i) Providing information to relevant agencies at all levels throughout training workshops. Provide detail information on the program policies and implementation procedures;
- (ii) Organizing information dissemination and consultation to all affected persons during the program implementation;
- (iii) The DRC undertakes the DMS, updates the unit prices based on the results of replacement cost survey, and reconfirm the scale of land acquisition as per the IOL and impacts on properties based on the results, consultation to affected persons, develop and complete property compensation plan for each affected household;
- (iv) The property compensation plan finalizes affected assets and compensation entitlements of households, which must be signed by affected persons – and is known as the DMS Minute - to demonstrate their concurrence with the evaluated results. Any questions of affected persons on the content of the compensation plan must be recorded at this time and entered into a information database prepared for each specific RAP
- (v) A letter/questionnaire about resettlement options – where possible it will be translated into the preferred language of the ethnic minority AP and where this is not possible in a format that enables all APs to more effectively articulate their options - will be given to all APs 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 APs confirm their choice of resettlement option and their preliminary confirmation of resettlement site location, and (c) to propose to the APs to clarify services that they are using such as education/health/market and distance of access to those services to ensure development of the future infrastructure services; and
- (vi) Consulting affected people about their desire for the rehabilitation plan. This will be applied for severely affected and vulnerable people. The DRCs will notify affected persons the plan and their entitlement to receive technical assistance before requesting them to make clear their desire on the rehabilitation assistance.

Community Consultation:

Before updating the RAP according to the detail design, the PMU/DRC will organize community meetings at each affected commune to provide the APs with additional information and give them an opportunity to participate in the open discussions on resettlement policy and procedures. Invitations will be conveyed to all affected persons before the meeting is held in such place. The purpose of this meeting is to clarify the information updated at the meeting time and create opportunities for affected people to discuss the

concerned issues and clarify information. In addition to notification letters addressed to affected people, other measures of information dissemination to them and the public in general like posters in prominent places in the headquarter of communes/districts where the affected people are living by means of local radio and newspapers.

Both men and women of affected households as well as community members who are interested in the Program are encouraged to participate. In the meeting, there will be explanations about the Project, rights and entitlements of households, and the meeting will be an opportunity to raise related questions. Similar meetings will be organized periodically throughout the project cycle. The consulting organization must be established record of certified CPC committee representing Vietnam Fatherland Front and commune representatives who have acquired land.

Public Meetings:

Prior to the beginning of the detailed design, a public meeting will be held in each ward/commune to provide PAPs 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 PAPs before the meeting in their area. This meeting is intended to clarify information that has been given to date and to provide PAP with the opportunity to discuss issues of concern and obtain clarification. In addition to a letter informing the PAP, other means will be used to inform PAP and the general public such as posters in prominent locations in the communes and districts where PAP currently reside. Radio and newspapers will also be used to convey information and elicit response. These announcements 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. There will be opportunities to ask questions. Such meetings will be conducted periodically during the Program implementation.

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

- (i) Explanations provided verbally and in visual format, including written information and drawings of the proposed design for the different works supported by the Project;
- (ii) Adequate opportunities will be provided for PAPs to respond with questions and comments. PAPs will be encouraged to contribute their ideas for PAP rehabilitation options;
- (iii) DRCs will establish a complete list of all PAPs present at the meetings; and
- (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 for both its own documented record and transmission to the CPMU.

The following information will be provided to PAPs:

- (i) *Program components and projects*: This includes the places where they can obtain more detailed information about the Project;
- (ii) *Program impacts*: Impacts on the people living and working in the affected areas of the project, including explanations about the need for land acquisition for a specific project that either directly impacts and/or indirectly impacts on AHs;
- (iii) *PAPs rights and entitlements*: PAP rights are embodied in the RPF and are consistent with both GoV and WB safeguard policies. A cut-off date will be announced to establish eligibility. The rights and entitlements for different impact on PAPs, including the entitlements for those losing businesses, jobs and income will be explained. Available options include for land-for-land and cash compensation, options regarding reorganizing and individual resettlement, provisions and entitlements to be provided for each PAP, entitlement to rehabilitation assistance and opportunities for project-related employment will all be discussed and explained;

Grievance Redress Mechanism: PAPs will be informed of the ER-P policies and procedures that have been designed to ensure their pre ER-P living standards are at least restored and ideally improved upon. PAPs will also be informed that if there is any confusion or misunderstanding about any aspect of the Project, the resettlement committee will assist in overcoming any of this confusion or misunderstanding. 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. PAPs will receive an explanation about how to access grievance redress procedures. They will be provided information with details of which office to contact and local contact points for grievance redress; (see section 7 below for more information on grievance)

- (iv) *Right to participate and be consulted*: The PAPs will be informed about their right to participate in the planning and implementation of the resettlement process. The PAPs will be represented in District's Resettlement Committees, and the representative for the PAP will be present whenever commune/district/provincial committees meet so that their participation in all aspects of the program is assured;
- (v) *Resettlement activities*: PAPs will be provided with an adequate explanation that is designed to be readily understandable by all PAPs regarding compensation calculations and compensation payments; monitoring procedures which will include interviews with a sample of PAPs; relocation to an individual location/self-relocation; and preliminary information about physical works procedures;
- (vi) *Organizational responsibilities*: PAPs 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; and
- (vii) *Implementation schedule*: PAPs 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. It will be clarified that they will

be expected to move only after receiving full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

Program Leaflet:

A Program Leaflet providing program information will be prepared and handed out to the APs in the program preparation and implementation stages to ensure that the people are well aware of the program benefits. The program leaflet will provide details of the compensation and assistance policies mentioned in this RPF so as to propose social impact mitigation measures in case of land acquisition and site clearance by the sub-project.

6 Information Disclosure

As per Bank's requirement, the RPF will be disclosed in Vietnamese at local level, particularly at the office of PMU, District PCs, Ward/Commune PCs and the World Bank's Vietnam Development Information Centre (VDIC) in Hanoi before and after it is approved by the Government of Vietnam. The English version of this RPF will be also disclosed at the World Bank InfoShop in Washington D.C. prior to program appraisal.

7 Restrictions on Resource Use

Step 1: Applying to the Emissions Reduction Program

1.1. The SERNA that forms the basis of an application to the ER-P must fulfill the social criteria of the project. These criteria are:

- a) Information in the SERNA on current uses of natural resources in the PFMBs, SUFs and SFCs will be derived from consultation with the local communities whose lives are affected by these PFMBs, SUFs and SFCs⁽¹⁰⁾;
- b) The SERNA will be reviewed and revised with direct input from these local communities and their representatives; and
- c) For any activities that restrict local communities' access to resources that are integral to their cultural practices or that they rely on for their subsistence, PFMB, SUF and SFC management authorities via the FMCs that are designed to be the outcome of the SERNA will collaborate to reach any necessary agreement but as part of this collaborative negotiated agreement on restricted access to natural resources those AHs that will be negatively affected by these restrictions are entitled to be compensated for such impacts..

A BSP including a natural resource use agreement have been developed prior to applying for funding through the ER-P or can be part of the program activities if the REDD+ Needs Assessment identifies that as a priority need.

A Social Screening Report is completed and submitted with the grant proposal by the PFMB, SUF or SFC management authority. A standard format is provided in Annex 1. The Chairpersons of the all the involved Communes' People Committees are required to endorse the social information of the assessment.

1.2. The needs for restrictions on local resource use will be identified by the FMC and identified as accurately as possible. They will be limited to those types of restrictions identified in the initial SERNA or subsequent updates approved by the ER-P. The SERNA provides the technical justification for each of these proposed restrictions with a reasonable degree of detail.

1.3. PFMBs, SUFs and SFCs forest managers, especially because they will be in collaboration with local villagers and other stakeholders impacted upon by the ER-PP will pay particular attention to land tenure issues, including traditional land rights and obligations and use of natural resources by ethnic minorities. Specifically, NTFP collection and shifting cultivation, whereby land officially classified as "forest land" or "unused land" could in fact be kept fallow under the traditional farming system

¹⁰ This includes people continuing to live within the core area (if any) and people living in all communes abutting the PFMBs, SUFs or SFCs (buffer zones).

practiced by farming households, will not be prohibited unless this is necessary for the conservation of important biodiversity. If they are to be restricted those that do not benefit from such restrictions are entitled to be compensated for restricted access. Likewise, access to sacred sites (to include watershed protection forests, sacred forests and burial forests), if any, will not be restricted under any circumstances.

Step 2: Launching participatory activities

- 2.1. When a BSM or a form of natural resource use agreement already exists, participatory activities are undertaken to implement and monitor this agreement. When no such Natural Resource Use Agreement exists yet, consultations and negotiations are undertaken to reach such an agreement. These activities must start no later than 6 months after the ER-P application has been declared successful.
- 2.2. Whether a BSM or a form of natural resource use agreement already exists or not, a baseline survey must be undertaken to identify people who reside within areas of improved management and who are affected by them. This survey is to be completed no later than 12 months after the application has been declared successful. The objective of this exercise is to identify the differential impacts on the restrictions on local people, and to be able to monitor its implementation.

Step 3a: General implementation

In cases where restrictions of access to natural resource use has been or will be planned by the relevant FMC, the following provisions shall apply:

- 3.1 Activities that require restricted access to natural resources are dealt with in Section 3 of the Resettlement Policy Framework.
- 3.2 Complaints and grievances related to these restrictions that will result in some form of involuntary resettlement action are addressed in accordance with section 5.3 of the Resettlement Policy Framework.

Step 3b: Implementation in Ethnic Minority Communities

In cases where ethnic minorities are users of natural resources, who are the overwhelming majority of forest users in the ER-P, the additional provisions will apply:

- 3.5 Elected representatives of the affected ethnic groups and communities will participate as voting members of the FMCs that will be established and will be entitled to also decide if activities likely to lead to involuntary resettlement should be supported or not and as elected representatives they are also required to reflect the consensus reached by village level stakeholders who they represent
- 3.6 The baseline survey identifies with care the ethnicity, population numbers and location of all ethnic communities in and around the special use forest. Land use inside the PFMB, SUF or SFC should also be described in relation to customary rights, sacred sites, and specific areas for non-timber forest product harvesting.
- 3.8 It is required that improved management initiatives of the PFMBs, SUFs or SFCs do not create risks of reduced food security among indigenous communities.

- 3.9 Information and training activities as well as consultation and participatory activities are carried out using the communication guidelines recommended in section 4 of the Ethnic Minority Policy Framework
- 3.10 In areas with both the original communities and recent migrants, participatory activities aim to ensure that original communities will achieve at least the same level of participation as recent migrants.

Step 4: Monitoring and Dissemination of Lessons Learnt

- 3.12 Supervision is carried out by the Program's Social safeguards Technical staff in accordance with Section 5.4 of the Resettlement Policy Framework.
- 3.13 Lessons learnt will be disseminated to other FMCs that decide to other FMCs that join the ER-P at a later date, which is permitted according to the overall design of the ER-P that seeks to include all existing FMEs in the Accounting Areas of the six ER-P Provinces.

7.1 *Potential relocation*

Efforts are generally made by local authorities in the special use forests of Vietnam to avoid resettlement wherever possible, and local people are allowed to remain inside the protected areas unless they themselves decide to leave. The ER-P does not fund any relocation. However, in the event that PFMB, SUF or SFC managers have already planned for relocation of people residing inside forests under their management, based on conservation justification and this is agreed upon by the newly established FMC this Resettlement Policy Framework will apply in case PFMBs, SUFS or SFCs receives grants from the ER-P. This will require the following steps:

Step 1: Applying to the Emissions Reduction Program

- 1.1 Plans for potential relocation are mentioned in the Social Screening Report if they were made prior to the application.

Step 2: Launching participatory activities

- 1.2 The baseline survey identifies areas of residence with sufficient detail. A sketch map showing areas of residence is produced.

Step 3a: General implementation

- 3.1. No portion of the grant provided by the ER-P will be used for activities directly or indirectly used for relocation.
- 3.2. Plans for relocation are provided by the FMC to the ER-P secretariat and the CPMU if they are made after the application.
- 3.3. Relocation taking place throughout the duration of the program is documented and reported to the ER-P secretariat. Reports mention the location of existing settlements, proposed relocation sites, numbers of households and people affected by ethnicity, and reason for resettlement.

- 3.4. Relocated individuals or communities are entitled to compensation in accordance with Section 3 of the Resettlement Policy Framework (in addition to compensation for relocation provided through the Vietnamese legal framework). They can forward complaints and grievances in accordance with Section 5.3 of that framework.
- 3.5. Proposed relocation is subject to approval and supervision by internal monitoring by WB and ER-P.

Step 3b: Implementation in Ethnic Minority Communities

- 3.6. Representatives of the relevant ethnic groups and communities participate in the preparation of any relocation activities.
- 3.7. Food security in the new settlement is ensured at a minimum to the degree of the previous settlement.
- 3.8. Information is provided using the communication guidelines recommended in section 4 of the Ethnic Minority Policy Framework.
- 3.9. Relocation is handled on a case-by-case basis. Appropriate solutions are worked out for indigenous communities and for recent migrants of ethnic minority origin.

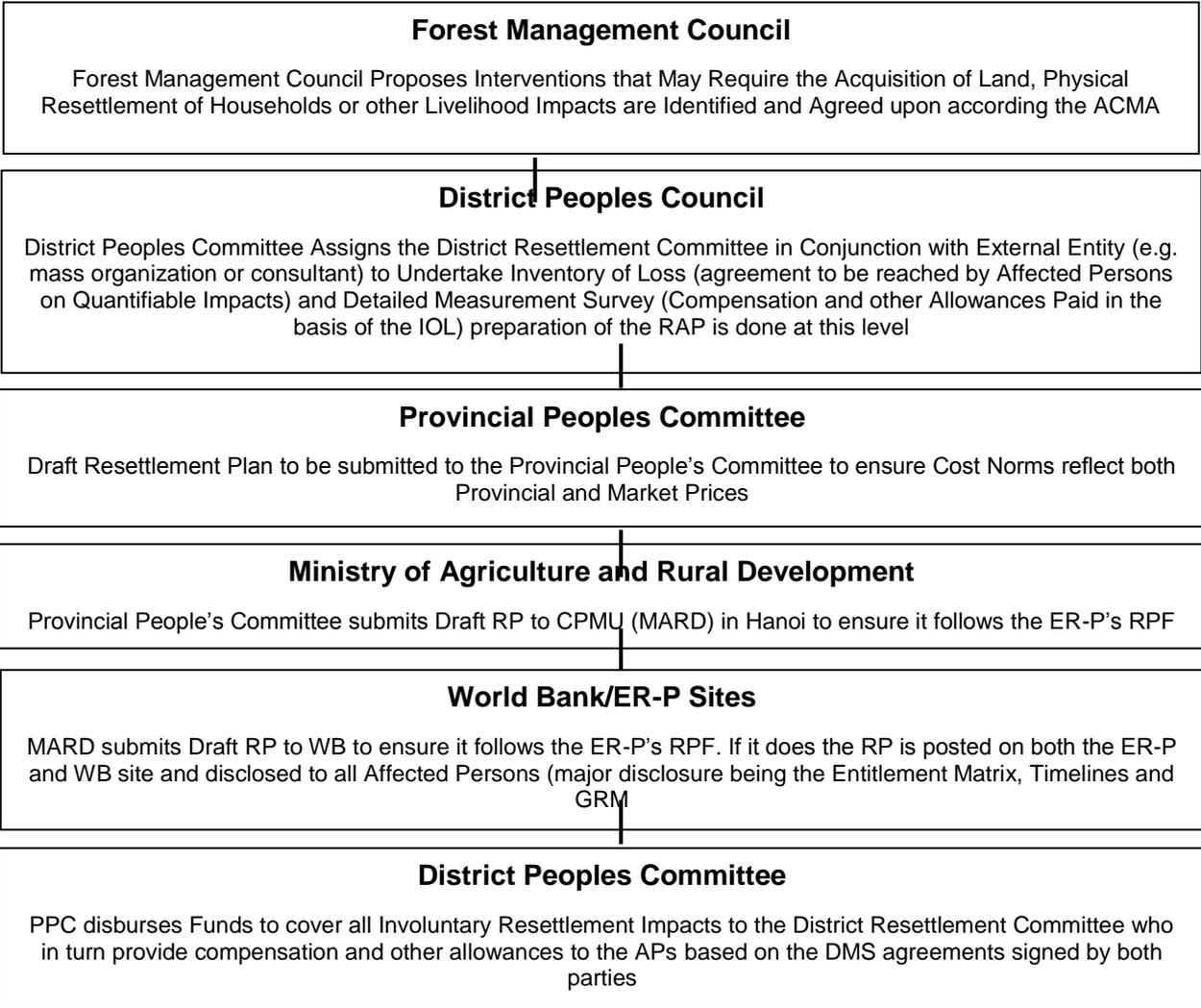
8 Implementation Arrangements

Each provincial people's committee will take general responsible for the implementation of the general policy framework and specific resettlement plan of the sub-project of that province. Compensation, Assistance and Resettlement Committees shall be established at district/province level in accordance to the provisions of Decree 47/2014/CP. The provisions and policies of the RPF will be incorporated into RAPs, this will form the legal basis for the implementation of compensation payment for assets acquiring necessary physical resettlement activities, including the payment of transitional allowances and any livelihood restoration measures

8.1 Organizational Arrangement

The Implementation Arrangements for the RAP are summarized in the following table below:

Table 4.1 Implementation Arrangements for Involuntary Resettlement Impacts



DRC enlists the support of the Commune People’s Committee and External Entity (mass organization or consultant) to Monitor the Implementation of the RP, report outcomes to the PPC who in turn reports to the CPMU

Provincial Peoples Committee

PPC arranges an Independent Evaluation of the RP to ensure that the RPF was followed and there is overall satisfaction expressed by Affected Persons.

Based on the ER-P design it is the FMC that agrees upon any activities that will result in involuntary resettlement impacts. FMCs' capacity will be built by the safeguards consultants within the PPMU to fully utilize the participatory principles embedded in the ACMA.

The proposed activities will be forwarded to the DPC who will direct the DRC to undertake all activities associated with the IOL and DMS. On completion of the DMS preliminary Draft DMS memos will be issued to each AP that will be confirmed or adjusted once the RAP is finally approved.

The FMC will not be responsible for such activities although it is suggested that FMC representatives from the villages where households will be impacted participate in these activities to ensure that there has been effective buy-in from the affected village and especially from the specifically affected households.

On completion for the draft RAP it will be submitted to the ER-P PPC for its approval based on this RPF. On approval the draft RAP with any annotated comments will be submitted to the ER-P CPMU of MARD in Hanoi for its approval.

Once it has approved by the CPMU the draft RAP it will be submitted to the WB for its approval.

On approval from the WB it will be posted on both the WB site and ER-P site and disclosed to APs, especially relating to the entitlement matrix, timelines and GRM. Disclosure to the APs will be via methods that ensure the APs clearly understand the provisions of the RAP and how they impact upon them on an individual basis.

The DRC then finalizes the Draft DMS Memos that were prepared during the DMS and ensures each AP agrees with the compensation, allowances, and other mitigation benefits included in the Final DMS Memos as this is standard practice on programs/projects in Vietnam involving any form of involuntary resettlement.

The PPC then disburses all funds agreed upon based on the sum total of the DMS Memos and ancillary costs associated with implementing the RAP to the DPC who in turn assigns the DRC to disburse all monies as per these DMS Memos to the AP in full prior to acquisition of land, physical structures and/or physical displacement.

The DRC will enlist the support of the CPC and any external entity (which many include a mass organization or consultant) to monitor the implementation of the RAP, report outcomes to the PPC who in turn reports to the CPMU in Hanoi, who in turn reports to the WB, and ensure that any grievances are resolved based on the procedural steps included in the RAP.

The successful implementation of the RAP is complete when the PPC arranges an independent evaluation to ensure that the RPF and RAP was followed and there is overall satisfaction expressed by the APs. Linked to the latter indicator is the requirement to

demonstrate that no AH is worse off as a result of involuntary resettlement and ideally in accordance with OP4.12 better off as a result.

It needs to be stressed that while FMC triggers involuntary resettlement impacts it neither designs the RAP nor is it responsible for the implementation of the RAP, including all payments to be made as a result of the RAP, nor is it responsible for evaluation of the RAP although of course it can or should participate in the design, implementation and evaluation of the RAP. The reason is that all involuntary resettlement impacts are in the administrative domain of the DPC and for land specifically DONRE which under the Land Law is responsible for all land outside of the existing FMEs.

8.2 *Preparation and Approval Procedures for a Resettlement Action Plan (RAP)*

8.2.1 *Preparation of the RAP*

The following section presents typical elements that would be required for a RAP, and steps in RAP preparation.

Elements of the RAP:

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

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

- (i) Description of the Project;
- (ii) Program potential resettlement impacts;
- (iii) Objectives;
- (iv) Socio-economic studies;
- (v) Legal framework;
- (vi) Eligibility for compensation and rehabilitation;
- (vii) Valuation of assets and compensation for losses;
- (viii) Resettlement measure site selection, site preparation and relocation;
- (ix) Housing, infrastructure and social services;
- (x) Organizational responsibilities;
- (xi) Public participation, consultation and grievance resolution mechanisms;
- (xii) Implementation schedule for resettlement activities;

- (xiii) Cost estimates and budget, and
- (xiv) Monitoring and Evaluation.

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

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

- (i) A census survey of APs and affected assets;
- (ii) A description of compensation and other resettlement assistance to be provided;
- (iii) Consultations with affected people about alternatives;
- (iv) Institutional responsibility for implementation, and
- (v) A timetable and budget.

Social Safeguard Consultants of the program will provide further guidance on preparation of site-specific RAP when required.

RAP Preparation:

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

Step 1. Based on the preliminary program design for the subproject, preliminary assessment will be made on the magnitude of social impact to determine the scope of social assessment of the program (magnitude of land acquisition, or resettlement).

Step 2. On the basis of the known social impacts, make recommendations to program design, if needed, to avoid, minimize, or mitigate the sub-project impact.

Step 3. If Step 2 is not necessary, conduct a census survey to understand clearly the magnitude of impact at household level. This may involve collection of socioeconomic data on the affected households against the magnitude of land acquisition impact. The following types of data should be collected as part of the socioeconomic survey:

- (i) Data about APs, total number of APs:
 - Demographic, education, income, and occupational profiles;
 - Inventory of all property and assets affected;
 - Socioeconomic production systems and use of natural resources;
 - Inventory of common property resources if any;

- Economic activities of all affected people, including vulnerable groups;
 - Social networks and social organization;
 - Cultural systems and sites; and
 - Public utilities such as clinics, post offices, water supply, power supply, markets, etc.
- (ii) Data on land and the area:
- Map of the area and villages affected by land acquisition;
 - Total land area acquired for the Project;
 - Land type and land use;
 - Ownership, tenure, and land use patterns;
 - Land acquisition procedures and compensation; and
 - Existing civic facilities and infrastructures.

Step 4. In parallel with the AP census survey, consultation with APs will continue to identify their preferences and the special needs that should be addressed in the RAP. In addition, study on replacement costs for land, crops, and other assets needs to be conducted so that the cost estimates for the RAP can be provided.

Step 5. Prepare a RAP. The Entitlement Matrix in this framework should be used for the project.

Step 6. Once the draft RAP is acceptable to the Bank, disclose the RAP at public meetings for the program to consult with potentially affected households, and the general public.

8.2.2 *RAP Approval Procedure*

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

8.3 *Replacement Costs Survey*

As required by the World Bank's OP 4.12 on Involuntary Resettlement, Replacement Costs Survey (RCS) will need to be done to establish basis for calculation of replacements costs for all the lands/crops/structures/assets that will be affected by the Project. An independent price

appraisal consultant is specialized in assessing costs of land/crops/assets/structures to be affected under the Project, will be engaged by PMU to conduct replacement costs survey.

District People's Committee and DRC will ensure compensation payment proposed to affected households is at the replacement costs (for land and structures), and at market prices (for crops/trees). Replacement costs survey will be conducted in the participatory manner with relevant stakeholders.

8.4 *Implementation of RAP*

The detail resettlement implementation plan of each sub-project will be shown in the RAP reports. This plan will provide a timetable based on the civil work schedule.

Procedures of compensation and resettlement implementation must comply with regulations and procedures stipulated in Decree 47/2014/ND-CP of the Government and regulations in the RPF. Specific steps and procedures are as follows:

- a) Based on detailed technical design of works, the design consultants and PMUs hand over benchmarks of site clearance to DRCs to determine AHs and carry out DMS of affected assets.
- b) Holding meetings with AHs to disseminate information and compensation policies, including the program and or sub-project objectives and benefits, positive and negative impacts of the project, mitigation measures, methods used to evaluate prices of affected assets, amounts for compensation, allowances and restoration, and grievance redress mechanism.
- c) A survey of affected AHs and inventories their affected assets to collect information on APs, identifying quantities of affected assets, entitlements to compensation, resettlement and restoration allowances for APs. Consulting APs about mitigation measures for the program impacts and assistance measures for livelihood restoration.
- d) Conduct a comprehensive social-economic survey of all AHs for full RAPs and less comprehensive socio-economic surveys to assess impacts for Abbreviated RAPs.
- e) Carrying out Replacement Cost Survey.
- f) Preparing compensation plans, announcing compensation plans in public to obtain APs' comments, finalizing compensation plans and submitting to DPCs for approval.
- g) Pay compensation and other allowances including transitional income support allowances.
- h) Implement resettlement (if any), with payment of compensation for asset loss (housing, agricultural and forestry land, and businesses) before handing over sites for construction.
- i) Internal and external monitoring activities will be implemented during the whole process of compensation and resettlement implementation to ensure that the implementation of compensation and resettlement complies with the RPF.

Co-operation between resettlement implementation and civil works. To sub-projects where land acquisition is applied, implementation of compensation and resettlement needs to be in line with construction schedules of each sub-project component. Therefore, an implementation time frame for compensation and resettlement integrated with construction schedules should be established and monitored closely to ensure that all APs are provided with compensation satisfactorily before any construction activities commences. Compensation payment and resettlement for APs must be completed as one condition for land acquisition and prior to construction commencement. The WB will not approve any civil works contracts when compensation payment for APs has not been made satisfactorily.

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

To implement resettlement activities in line with construction schedules and ensure that no APs have to relocate before compensation payment and commencement of construction activities, the CPMU and the PMUs need to develop a program implementation plan, including specific milestones:

- a) Dates of civil works commencement and completion;
- b) Tables of time indicating hand-over of completed resettlement sites to APs (handing over dates must be at least one month before construction commencement);
- c) Dates of handing over land to the program by the APs (so that the APs can prepare plans on dismantling their houses and handing over land at the required time to receive bonus for timely relocation); and
- d) The payment of compensation, assistance and resettlement to the affected HHs (in cash or land for land) must be completed before awarding contract of construction.

9 Feedback and Grievance Redress Mechanism

9.1 Requirements of the OP 4.12

The World Bank's resettlement policy mentioned in the OP 4.12 requires each sub-project to establish for grievance redress mechanism and determines that the prime responsibility for handling grievances raised by the APs is the program developers. This mechanism aims to ensure APs' satisfaction with implementation of the RAP and provide the APs with a legal platform for monitoring and reporting on the RAP implementation. Specifically, the purposes of the grievance mechanism are to allow APs to seek satisfactory resolution to grievances they may have in relation to possible land acquisition or other program interventions. The key principles of the grievance mechanism are to ensure that:

- a) The basic rights and interests of APs are protected;
- b) The concerns of APs arising from the program implementation process are adequately addressed;
- c) Entitlements or livelihood assistance for APs are provided on time and accordance with the above safeguard policies of the Government and the WB;
- d) APs are aware of their rights to access and shall have access to grievance procedures free of charge for the above purposes; and
- e) The grievance procedures will be an important part of the conflict resolution mechanism that is community-based, involving ethnic minorities and representatives of other vulnerable groups, and therefore, collectively managed.

At the beginning of the program implementation, Feedback and Grievance Redress Committees will be established from the communes to the provincial levels based on the existing structures consisting of concerned departments, mass organizations, women and ethnic representatives. At the commune level, the community-based organization will incorporate the existing grievance mechanisms that will be chaired by leader of Communal People's Committee (CPC).

The FGRM and procedures will resolve complaints, and with the availability of local resources resolve conflicts not only on safeguard issues but also others during program implementation. Based on this structure, the community-based organization would assist during the program preparation, design, implementation, and future developments. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a sub-project and/or have the ability to influence its outcome either positively or negatively.

APs, if not satisfied or unclear about the RAP implementation and compensation may raise their complaints to the CPC. The claim may be made orally or in writing with assistance from the CPC who shall provide response to the claimant within 5 days after receipt of the grievance. If the claimant is not satisfied with the decision made at the commune level, she/he

may submit the claim to the district PC with support from the PPMU. Within 15 days after receipt of the claim, the district committees shall make decision and provide response to the claimant. The claim may be lodged with Provincial Court of Law whose judgment would be final.

All complaints and grievances will be properly documented and filed by the commune and district PCs as well addressed by PPMUs through consultations in a transparent and proactive manner. These grievance documents and report will be made public accessible. All costs associated with grievance handling process incurred by the claimant and/or her/his representatives are to be covered by the project developer.

9.2 *Feedback and Grievance Redress Mechanism*

In order to ensure that all APs’ grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs to air their grievances, a well-defined grievance redress mechanism needs to be established. All APs can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition and grievance redress. APs are not required to pay any fee during any of the procedures associated with seeking grievance redress including if resolution requires legal action to be undertaken in a court of law. This cost is included in the budget for implementation of RAPs.

The steps of Feedback and Grievance Redress Mechanism are as follows:

The GRM process that is currently recognized and used in Vietnam, especially in relation to projects involving some form of involuntary resettlement (defined as compensation resultant from either permanent or temporary impacts for legal assets affected by projects such as land/crops/structures/businesses and for those severely affected and vulnerably affected livelihoods restoration support) is as follows:

<p>First Step</p> <p>Commune People’s Committee</p>	<p>The party seeking grievance redress or seeking to make a complaint concerning some aspect of the project or program lodges a written or verbal request with the CPC to resolve the grievance or complaint. This grievance or complaint is entered into the CPC Registry and includes the following date and time of complaint, name, address and contact details of the person seeking grievance redress of resolution of complaint. The Chairperson or his/her nominated representative will meet the person/s who have lodged the grievance or complaint in person and has by law 15 days to resolve the complaint. Actions taken to address either the grievance or complaint will be undertaken, dates and times when these actions were undertaken, the date, time and manner in which the outcome is transmitted to the aggrieved or complainant person/s and the latter’s signature or thumbprint used for the GoV issued Identity Card affixed to the document.</p>
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<p>Second Step District People’s Committee</p>	<p>If after 15 days the CPC cannot resolve the grievance or complaint the aggrieved person/s are legally entitled to lodge the grievance either in written or verbal form with the DPC. The DPC has 30 days from the day of lodgement to respond to the grievance or complaint. Typically for complaints involving some form of involuntary resettlement the DPC will register the complaint in its DPC Registry and forward the grievance to the District Board for Compensation and Land Acquisition and for grievances/complaints related specifically to ethnic minority development issues District Board for Ethnic Minority Affairs is involved. These two boards will assess the nature of the grievance and complaint and inform the DPC of their suggested outcome and this will be relayed to the person/s seeking either grievance redress or complaint resolution. The processes involved with documenting the grievance or complaint are basically the same as for those processes followed by the CPC as per the First Step. With the increasing access to more reliable internet it is likely that documentation associated with FGRM will enter the public domain in digitized format.</p>
<p>Third Step Provincial People’s Committee</p>	<p>If after 30 days the DPC either does not provide feedback or the measures suggested to resolve the grievance or complaint are not satisfactory for the person/s seeking redress the latter is entitled to lodge a grievance or complaint ether verbally or in writing with the PPC. Typically, the PPC will follow the same processes as were followed by first the CPC and then secondly by the DPC. From date of lodgement to date of outcome, satisfactory or otherwise the PPC has 45 days to consider the complaint or grievance and relay the outcome to the person/s seeking grievance redress. There is no requirement to relay this outcome in the language of a particular ethnic minority group but good practice dictates that most PPCs will try and ensure there is clear understanding of what decision has been made and why.</p>
<p>Fourth Step Court of Law</p>	<p>If after 45 days the PPC either does not provide feedback or the measures suggested to resolve the grievance or complaint are not satisfactory for the person/s that sought redress via the PPC, this person/s may take their grievance in accordance with the Civil Procedure Code of Vietnam to a court competent to adjudicate on such disputes. Typically, a Court of Law has 60 days to investigate the grievance or complaint and then hand down its judgement. The judgement must be communicated to the appellants, posted at the office of the People’s Committee in the locality where the adjudication occurred within 5 days and within 10 days at the CPC.</p>

Decisions on resolving the complaints must be sent to the aggrieved APs and concerned parties and must be posted at the office of the People's Committee where the complaint is solved. After three days, the decision/result on solution is available at commune/ward level and after seven days at district level.

In order to minimize complaints to the provincial level, PPMU will cooperate with the District Resettlement Committee to participate in and consult on settling complaints.

Personnel: The Environmental and Resettlement staff assigned by PPMU will formulate and maintain a database of the APs' grievances related to the Program including information such as nature of the grievances, sources and dates of receipt of grievances, names and addresses of the aggrieved PAPs, actions to be taken and current status.

In case of verbal claims, the reception board will record these inquiries in the grievance form at the first meeting with affected people.

The Independent Monitoring Consultant (IMC) will be responsible for checking the procedures for and resolutions of grievances and complaints. The IMC may recommend further measures to be taken to redress unresolved grievances. During monitoring the grievance redress procedures and reviewing the decisions, the independent monitoring agency should closely cooperate with the Vietnam Fatherland Front as well as its members responsible for supervising law enforcement related to appeals in the area;

The grievance resolution process for the Project, including the names and contact details of Grievance Focal Points and the Grievance Facilitation Unit (GFU), will be disseminated through information brochures and posted in the offices of the People's Committees at the communes and districts and PPMU.

At the same time, an escrow account for resettlement payments should be used when grievance is being to avoid excessive delay of the program while ensuring compensation payment after the grievance has been resolved.

To ensure that the grievance mechanism described above is practical and acceptable by APs, it was consulted with local authorities and communities considering of specific cultural attributes as well as traditional-cultural mechanisms for raising and resolving complaints and conflicting issues. The ethnic minority AP objects and efforts were also identified and determined which are culturally acceptable ways to resolve the specific grievance.

The World Bank also has a Grievance Redress Service (GRS) that aggrieved persons or communities can utilize. The GRS ensures that complaints received are promptly reviewed in order to address pertinent concerns. Affected individuals and communities may submit their complaint to the WB's Independent Inspection Panel which determines whether harm has occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the WB's attention, and Bank Management has been provided with an opportunity to respond. Information on how to submit complaints to the GRS can be accessed via <http://www.worldbank.org/GRS> and for the Inspection Panel <http://www.inspectionpanel.org>. It needs to be noted that neither the GRS or Inspection Panel are accessible for complaints that are not linked to WB policies and procedures.

10 Costs and Budget

In order to prepare the budget for the sub-project costs, it is necessary to make preliminary cost estimation, to ensure the AP's livelihood restoration. The cost for RAP of each sub-project will be calculated based on updated compensation unit prices and cost for organization of compensation, assistance and resettlement according to the RPF.

The project's land valuation will be at replacement cost, and which will follow independent land appraiser recommendations. These unit prices must reflect market replacement costs of all affected assets at the time of RAP implementation. This same principle will apply to loss of agricultural and production forestry land and other income generation assets.

Budget for compensation and resettlement for the sub-projects, independent land appraiser will need to be provided by the GoV whether this be from funds made available at the provincial level or at the district level. No budget linked to the actual ER-P and supported by the FCPF-REDD+ and thus FMCs, DPCs and the PPCs will have to be aware of this condition before they decided to support activities that may lead to involuntary resettlement.

11 Monitoring and Evaluation

11.1 *Monitoring*

Monitoring is a continuous evaluation process of the program implementation which is related to the unified implementation schedule on the use of the program inputs, infrastructures and services. Monitoring provides concerned agencies with continuous reflections on the implementation status. Monitoring determines the reality, successful possibility and arising difficulties as soon as possible to facilitate the due adjustment in the program implementation.

Monitoring includes two following purposes:

- (i) Monitor whether the program activities are completed efficiently or not, including quantity, quality and time.
- (ii) Assess whether these activities achieve the objectives and purpose of the Program or not, and how much do they reach.

The Executing Agency (the PPMU) as well as the IMC which are contracted with the CPMU shall monitor and supervise the RAP implementation regularly.

11.2 *Internal Monitoring*

Internal monitoring of the RAP implementation of the sub-projects is the main responsibility of the implementation agency with the assistance of the program consultants. The implementation agency will monitor the progress of RAP preparation and implementation throughout the regular progress reports.

The criteria of internal monitoring include but not limited to:

- (i) Compensation payment for affected households for the different types of damage pursuant to the compensation policies described in the resettlement plans;
- (ii) Implementation of technical assistance, relocation, allowance payment and relocation assistance;
- (iii) Implementation of income recovery and entitlement to recovery assistance;
- (iv) Dissemination of information and consultation procedures;
- (v) Monitoring of complaint procedures, existing problems that require the manageable attention;
- (vi) Prioritizing affected persons for project-based activities;

(vii) In coordination to complete RAP activities and award construction contract.

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

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

- (i) Number of affected persons according to types of effect and program component and the status of compensation, relocation and income recovery for each item;
- (ii) The distributed costs for the activities or for compensation payment and disbursed cost for each activity;
- (iii) List of outstanding complaints;
- (iv) Final results on solving complaints and any outstanding issues that demand management agencies at all levels to solve;
- (v) Issues that may arise during the implementation process; and
- (vi) Ensure RAP Schedule is actually updated.

11.3 *Independent Monitoring*

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

Responsible Agencies: In accordance with the WB requirements for consultant employment, the CPMU will hire an organization for the independent monitoring and evaluation of RAPs implementation. This organization is called the Independent Monitoring Consultant (IMC) which expertise in social science and has experiences in independent monitoring of RP. The IMC should start their work as soon as the program implementation commences.

Monitoring and Evaluation Objectives: The following indicators will be monitored and evaluated by the IMC, including but not limited to:

- (i) Payment of compensation will be as follows: a) full payment to be made to all affected persons sufficiently before land acquisition; (b) adequacy of payment to replace affected assets;
- (ii) Provision of assistance for APs who have to rebuild their houses on their remaining land, or building their houses in new places as arranged by the project, or on newly assigned plots;
- (iii) Assistance for recovering livelihood/income sources;
- (iv) Community consultation and public dissemination of compensation policy: (a) APs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) the IMC should attend at least one community consultation meeting to monitor community consultation procedures, problems and issues that arise during the meetings, and propose solutions; (c) public awareness of the compensation policy and entitlements will be assessed among the APs; and (d) assessment of awareness of various options available to APs as provided for in the RAP;
- (v) Affected persons should be monitored regarding restoration of productive activities;
- (vi) APs' satisfaction on various aspects of the RAP will be monitoring and recorded. Operation of the complaint mechanism and speed of complaint settlement will be monitored; and
- (vii) Through the implementation, trends on living standard will be observed and surveyed. Any potential issues in the recovering living standard are reported and suitable measures will be proposed to ensure the program objectives.

11.4 Methodology for Independent Monitoring

Database Storage:

The IMC will maintain a database of resettlement monitoring information. It will contain files on results of independent monitoring, HHs monitored and will be updated based on information collected in successive rounds of data collection. All databases compiled by the PMU will be fully accessible by the IMC.

Reports:

The IMC must submit periodical reports every 6 months which states the findings in the monitoring process. This monitoring report will be submitted to the CPMU, and then the CPMU will submit to the WB in the form of appendixes of the progress report.

The report should contain (i) a report on the progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of

outstanding issues and recommended solutions so that the EA are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.

Follow-Up Monitoring Report:

The monitoring reports will be discussed in a meeting between the IMC and PPMU. PPMUs will hold meetings immediately after receiving the report. Necessary follow-up activities will be carried out based on the problems and issues identified in the reports and follow-up discussions.

Ex-post Evaluation Report:

In fact, this is the evaluation at a given point of time of the impact of resettlement and the achieved objectives. The external monitor will conduct an evaluation of the resettlement process and impacts 6 to 12 months after the completion of all resettlement activities. The survey questionnaires for evaluation are used based on the database in the program database system and the questions used in the monitoring activities.

Ultimately, a summary of ex-post resettlement evaluation including a Program Completion Report (PCR) will be prepared before closure of the Program. The evaluation covers program impacts (number of affected households, scope of land acquired by subproject, compensation paid to APs, any pending issues resulting from land acquisition and provides information if the AP's livelihood is restored, or at least maintain to pre-project implementation.

The RAP cannot be considered complete until an ex-post evaluation and a program completion audit confirm that all the affected HHs have received fully all compensation, assistance and livelihood restoration processes as planned.

12 Annexes

12.1 *Annex 1 - Social Screening Report*

This form must be completed by the FME and submitted as part of any proposal that is likely to trigger involuntary resettlement impacts directly attributable to the ER_P intervention proposal of the ER-P.

Please ensure that the SERNA and any subsequent activities proposed by the FME meets all three of the following criteria:

A.	The Chairperson of all communes located in the buffer zone and or core area of the FMEs were consulted in the preparation of the SERNA and any subsequent activities proposed by the FMC.	
B.	People living in the buffer zone and core area, and all sections of these communities, were consulted during the preparation of the SERNA and any subsequent activities proposed by the FMC.	
C.	Draft results of the SERNA and any subsequent activities proposed by the FMC were fed back to all the local communities and their comments were considered in the final SERNA and any subsequent activities proposed by the FMC	
D.	Where activities are proposed that restrict local communities' access to resources that are integral to their cultural practices or that they rely on for their subsistence, FMEs via the ACMA processes have negotiated and reached agreement with local communities on acceptable levels of local use of specified resources that ensure APs negatively impacted will be compensated for any form of restricted access to natural resources OR where their land or physical structures are to be acquired wholly or partially for activities directly attributable to the ER-P.	

To demonstrate criterion A has been met:

The SERNA and any subsequent activities developed as part the proposal have been endorsed by signatures of the CPC Chairperson of all buffer zone communes and of any communes in the core zone where people continue to live.	Yes/ No
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To demonstrate criterion B has been met, please report the following:

State whether any local persons were engaged as part of the SERNA and especially during the development of subsequent activities and describe the work they carried out.	
Describe the different types of social groups identified for consultations, and how each group was consulted.	

Describe the different ethnic groups in the buffer zone communes and how they were each consulted.	
Describe how women, ethnic minorities and other vulnerable groups were consulted during the SERNA and subsequent activities developed as part of the ACMA processes embedded in the FMC	

To demonstrate criterion C has been met, please report the following:

Describe how the draft results of the SERNA and subsequent activities developed were fed back to the local communities and how local people's comments have been incorporated into the subsequent impact assessment.	
Describe how the draft results of impact assessment, including and especially any negative involuntary resettlement impacts, were fed back to the local communities and how local people's comments were incorporated into the RAP to ensure OP4.12 is complied with.	

To demonstrate Criterion D has been met:

A resource (example below) is attached and endorsed by signatures of the FMC and CPC	
Agreement on compensation / livelihood restoration measures is attached and endorsed by signatures of the FMC and CPC	

Sample resource use agreement:

Please specify which of the proposed activities have been identified by local communities' as activities which restrict their access to resources within the FME integral to their cultural practices and/or livelihoods and evidence that those APs experiencing loss as a result will be compensated according to the RPF and RAP.	
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Please describe the agreements reached:

Resource used	Current uses	Agreement reached (i.e. please describe permissible)	Signatures of all the parties to the agreement
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		level of NTFP harvesting agreed, or level or restriction as relevant) and any agreement to compensate APs in accordance with the RPF and RAP.	that will generally be embedded in the specific FMC's BSA.

Please describe any other mitigation measures agreed (for the loss of access to resources, including an agreement that APs will be compensated for this loss if it impacts upon their livelihoods	
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Please provide the population breakdown by ethnicity of people living in all communes abutting the site (buffer zone communes) (sample format below):

Commune	Village	Total population	Population breakdown by ethnic group				
			Kinh	Thai	Muong	Tho	Etc.

Are any people currently living inside the FME? If yes, please provide the following information:

Commune	Village	Total population	Population breakdown by ethnic group				
			Kinh	Thai	Muong	Tho	Etc.

Will any activities identified during the SERNA and subsequent Sub-Project Design result in economic or physical displacement or a combination of both of households?	Yes / No
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If yes, please:

Specify which activities these are and measures to be taken for compensation to households concerned.	
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Provide the following information if available at time of submission:

Village	Commune	Area of forest land to be reclaimed by the FME or claimed as part of processes associated with reforestation of forest land converted for other purposes by decision of the Forest Management Council.	No of households to that will experience either economic or physical displacement or a combination of both forms of displacement.

12.2 *Annex 2 - Public Information Booklet (PIB)*

To ensure that PAPs, 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 Program, a Public Information Booklet (PIB) will be prepared by the program management unit, in consultation with the World Bank. This booklet will be distributed to all PAPs in the program area. General contents of the PIB will include the following:

- Brief Description of the Project;
- Implementation Schedule;
- Program Impacts;
- Entitlements and Rights of PAP;
- Resettlement and Rehabilitation Policies;
- Impacts of the Project;
- Institutions Responsible for Resettlement;
- Information Dissemination Procedures;
- Consultations with Program affected households;
- What to Do if a PAP has a Question or Problem;
- Grievance Procedure; and
- Independent Monitoring.

ⁱ There are villagers in some districts of the ER-P (e.g., A Luoi District, Thua Thien Hue), who have been issued by certificates that prima facie appear to be LURCs, including for Protection Forest, but these LURCs are not permitted as per the 2013 Land Law and as such are not legal nor will be legalizable by MONRE via DONRE.