

Socialist Republic of Vietnam
Ministry of Industry and Trade

VIETNAM SCALING UP ENERGY EFFICIENCY PROJECT

(VSUEE)

Resettlement Policy Framework

(Draft)

(Final)

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Acronyms and Abbreviation

| | |
|-------|-------------------------------------------------------|
| AP | Affected Person |
| CPEE | Clean Production and Energy Efficiency |
| DP | Displaced Person |
| DPC | District People’s Committee |
| EE | Energy efficiency |
| ESCOs | Energy Service Companies |
| GFU | Grievance Facilitation Unit |
| IBRD | International Bank for Reconstruction and Development |
| IDA | International Development Association |
| IEs | Industrial Enterprises |
| MOIT | Ministry of Industry and Trade |
| MONRE | Ministry of Natural Resources and Environment |
| OP | Operational Policy |
| PB | Participating Bank |
| PC | People’s Committee |
| PCR | physical cultural resources |
| PFI | Participating Financial Institutions |
| PMB | VSUEE Projects Management Board |
| IE | Industrial enterprise |
| PPC | Provincial People’s Committee |
| RPF | Resettlement Policy Framework |
| TA | Technical Assistance |
| VSUEE | Vietnam Scaling Up Energy Efficiency Project |
| WB | World Bank |
| PIE | Program Implementing Entity |

SECTION 1. INTRODUCTION

1.1. Project Description

Vietnam is one of the most energy intensive countries in East Asia in which Industrial growth has been one of the key drivers of Vietnam's increasing energy intensity, accounting for 48 percent or almost half of the final energy use. Subsequently, Vietnam Government has its best efforts on energy efficiency (EE)/saving promotion such passed Law on Energy Efficiency and Conservation, issued a series of decrees to promote EE by the Prime Minister, and set a target of 5-8% for energy savings from 2012 to 2015 compared to the forecast energy demand.

The Vietnam Scaling Up Energy Efficiency Project (VSUEE project) is one of the Government's effort as a national target program. The proposed overall project objective is to improve energy efficiency in the industrial sector and contribute to achieving the government's energy efficiency and GHG reduction objectives. This is an integrated IBRD/IDA-funded project designed to help remove the principal barriers to investments in industrial EE projects including two components: (i) Component 1 – Energy Efficiency Investment Lending (US\$312 million, of which US\$200 million from IBRD, US\$50 million from PFIs, and US\$62 million from IEs); (ii) Component 2 – Technical Assistance and Capacity Building for Improving Energy Efficiency (US\$3million financed through IDA).

To address the above barriers and support obtaining the national target of energy savings, the Government and World Bank proceed the preparation of the Vietnam Scaling Up Energy Efficiency Project (VSUEE). The VSUEE will comply with applicable Vietnamese environmental legislations and the World Bank Safeguard Policies. For the Project's features, it is expected will not finance any activity which causes significant adverse environmental and social impacts to ensure that environmental and social issues will be considered together with other requirements during project implementation.

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The World Bank has agreed with the Government of Vietnam to adopt a holistic approach to scaling up energy efficiency in the high-energy intensive industrial sector aiming to unlock the huge potential for energy savings and greenhouse gas (GHG) emission reductions. The proposed Scaling up Energy Efficiency for Industrial Enterprises (IEs) in Vietnam (the "VSUEE Project") will substantially contribute to achieving Vietnam's Nationally Determined Contribution (NDC); i.e. 25% GHG emission reduction by 2030 compared to the Business-As-Usual scenario with international support, under the Paris Agreement.

Overall, the Project comprises an integrated package of credit risk mitigation, technical assistance and capacity building activities to various stakeholders from public entities to local financial institutions and industrial enterprises. This will reduce EE investment market barriers, such as lack of access to finance for IEs and capacity of stakeholders, high project risk perceptions by financial institutions, and the existence of an insufficient policy and regulatory framework that governs EE in the industrial sector.

The Project comprises three interrelated and closely coordinated components, of which VEEIE is a separate approved project and is implemented independently of the other two components:

- IBRD Loan project: US\$100 million World Bank Energy Efficiency Credit Line - Vietnam Energy Efficiency for Industrial Enterprises Project (WB-VEEIE)
- Component 1: US\$78 million GCF Risk Sharing Facility (GCF-RSF)

• Component 2: US\$10 million World Bank and GCF Technical Assistance (WB/GCF-TA) The Project is complemented by:

The joint implementation of the two components and the IBRD supporting project will promote a market-driven approach to industrial energy efficiency and opening up the commercial lending market to local banks and non-bank financial institutions developing a new EE product line. With financial and technical support from the World Bank and the GCF, the Project and the supporting IBRD Loan will mobilize approximately US\$ 407.3 millions of EE investments, supporting over 100 industrial companies to reduce energy consumption and generate about 120 MtCO₂eq of GHG emission reductions over the lifetime of the investments. Ultimately, the Project will contribute to a paradigm shift in the nascent EE market, by providing know how and experience and by strengthening of capacity and creating an enabling environment for local financial institutions and industrial enterprises to scale up investments in energy efficiency.

GCF Risk Sharing Facility (GCF-RSF) seeks to mobilize US\$251 million from PFIs and IEs through the Risk Sharing Facility, to be capitalized by US\$3 million of grant and US\$75 million of guarantee. The guarantee will be provided by IBRD, as an Accredited Entity of the GCF (the IBRD/GCF Guarantee), to the Program Implementing Entity (PIE) of the RSF, in an amount of up to \$75 million to be financed by GCF (IBRD/GCF Guarantee). The GCF-RSF will provide PFIs with partial credit risk guarantees to cover loans extended to IEs for EE investments.

Despite a number of various initiatives for EE from both the government and donor community, significant barriers remain to implement energy-saving measures. The constraints to EE investments are usually not due to the financial viability and maturity of EE technologies but to market failures and barriers, which include:

- a) *Low or subsidized energy pricing.* The cost of energy consumption has been low and subsidized. The share of the energy cost represents a small share of operating costs, which has led to consumers' low interest in energy conservation. This issue is currently being addressed through a series of energy pricing and electricity tariffs reforms. The Government of Vietnam adopted the Power Sector Reform Roadmap, which has been supported by the World Bank through a series of development policy operations. The Power Sector Reform Development Policy Operations (PSRDPO) 1, 2 and 3 were implemented over 2010-2015, supporting four policy areas including development of competitive power market, power sector restructuring, electricity tariff reform and improving demand-side energy efficiency and quality of service. PSRDPO 4 is currently under preparation, planning to introduce market-based tariff mechanism and improve the transparency of tariff determination, among other measures. The average tariff has gradually been increased from VND1,053/kWh in 2010 to VND1,622/kWh in March 2015. With continuous support through PSRDPO 5 and 6, the ongoing sector reform is expected to achieve full cost recovery tariffs, which will help address one of the major barriers, low electricity pricing, to promote investments in energy efficiency.
- b) *Lack of institutional champions due to the fragmented nature of EE measures.* The EE policies and measures remain fragmented and lack institutional champions and accountability to enforce national-level EE targets. The objectives of EE policies and programs are not duly incorporated into sector master plans, which prevents allocation of financial resources to support achievement of the expected results. Despite the established mandatory reporting requirements, no established systems exist for monitoring and reporting on the achieved results of energy savings and emission reductions.
- c) *Limited financing for the up-front capital expenditure.* Despite high financial viability of EE investments in the industrial sector, access to finance has been limited for the majority of industrial enterprises with high energy intensity. Most local financial

institutions lack the required technical expertise to appraise EE investments, and view EE lending as risky. Credit risk associated with EE lending is perceived high by most of local financial institutions, and often leads to high collateral requirements. In particular, the concept of project-based financing that focuses on the cash flows from energy savings has not yet been widely accepted by financial institutions. The lack of expertise, interest, and confidence in EE financing on the part of financial institutions leads to insufficient supply of financing for the capital expenditure of EE investments.

- d) *Lack of EE awareness and capacity to identify and develop EE projects.* Industrial enterprises, the main beneficiaries of EE investments, have inadequate information on their energy consumption and efficiency measures that can be adopted. Furthermore, only a few experts are capable of identifying opportunities of energy saving and conservation in each subsector and developing technical designs suitable for the operating environment. Only in a few cases have consumers invested in EE and benefited as a result. These success stories have not been widely shared with other potential consumers with equally high energy intensity and opportunities to save from EE investments. This will be addressed via Component 2 of the IBRD VEIEE project.

All investments mobilized under Component 1 are additional to the investments made under the IBRD supporting project, since the loans provided under the IBRD Loan are not eligible for the partial risk coverage offered by the Facility. The IBRD/GCF guarantee will only be available to loans or tranches of loans (in case of parallel financing with the IBRD supporting project) made to IEs by PFIs using their own resources.

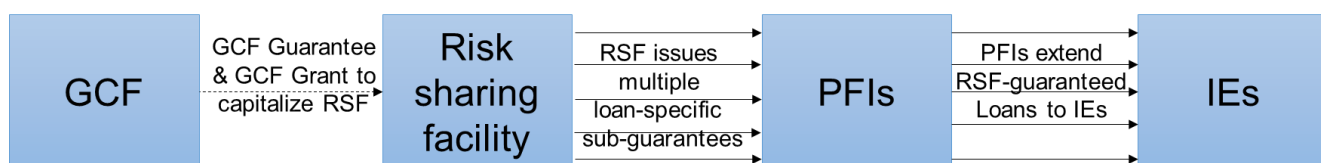
Any default on loan repayment to PFIs will be covered by the GCF-RSF, expected to be 50 percent of the loss on average during the project life. The Program Implementing Entity (PIE) managing the RSF will have flexibility in setting the coverage ratio based on market demand. A guiding principle in setting the coverage amount is not to over- or under guarantee commercial lending but to provide an optimal level of coverage to encourage PFIs to lend while at the same time requiring them to have “skin in the game” through risk sharing. Based on market sounding, a 50 percent coverage level would be considered acceptable by the market, although the coverage ratio in the first 1-2 years of the project may need to be higher to increase the attractiveness of the guarantee product to PFIs. After the ramp-up period, and assuming that PFIs have become comfortable with lending for EE projects, the guarantee coverage is expected to be reduced to 50 percent or less to mobilize more commercial financing. The RSF will cover losses pro rata (not as a first loss) with the PFIs and the guarantees will amortize along with the underlying loans.

The GCF-RSF grant will cover administrative start-up costs and operating expenses for the first two years, and provide initial seed capital for possible sub-guarantee payouts during the early stages of the operation. After an initial ramp-up period, the GCF-RSF is designed to operate on a cost recovery basis so that sub-guarantee fees collected from PFIs would be sufficient to cover GCF-RSF operating expenses, IBRD/GCF guarantee fees, and guarantee payouts for expected losses from the covered loan portfolio. The GCF-RSF issues partial credit guarantees (or sub-guarantees) to PFIs to extend loans to IEs for eligible projects. For greater efficiency and simpler administration, the GCF guarantee in turn is not issued directly to the PFIs but to the GCF-RSF as a whole as reserve capital to be used in downside scenarios (see guarantee issuance diagram below). In the base case, the IBRD/GCF guarantee is not expected to be called as long as actual losses are kept below the expected losses, which are to be recovered by a pool of the seed capital and the reserve capital coming from the collected guarantee fees. The above-mentioned cost recovery principle in guarantee pricing would allow for the GCF-RSF to generate sufficient revenue to pay for guarantee claims. The IBRD/GCF

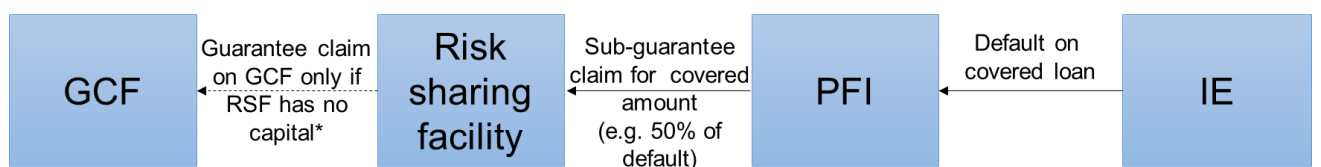
guarantee would be called if actual losses (i.e. guarantee payouts) PFIs incur on their loans to IEs (i.e. if IEs default on their scheduled principal and interest payments) exceeded expected losses and the GCF-RSF was unable to meet calls for guarantee payouts from its loss reserve account (see guarantee payout diagram below).

Recognizing the significance of appropriate risk management practice for the effective use of WB and GCF resources, an Operations Manual (OM) along with a Risk Management Framework (RMF) will be developed before implementation begins to provide the Program Implementing Entity (PIE) with detailed rules and guidelines on day-to-day operations and risk management practices of the GCF-RSF. Throughout the development of the OM and RMF, GCF will be consulted to reflect the appropriate risk appetite. Some of the key elements to be included in the OM and RMF have been in discussion with the GCF Secretariat. Based on experience and market feedback, the OM and RMF will be open for further review during project implementation, and any revisions will be made in consultation with GCF.

Sub-guarantee issuance



Sub-guarantee payout sequence



** Would be expected to happen only if actual defaults resulting in guarantee claims from PFIs exceeded the expected defaults.*

The proposed GCF-RSF design was informed by IBRD’s Articles of Agreement (Article 1(ii), reflected in the applicable IBRD policy OP 10.00, which states that guarantee instruments are intended to promote private foreign investment and not be used to support lending from public sources, including multilateral development banks. Given that Component 1 will be implemented within these policy limits, the IBRD/GCF Guarantee cannot therefore be used to backstop repayment of loans PFIs extend to IEs using the IBRD loan. As a result, the GCF financing provided through the GCF-RSF has been designed to be fully additional to the resources mobilized through the IBRD loan. The IBRD supporting project seeks to mobilize PFI co-financing in a ratio of 1:4 to the IBRD loan and additionally IEs will be required to contribute 20 percent of the EE project cost as equity. Component 1 will guarantee PFI co-financing which is additional to the 20 percent required under the IBRD loan or PFI financing covered entirely from their own resources for eligible EE projects.

The Facility would be capitalized with a seed funding grant of US\$3 million and backstopped by a guarantee of US\$75 million issued by IBRD with funding from GCF. The grant would be used to pay for operating expenses associated with the Facility in the first two operating years and provide funding for expected guarantee payouts. The guarantee would disburse to the Facility only if needed as additional capital. GCF would have the option of clawing back

disbursed guarantee payments should the Facility be able to recover some of the losses being guaranteed.

The Facility would be managed by the PIE and it would issue partial credit guarantees (or “sub-guarantees”) to eligible PFIs to support their loans for eligible EE subprojects undertaken by IEs. Guarantee coverage would only be available for loans made from the PFIs’ own resources, made in addition to the minimum co-financing requirement under the IBRD funded loans, if any, and would be partial to enable risk sharing with the PFIs and incentivize them to carefully appraise the underlying loans. It is expected that guarantee coverage over the life of the project would on average be 50 percent, but the PIE would have flexibility to set the coverage ratio based on market needs, with the expectation that higher than 50 percent guarantee coverage may be needed in the initial years of the program. The sub-guarantees would only cover credit risk arising from defaults on underlying loans. PFIs would be required to pay a sub-guarantee fee to the facility towards costs associated with program implementation and IBRD/GCF guarantee, and also towards expected guarantee calls resulting from possible borrower defaults on the covered loans. The objective of sub-guarantee pricing is to enable Facility cost recovery while keeping the sub-guarantees attractively priced for PFIs. The preliminary pricing also assumes that a US\$3 million seed grant from GCF would be available towards Facility operating costs and guarantee payouts in the initial years.

The Facility would pay sub-guarantee claims to PFIs if the underlying credit risks materialized. The first sub-guarantee claims would be paid from the Facility’s own resources to the extent funds would be available from the GCF seed grant and guarantee fee collections. If capital in the Facility fell short to meet all claims, which would only happen if actual losses exceeded expected losses, the IBRD/GCF guarantee could be called for up to US\$75 million to meet the additional claims. However, the likelihood of the IBRD/GCF guarantee being called is expected to be small due to robust requirements to be set for guaranteed loan appraisal and portfolio risk management, and therefore it is expected that in the base case the IBRD/GCF guarantee would not be called.

In practice, proactive risk management of the Facility would mean that the PIE would be expected to take corrective action if actual guarantee payouts exceeded expected payouts, for example by limiting the issuance of new guarantees. The requirements for guaranteed loan appraisal will be included in the Operational Manual but will include following the same appraisal procedures as for the IBRD Loan and making sure that PFIs apply at least the same care and due diligence on IBRD/GCF-guaranteed loans as they would on their own loans. The partiality of the guarantee coverage should further incentivize PFIs to do that.

The Risk Sharing Facility could be easily scaled up if demand for sub-guarantees proved strong and actual losses stayed within expectations. The scale-up would happen through leveraging of the capital base from 100 percent capital backing to 50 percent or less, which would mean increasing the maximum guarantee portfolio size beyond the capital base available for payouts. For example, with 2 times leveraging, the capital base of US\$78 million could support US\$156 million worth of sub-guarantees. Even in that scenario, it would be extremely unlikely for the capital to be exhausted as it would mean that 50 percent of all loans supported would result in defaults. The theoretical, residual risk above the capital available could be borne by the Government of Vietnam or PFIs.

1.2. Resettlement Policy Framework (RPF)

This RPF establishes policies, principles and procedures to be followed by potential energy efficiency subprojects. This RPF will be applied to relevant energy efficiency subprojects and activities if subsequent stages of project design or implementation are to cause involuntary land acquisition, leading to relocation or loss of shelter, loss of assets or access to assets, or loss of income sources or means of livelihood or other involuntary restrictions on access to land or other resources which could adversely affect income, living standards, etc. and social safety of affected people. In addition, all non-Bank funded activities that in the judgment of the Bank are (i) directly and significantly related to the Bank-assisted project; (ii) necessary to achieve its objectives as set forth in the project documents; and (iii) carried out, or planned to be carried out, contemporaneously with the project, are subject to the applicability of this Resettlement Policy Framework.

In case, the subproject is a part of the existing facilities that may already have involved land acquisition or resettlement, and relevant documentations on these issues are available, the subproject is also recognized as eligible. Subsequently, due diligence review/audit of existing facilities for any social legacy issues are only required to identify the additional actions to ensure the conformity with the national regulations and the WB's safeguard policies.

The types of energy efficiency subprojects may include: (a) adoption of energy saving industrial technologies such as more efficient industrial boilers, kilns, and heat exchange systems; (b) recovery and utilization of by-product gas, waste heat and pressure; (c) installation of highly efficient mechanical and electrical equipment, including motors, pumps, heating and ventilation equipments; and (d) industrial system optimization to reduce energy use. Most of these subprojects will be located within the existing premises of industrial facilities and will not require additional land acquisition. However, this resettlement policy framework (RPF) is prepared to ensure that implementation of land acquisition and resettlement for those subprojects will follow relevant national laws and regulations and comply with the safeguard policies of the World Bank.

SECTION 2. LEGAL FRAMEWORK

2.1 The World Bank's OP 4.12 Involuntary Resettlement

As regulated by the WB, RPF shall be in compliant with OP 4.12 - *Involuntary Resettlement* with the basic guiding principles as follows:

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

Measures required that resettlement has a positive outcome including:

- Consulting with potential Project-affected people on feasible measures for resettlement and rehabilitation;
- Providing Project-affected persons with options for resettlement and rehabilitation;
- Providing compensation at full replacement cost for losses;
- Choosing relocation sites that provide, at a minimum, the same benefits and services as the sites they replace;
- Providing allowances, training and income support to assist in making a smooth transition;
- Identifying vulnerable groups and providing special assistance to these groups; and,
- Establishing an institutional and organizational structure that supports this process to a successful end.

2.2 Applicable Vietnam Laws and Regulations

For public investment projects using domestic budget, principles and policies on land acquisition, compensation and resettlement arrangement are stipulated by the Government on the basis of laws, decrees and decisions by the Government on land acquisition, compensation and resettlement, including the followings:

- The Constitution of Vietnam 2013;
- The Electricity Law 2012 No. 24/2012/QH13, approved by the National Assembly on 20th Nov., 2012 and took effective 1st July, 2013, regarding amendment and supplementation of some articles of Electricity Law, 2004;
- The Land Law 2013 No. 45/2013/QH13, approved by the National Assembly on 29th No., 2013 and put into force on July 1st, 2014;
- Decree 67/2007/ND-CP of April 13th, 2007 on support policies for social protection beneficiaries;
- Decree 13/2010/ND-CP of February 27th, 2010 amending and supplementing a number of articles of the Government's Decree No. 67/2007/ND-CP;

- Decree 43/2014/ND-CP issued on 15/5/2014 concretely guiding the implementation of some articles of the Land Law, 2014;
- Decree 44/2014/ND-CP issued on 15/5/2014 regarding land prices;
- Decree 45/2014/NĐ-CP, issued on 15/5/2014 and come into force on 1/7/2014, regarding land use fees;
- Decree 47/2014/ND-CP issued on 15/5/2014 on compensation, support and resettlement as land recovered by the state;
- Circular 57/2010/TT-BTC issued on April 16th, 2010 prescribing the estimation, use and settlement of funds for compensation, support and resettlement upon recovery by the State;
- Circular No. 23/2014/TT-BTNMT, issued on 19/5/2014 and come into force on 5/7/2014, regarding regulations on certificates of land use rights, ownership of houses and other assets attached to land;
- Circular No. 30/2014 / TT-BTNMT, issued on 06/02/2014 and come into force on 17/07/2014, regarding provisions on records of land allocation or land lease, changing purpose of land use, and land acquisition;
- Circular of MONRE No. 36/2014/TT-BTNMT dated on 30th June of 2014 on methods of land pricing, preparation and adjustment of land prices, detailed land pricing and land pricing consultation;
- Circular of MONRE No. 37/2014/TT-BTNMT, issued on 30/6/2014 and come into force on 13/8/2014 on compensation, assistance and resettlement upon the State land recovery;
- Circular No. 76/2014/TT-BTC, issued on 16/6/2014 and come into force on 1/8/2014, regarding directions of some articles of Decree 45/2014/NĐ-CP, dated 15/5/2014, on land use fees;
- Decision No. 1956/2009/QĐ-TTg, dated November 17 2009, by the Prime Minister approving the Master Plan on vocational training for rural labors by 2020.
- Decision No. 52/2012/QĐ-TTg, dated November 16 2012, on the support policies on employment and vocational training to farmers whose agricultural land has been recovered by the State.
- Other regulations or administrative decisions with bearing on specific resettlement plan including relevant decisions of Provincial People's Committees related to principles for compensation, assistance and resettlement in the event of land recovery by the State and PPCs' decisions on compensation unit prices for land and affected assets due to site clearance in the two provinces.

2.3 Gap Analysis

The recent legislation on resettlement of Vietnam tends to be more consistent with that of the World Bank, but there still exists some discrepancies required particular attention. The differences between the Government's Laws and Decrees and World Bank Policies with regard to resettlement and compensation, and how to address these gaps are shown in Table 1.

As a World Bank member country, the Government of Vietnam has committed that, should the international agreements signed or acceded to by Vietnam with the World Bank contain provisions different from those in the present resettlement legal framework in Vietnam, the provisions of the international agreements with the World Bank shall prevail. This RPF confirms that in approving this instrument, the Government of Vietnam and the Province/City People's Committee, grant the waivers to the relevant articles in various Vietnamese laws that contradict or are not consistent with the objectives set forth in this RPF. The measures taken to

address the differences and comply with World Bank involuntary resettlement policies are addressed under this RPF.

Table 1. Comparison of Vietnam's and World Bank's Policies related to Involuntary Resettlement

| Subjects | Bank's OP 4.12 | Government Policies of Vietnam | Project Measures |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Property | | | |
| <i>Policy objectives</i> | <i>DPs should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</i> | Resettlement site and its infrastructure should have equal or better development conditions than those in the existing one. | Livelihoods and income sources will be restored in real terms, at least, to the pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. |
| <i>Support for affected households who have no recognizable legal right or claim to the land they are occupying</i> | <i>Financial assistance to all project 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 project implementation, whichever is higher)</i> | Financial assistance provided at different levels depending on the "legal" status of affected persons | Financial assistance of an agreed amount will be given to all DPs, regardless of their legal status, until their livelihoods and standards of living restore in real terms, at least, to pre-displacement levels. |
| <i>Compensation for illegal structures</i> | <i>Compensation at full cost for all structures regardless of legal status of the DP's land and structure.</i> | Provided to cover the new structure costs. Depending on the "illegality status" attributed, covering between 80% and 0% of the total costs | Compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure. |
| Compensation | | | |
| <i>Methods for determining compensation rates</i> | <i>Compensation for lost land and other assets should be paid at full replacement costs,</i> | Compensation for lost assets is calculated at price close to transferring the assets in local markets or the cost of newly-built structures. Provincial governments are granted to annually set up compensation prices for different categories of assets | Independent appraiser identifies replacement costs for all types of assets affected. Provincial government will use this assessment to establish the compensation rates at full replacement. |
| <i>Compensation for loss of income sources or means of livelihood</i> | <i>Loss of income sources should be compensated (whether or not the affected persons must move to another location)</i> | Assistance in respect of income loss is given only for registered businesses. For affected persons losing agricultural land, additional financial support will be 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. |

Vietnam Energy Efficiency for Industrial Enterprises Project
Resettlement Policy Framework (RPF)

| Subjects | Bank's OP 4.12 | Government Policies of Vietnam | Project Measures |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Compensation for indirect impact caused by land or structures taking</i> | <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.</i> | Not addressed. | Socio-economic assessment has been undertaken and measures identified and being implemented to minimize and mitigate adverse impacts, particularly upon poor and vulnerable groups. |
| <i>Livelihood restoration and assistance</i> | <i>Provision of livelihood restoration and assistance to achieve the policy objectives.</i> | 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 RP |
| <i>Consultation and disclosure</i> | <i>Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms</i> | Limited mostly to information sharing and disclosure. | Consultation and participation incorporated into RP design, along with information sharing with DPs and stakeholders. Priority will be given to the participation of women in the consultation processes. |
| <i>Grievance redress mechanism</i> | | | |
| | <i>Grievance redress mechanism should be independent</i> | The same governmental body makes decisions on compensation and resettlement, and also handles grievances at the first step; | Independent Grievance and Redress mechanisms are to be established, built on the existing governmental system, with monitoring by an independent monitor. |
| <i>Monitoring & Evaluation</i> | | | |
| | <i>Internal and independent monitoring are required</i> | There is no explicit requirements on monitoring, including both internal and independent (external) monitoring | Both internal and external (independent) monitoring is to be regularly maintained (on a monthly basis for internal and bi-annual basis for independent monitoring). An end-of-project report will be done to confirm whether the objectives of OP 4.12 were achieved. |

SECTION 3. RESETTLEMENT PRINCIPLES

3.1 General Principles

Based on the WB's OP 4.12 and Vietnamese Laws, the following principles would be applied in the RPF. Subproject developers would be required to ensure that these principles are fully complied with in preparation of subproject proposals which involve land acquisition and resettlement.

- Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the DPs (with particular attention to vulnerable DPs), to minimize the disturbance and shorten the resettlement transition period. The rehabilitation measures will be provided to the DP's prior to the expected start-up date of works in the respective project sites.
- 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).
- The DPs will be provided 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.
- The compensation rates will be determined based on the results of independent land/assets appraisal in a timely and consultative fashion. All fees and taxes on land and/or house transfers will be waived or otherwise included in a compensation package for land and structures/houses or businesses. The local authorities will ensure that DPs choosing relocation on their own obtain, without additional cost, the necessary property titles and official certificates commensurate with similar packages provided to those who choose to move to the project resettlement sites.
- Land will be compensated "land for land" or in cash according to the DP'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 borrower 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 the poor and vulnerable people losing 10% or more of their productive landholding.
- DPs that 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 the difference between their lost land and the land plots provided. The resettlement area will be planned properly and implemented in consultation with the DPs. All basic infrastructures, such as paved roads, sidewalks, drainage, water supply, and electricity and telephone lines, will be provided.
- DPs that prefer "cash for land" will be compensated in cash at the full replacement cost. These DPs will be assisted in rehabilitating their livelihoods and making their own arrangements for relocation.
- If, by the end of the project, livelihoods have been shown not to be restored to pre-project levels, additional measures should be considered.
- Financial services (such as loans or credits) will be provided to DPs, if necessary. The

installment amounts and the schedule of payments will be within the repayment capacity of DPs.

- Additional efforts, such as economic rehabilitation assistance, training and other forms of assistance, should be provided to DPs losing income sources, especially to vulnerable groups in order to enhance their future prospects toward livelihood restoration and improvement.
- The previous level of community services and resources, encountered prior to displacement, will be maintained or improved for resettlement areas.
- Contractors can only commence civil works after (i) the governmental competent agency has satisfactorily completed compensation payments and rehabilitation assistances in accordance to approved RP for that sub-project; (ii) already-compensated DPs have cleared the area in a timely manner; and (iii) the area is free from any encumbrances.

Temporary Resettlement

Relocation of any households more than once should be avoided, because it leads to DPs being impacted twice or more and will slow down the livelihood restoration time. If it must happen, these households should be considered for additional benefits as they have been impacted twice. If the implementing agency has verified that temporary resettlement is unavoidable for such reasons as the final resettlement is subject to the temporary resettlement (e.g., construction of the resettlement site will not take place until the DPs are temporarily relocated) and an implementation plan for the final resettlement is agreed by the DPs and approved by District People's Committee (DPC) or Provincial People's Committee (PPC) and the Bank, then an additional assistance package is offered.

3.2 Eligibility Criteria

The eligibility for obtaining entitlements to compensation is generally built upon three concepts relating to asset ownership as follows:

- Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country) – in the instance, it is also useful to document how long they have been using the land or the assets associated with it;
- Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets, provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;
- 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 project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (i), (ii), or (iii) are provided compensation for loss of owned or used assets other than land.

Project affected people

People directly affected by a project through the loss of land, residences, other structures, business, assets, or access to resources, specifically are:

- Persons whose agricultural land will be affected (permanently or temporarily) by the Project;

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

Identification of vulnerable groups or Households (HHs)

Vulnerable groups include those distinct groups of people who might suffer disproportionately or face the risk of being marginalized by the effects of resettlement, and specifically include:

- Poor and very poor household as identified by regulations of Government of Vietnam;
- Ethnic Minority Household;
- Household covered in Decree 47/2014/ND-CP of May 15th, 2014 of the Government regulating on compensation, support and resettlement upon land expropriation by the State and decision No. 64/2014/QD-TTg of November 18th, 2014 on specific policies on relocation and resettlement of people in areas under irrigation and hydropower projects.

Eligible affected households after the cut-off-date

Those households splitting from the large 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 DPs:

- Households splitting from a family with minimum of two couples and having minimum of six persons; and
- Endorsement by the District authority, with verification of commune's People's Committee, the household has split.

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 this document.

3.3 Policies of Compensation

3.3.1 Compensation Policies for Loss of Houses/Structures

Policy for loss of Houses

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 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

DPs to repair the affected house/structures to restore it to the former condition, or better, at no additional cost to them.

Policy for loss of Graves

Compensation for the removal of graves/ tombs will include the cost of excavation, relocation, reburial and other related costs which are necessary to satisfy customary requirements. 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 may 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 project implementation manual.

Tenants

The 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 one if affected people have a demand for; or (ii) provided an assistance equal 60% of replacement cost of the affected land and houses. The structure created by the DPs themselves will be compensated at their full replacement costs.

The tenants who are leasing a private house for living purposes will be provided with transportation allowance for moving assets, as well as will be assisted in identifying alternative accommodation.

3.3.2 Compensation Policies for Loss of Agricultural Land

Land Users without formal or customary recognized rights to the affected land

Instead of compensation, these DPs will receive rehabilitation assistance up to 100% of the land value in cash. DPs will be entitled to rehabilitation measures mentioned above to ensure their living standards are restored.

In case the land is rented through civil contract between individuals, households, or organizations, then the compensation for crops, trees, or aquaculture products will be paid to the affected land users and the project client shall assist the renter to find similar land to rent.

In cases when DPs utilize public land (or protected areas), with an obligation to return the land to the Government when requested, the DPs will not be compensated for the loss of use of the land. However, these DPs will be compensated for crops, trees, structures and other assets they own or use, at full replacement cost. Although they cannot reside in such public VSUEE Project: Resettlement Policy Framework safety-hazard areas, if access has not been denied previously through well-documented signs and such things as fences, the social and baseline assessment should consider if such a physical impediment (like a newly restricted public safety area) is causing loss of livelihood due to people no longer being able to get to jobs and other assets associated with their subsistence as a result of restricted safety zone definition, which may for example add significant cost to traveling from home to business, schools, etc.

Legal and Legalized 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 IEs must demonstrate this to the World Bank's satisfaction

before proceeding.

- If land is not available, or if the DP prefers cash compensation, then cash compensation will be provided for the lost area at 100% of land replacement cost, and the DP will be provided with rehabilitation measures to restore the lost income sources, such as agricultural extension, job training, credit access, provision of non-agricultural land at a location appropriate for running off farm business or services.
- If the DPs wish, and there is land of similar value elsewhere, the project should also assist these DPs 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) to suit local conditions.

Land Users without formal or customary recognized rights to the affected land

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

For DPs 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 DPs may also receive additional support according to the following provisions:

- Additional monetary support shall be provided for DPs that receive land on a contractual basis and are public employees or workers of State-owned agricultural or forestry farms, or who are former employees of such farms and who are now receiving an allowance related to their former employment. The highest level of additional monetary support shall be equal to the price of land to be compensated, calculated on the basis of the value of the affected land area which shall, however, not exceed the local agricultural land assignment limits. The PPC shall decide on the specific support levels to suit the local conditions but the additional monetary support shall not be less than 70% of the compensation value for the land actually acquired.
- Where DPs receive land on a contractual basis but are other than the individuals specified at (a) above, they shall only receive compensation for investments made on the land.

3.3.3 Compensation for Loss of Residential Land

Loss of residential land without associated structures

Compensation for loss of land in cash at replacement cost to legal and/or “localizable” land users. For land users who have no recognizable land use right, financial assistance of an agreed amount will be provided. The amount will be determined by the respective Provincial People’s Committee.

Loss of residential land with associated structures and the remaining land is sufficient to rebuild the structure (reorganizing DP)

Compensation for loss of land will be made in cash at (i) full replacement cost for legal and legalized land users; (ii) Financial assistance of an agreed amount will be provided to land users who do not have recognizable land use rights. If DPs have to rebuild their houses, they will be provided with a rental allowance for a period of 3 months while their houses are being

rebuilt.

Loss of residential land with associated structures and the remaining land is insufficient to rebuild the structure (relocating DP)

Other than specific provisions listed below, in case where relocated DPs belong to vulnerable groups, the project will consider providing them with additional assistance (in cash and kind) to ensure that they can afford to be relocated to a new site.

For DPs who have legal or legalized 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 DP. This will be done in consultation with the DP. Full ownership title to the land or apartment will be given at no cost to the DP.

OR,

- On request of and with full consultation with the DP, 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 (or assistance) amount accounts less than the cost of a land plot in the project's resettlement site, DPs will be supported with the difference required for the acquisition of the land plot. If a land plot in the project resettlement site is not the chosen DP's option, cash assistance will be provided equivalent to the difference required to acquire a chosen land plot.

DPs who do not have formal or customary rights to the affected land:

- Financial assistance of an amount to be determined by provincial People's Committee will be given.
- If the DP has no place to move, a land plot or an apartment satisfactory to them will be provided in the resettlement site.

In case the relocated DPs 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.

3.3.4 Compensation Policy for Loss of Standing Crops and Trees

For annual and perennial standing crops, regardless of the legal status of the land, compensation will be paid to the affected persons, who cultivate the land, according to the full market value of the affected crops and/or at replacement cost for affected perennial trees. Regarding the removable affected trees, the compensation will be equal to the transportation cost plus actual loss. Perennial crops will be compensated for at the calculated value of their life time productivity.

3.3.5 Damages to Private or Public Structures

Damaged property by contractor will be restored by contractors immediately at full replacement value, after completion of civil works, to its former condition. 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 pay compensation immediately to affected families, groups, communities, or government agencies at the same compensation rates that are applied to all other assets affected by the Project.

Compensation for loss of community assets such as schools, bridges, factories, water sources, roads, sewage systems is damaged, the project will ensure that these will be restored

or repaired at no cost for the community and to the community's satisfaction.

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

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

- The registered non-farm producer/business DPs, who have income-generating and/or business/productive assets affected, will be given cash business assistance for the loss of business income, equivalent to 50% of the annual average for the last 3 years net income. (This amount is equivalent to 100% of monthly net income for 6 months).
- The non-registered business or non-farm producer DPs, whose operations are recognized by local authority and who have income and/or business/productive assets affected, will be given assistance in cash for the income losses for three months at the minimum.
- If the business has to be relocated, then, a priority to provide a replacement business site accessible to customers, or, compensation in cash for the affected area at a replacement cost, plus transportation allowance to remove movable attached assets. If there is no land available, then the business/non-farm producer DPs will be entitled for rehabilitation measures such as job training, credit access to help restore the income sources.

3.3.7 Compensation Policy for Temporary Impact during Construction

In the event of temporary impact during construction, DPs are entitled to the following:

- Compensation for all affected assets/investments made on the land, including trees, crops etc., at full replacement cost;
- Cash compensation for land temporarily acquired in the form of rent which is at least equivalent to the net income that would have been derived from the affected property during the period of disruption.

3.3.8 Secondary DPs

This applies to those affected by development of individual resettlement or group resettlement sites. Because all secondary DPs are likely to be affected in similar ways as primary ones, they will be entitled to compensation and rehabilitation assistance in accordance with the same respective provisions for all other DPs.

3.3.9 Allowances and Rehabilitation Assistance

Compensation may be sufficient to allow displaced persons to restore incomes if paid at replacement cost, assuming that replacement assets are available. Often, however, resettlement may require displaced persons to obtain new skills required for resuming production in a new environment, or to pursue new sources of income. The RP should assess the significance of impacts to be imposed on displaced persons, and provide measures to assist those significantly affected in adapting to new livelihood challenges. Measures may include training, extension services, or employment, along with responsibility for providing them. Training activities should be followed by non-temporary employment opportunities. These measures should be specified in the RP.

SECTION 4: PREPARATION AND CLEARANCE OF RESETTLEMENT PLAN DURING THE PROJECT IMPLEMENTATION

During subproject preparation, the developers would, based on the land acquisition requirements, carry out preliminary screening to identify the types and extent of impacts. Once it is determined that land acquisition, impacts up to or more than 10% of productive assets or any associated impacts is essential to complete any project activities, resettlement planning should begin. The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement.

The overall responsibility for preparation and implementation of any necessary RPs rests with sponsors of individual subprojects. The subproject owner will carry out, or cause to be carried out, a census survey to identify and enumerate all displaced persons, and a socioeconomic survey to determine the range and scope of adverse impacts in the affected area. The census survey must cover 100% of the persons to be displaced; the socioeconomic survey may be undertaken on a sample basis.

Based on accurate baseline census survey and social economic survey, the RP (full resettlement plan or abbreviated resettlement plan) will be prepared in accordance with the policy principles and planning and implementation arrangements set forth in this RPF (see Annex 1 for guidance of full and abbreviated RP preparation), and established appropriate mitigation measures as appropriate for all categories of adverse impacts. Each RP will include, among others: description of the subproject; census and baseline socioeconomic characteristics of the DPs; details of impacts on assets, livelihood and incomes; eligibility; valuation and compensation for losses; suggested mitigation measures; site selection, site preparation and relocation, where necessary; income rehabilitation measures; Grievance Redress mechanism; implementation schedule; and estimated resettlement cost.

Draft version of RPs will be prepared by IEs and reviewed by PFIs, PMBs and be submitted to the World Bank for review and clearance before the subproject appraisal. Activities described under the RPs will only be implemented after the World Bank has found acceptable the respective resettlement instruments and the governmental competent agencies have approved it. The compensation, resettlement and rehabilitation activities will be completed before awarding the contracts of civil works under each sub-project. All resettlement plans are subject to public consultation and must be disclosed per requirement in The World Bank's policy.

SECTION 5: CONSULTATION, PARTICIPATION AND DISCLOSURE

To promote active project engagement and adaptation to changed living circumstances, displaced persons should be provided with opportunities to participate in planning and implementation. At minimum, displaced persons should be consulted on preferences and concerns during the resettlement planning process. All displaced persons are to be informed regarding potential impacts and proposed mitigation measures, including compensation rates. Participation and consultation activities will be continuously conducted throughout various phases of the RPs implementation (e.g. planning, implementation, monitoring). The consultation methods will be tailored to each targeted group, including (but not limited to) participatory rapid appraisal, stakeholder consultations through site and household visits, public meetings, focus group discussions and the household socioeconomic survey. The participation of women in consultation process will be prioritized. The RP will include a dedicated section with more detailed description on strategy/plan for consultation, participation and disclosure.

Local authorities, affected communities will also be informed about the project proposal, its objectives and proposed activities, at an early stage of project preparation. The key discussion points will be focused on the development needs and priorities of local locality and their perception toward the project objectives. As required in OP 4.12, The RP will be disclosed, in a manner and location accessible to displaced persons while in draft, and subsequently disclosed again following finalization. To the extent possible, the implementing agencies will made social safeguard instruments publically available through newspaper, leaflets, local radio to ensure a wide access to this information.

PMB is responsible for establishing and maintaining suitable tools/instruments to ensure that all activities related to consultation, participation and disclosure will be properly tracked and documented.

SECTION 6: IMPLEMENTATION ARRANGEMENTS

6.1 Institutional Arrangement

Institutional participation in preparing and implementing the RPF and RPs is arranged as follows:

| Institution | Responsibility |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PFIs (Participating Bank)/WB | <ul style="list-style-type: none"> - Receive of technical proposals together with necessary endorsements from the provincial authorities and other institutions; - Carry out due diligence of the subprojects to ensure that the project developers (investors) have conducted necessary studies and prepared the documents in accordance with the provisions of the RPF; - Carry out necessary monitoring of subproject implementation |
| Project Management Board (PMB) under GDE of MOIT | <ul style="list-style-type: none"> - Initiate and manage all other Technical Assistance activities under VSUEE; - Manage all relevant contracts, capacity building at commercial banks and developers; - Assist the project implementation process by creating a pool of qualified consultants to support safeguard document preparation and subproject supervision; - Overall manage VSUEE including management of the verification process for the projects; monitor implementation progress and take corrective measures where needed; obtain required approvals from MOIT, the World Bank and MOF; and report to MOIT and the World Bank. |
| Industrial Enterprise (IEs) | <ul style="list-style-type: none"> - Prepare RPs in accordance with the RPF. Coordinate with the provincial People's Committees and local authorities to obtain consensus from provincial People's Committee for the RPs and submit them to the WB for review and clearance. - Develop and implement a training program for the provincial and district People's Committee's, relevant stakeholders involved in RP implementation and Grievance Redress. - Where relevant, provide technical support (e.g. consultation mobilization) in identifying the replacement cost to inform compensation rate during the RP implementation. - Secure timely availability of required budget for RP preparation and implementation; - Conduct internal monitoring of RP implementation as per requirements set out in the project's RPF and the RPs. - Prepare bi-annual progress reports and submit to PFIs and PMB and WB. - Designate staff with solid experience in resettlement and familiar with Bank's safeguard policies as a social focal point for PFIs. - Take part in compensation, support and resettlement council at local level and ensure that the agreed RPs are properly implemented, documented and reported. - Work closely with competent governmental agencies to address concern, grievances related to resettlement in their managed subprojects. |

Vietnam Energy Efficiency for Industrial Enterprises Project
Resettlement Policy Framework (RPF)

| Institution | Responsibility |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Commune People's Committees | <ul style="list-style-type: none"> - To organize propaganda on the land recovery purposes, compensation, support and resettlement policies of the projects; - To coordinate with the compensation, support and resettlement councils in certifying land and property of persons who have land recovered; - To join in, and create conditions for, the payment of compensation and support money to, and arrange resettlement for, persons who have land recovered, and create conditions for the ground clearance. |
| Provincial People's Committees | <ul style="list-style-type: none"> - To direct, organize, propagate and mobilize all organizations and individuals concerning compensation, support and resettlement policies and ground clearance according to the land recovery decisions of competent State bodies; - On the bases of Vietnam regulation and principles established in this RPF, to direct the provincial/municipal services, departments, branches and district-level People's Committees: (i) To draw up resettlement and resettlement area plans in service of the land recovery; (ii) To draw up compensation, support and resettlement plans according to their competence; - To approve or assign the district-level People's Committees to approve compensation, support and resettlement plans which shall be consistent with the principles established in this RPF; - To be consistent with the principles established in this RPF, to approve land prices; promulgate the property price tables for compensation calculation; prescribe support levels and supporting measures according to their competence; resettlement arrangement plans, job change training plans according to their assigned competence; - To direct the concerned agencies to settle citizens' complaints, denunciations related to compensation, support and resettlement according to their law-prescribed competence; - To guarantee impartiality and equity when considering and deciding on the compensation, support and resettlement when land is recovered by the State according to their competence prescribed in this RPF as well as in relevant regulations of Vietnam; - To decide or assign the district-level People's Committees to apply coercion to cases of deliberately failing to abide by the State's land recovery decisions according to their competence; - To direct the examination and handling of violations in the compensation, support and resettlement domain. |
| The District People's Committees | <ul style="list-style-type: none"> - To direct, organize, propagate and mobilize all organizations and individuals concerning compensation, support and resettlement policies and ground clearance according to the land recovery decisions of competent State bodies; - To direct the compensation, support and resettlement councils of the same level to draw up, and organize the implementation of, the compensation, support and resettlement plans; approve the compensation, support and resettlement plans according to the responsibility assignment by the provincial-level People's Committees; - To coordinate with the provincial/municipal services, departments and branches, organizations and investors in executing investments |

| Institution | Responsibility |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>projects to build and plans to create resettlement areas in their localities according to the assignment of the provincial-level People's Committees;</p> <p>- To settle citizens' complaints, denunciations related to compensation, support and resettlement according to their assigned competence; issue coercive decisions and organizing coercion in the cases falling under their competence; coordinate with the functional agencies in organizing coercion according to the decisions of competent bodies.</p> |
| <p>The compensation, support and resettlement councils</p> | <p>- Assist the People's Committees of the same level in making, and organizing the implementation of compensation, support and resettlement arrangement plans; work on the collective principle and decide by majority; where the numbers of votes for and against are equal, the opinion of the side joined by the council chairman shall be followed.</p> <p>Responsibilities of council members are as follow:</p> <ul style="list-style-type: none"> • The council chairman shall direct the council members to make, submit for approval and organize the implementation of, the compensation, support and resettlement plan; • The investor shall be responsible for assisting the council chairman in making the compensation, support and resettlement plan, ensuring sufficient funds for timely payment of compensation, support and resettlement money; • Representatives of persons who have land recovered shall be responsible for reflecting the aspirations of persons who have land recovered, persons who must be relocated; mobilizing persons who have land recovered to move and clear the ground according to schedule • Other members shall perform the tasks as assigned and directed by the council chairman, suitable to their respective branches. • The compensation, support and resettlement councils shall be responsible for the accuracy and rationality of inventory statistics, the legality of land and property eligible or ineligible for compensation, supports in the compensation, support and resettlement |

Vietnam Energy Efficiency for Industrial Enterprises Project
Resettlement Policy Framework (RPF)

| Institution | Responsibility |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Center for Land Fund Development | <ul style="list-style-type: none"> - To assume the prime responsibility for, or coordinate the with the compensation and ground clearance council in, organizing compensation and ground clearance; - To work and coordinate closely with project's stakeholders to update and implement RP as per project's RPF. - To provide compensation and ground clearance services; - To develop resettlement areas; - To build infrastructure on land funds assigned to it for management in order to organize auction; - To provide information on land prices and land funds to organizations and individuals upon request; - To assist the District People's Committee and Provincial People's Committee in disseminating information related to Resettlement Plan. - To assist the District People's Committee in handling complaints at district level. - To perform other tasks under decisions of the provincial-level People's Committee. |

SECTION 7. GRIEVANCES REDRESS MECHANISM

RPs will establish means for displaced persons to bring complaints to the attention of relevant project authorities. Grievance procedures should include reasonable performance standards, e.g., time required to respond to complaints, and should be provided without charge to displaced persons. The RP should also state other avenues available to aggrieved persons if the project-related procedures fail to resolve complaints. Following mechanism could be considered.

The PO shall establish a complaints and grievances mechanism to receive and resolve the resettlement issues of project-affected communities/person. The mechanism shall be based on principles as (i) proportionality; (ii) accessibility; (iii) transparency; and (iv) cultural appropriateness as follows.

- (i) Proportionality means scaling the mechanism to the project needs. In a project with low potential adverse impacts, simple and direct mechanisms for problem solving is preferred for addressing and resolving complaints such as public meetings, telephone hotline, existing media, brochures, and a community liaison officer;
- (ii) Accessibility means establishing a mechanism which is clear, free of charge and easy to access for all segments of the affected communities and other potential stakeholders. The best way of achieving this is to localize the point of contact. This is valid both for the owner and its construction contractor. Related to that, staff with the appropriate skills, training and familiarity with community liaison work should be employed in the field as quickly as possible. Accessibility enables owner to build more constructive relationships with local communities. This will also help intervene quickly in any dispute or environmental issues and in an appropriate manner because maintaining a regular presence of a familiar face in the field greatly helps engendering trust and thus, constructive and closer relations;
- (iii) Transparency means that members of the affected communities know who is responsible for handling the complaints and communicating the outcomes of corrective actions to be taken about the complaints. This will be helpful in that people have confidence in the grievance mechanism to be used both by project owner and the construction contractor;
- (iv) Culturally appropriateness means having cultural sensitiveness while designing and executing the grievance mechanism.

To implement these principles, the PO will be accessible to its stakeholders and should respond to their complaints in the shortest possible time. The critical issue for responding to complaints is to ensure that all received complaints are recorded; relevant division of the PMB is responsive to complaints; and that corrective actions are mutually acceptable. Thus, responses to complaints will be satisfactory for both parties, actions are followed up, and the complainants will be informed about the outcomes of the corrective actions (see Figure 1).

In case, there is no agreement between the parties and the project affected communities/person, complaints and grievances shall be submitted to state justice system with responsibilities as follows.

VSUEE level - At Commune People's Committee (CPC)

An aggrieved affected household may bring his/her complaint before the receiving department of a Commune People's Committee to be received and guided for necessary procedures. The

CPC will meet personally with the aggrieved affected household and will have 5 days following the lodging of the complaint to resolve it (Note: in remote and mountainous areas, the complaint should be resolved within 15 days. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles. Upon issuance of decision of CPC, the complainants can make an appeal within 30 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the DPC.

Second level - At District People's Committee (DPC)

Upon receipt of a complaint from a household, the DPC will have 15 days (or 45 days in remote and mountainous areas) following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles. Upon issuance of decision of DPC, the complainants can make an appeal within 30 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the PPC.

Third level - At Provincial People's Committee (PPC)

Upon receipt of complaint from the household, the PPC will have 30 days (or 45 days in remote and mountainous areas) following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping file of all complaints. Upon issuance of decision of PPC, the household can make an appeal within 45 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the court within 45 days.

Final level - Court of Law Decides

Should the complainant file his/her case to the court and the court rule in favor of the complainant, then provincial government agency will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, the complainant will have to receive compensation as described in the approved compensation plan and comply with all requirements of land clearance.

To assure that the mechanism described above is pragmatic and acceptable to affected communities/persons, consultations with local authorities and affected communities about this mechanism is in need, particularly consultations with vulnerable groups.

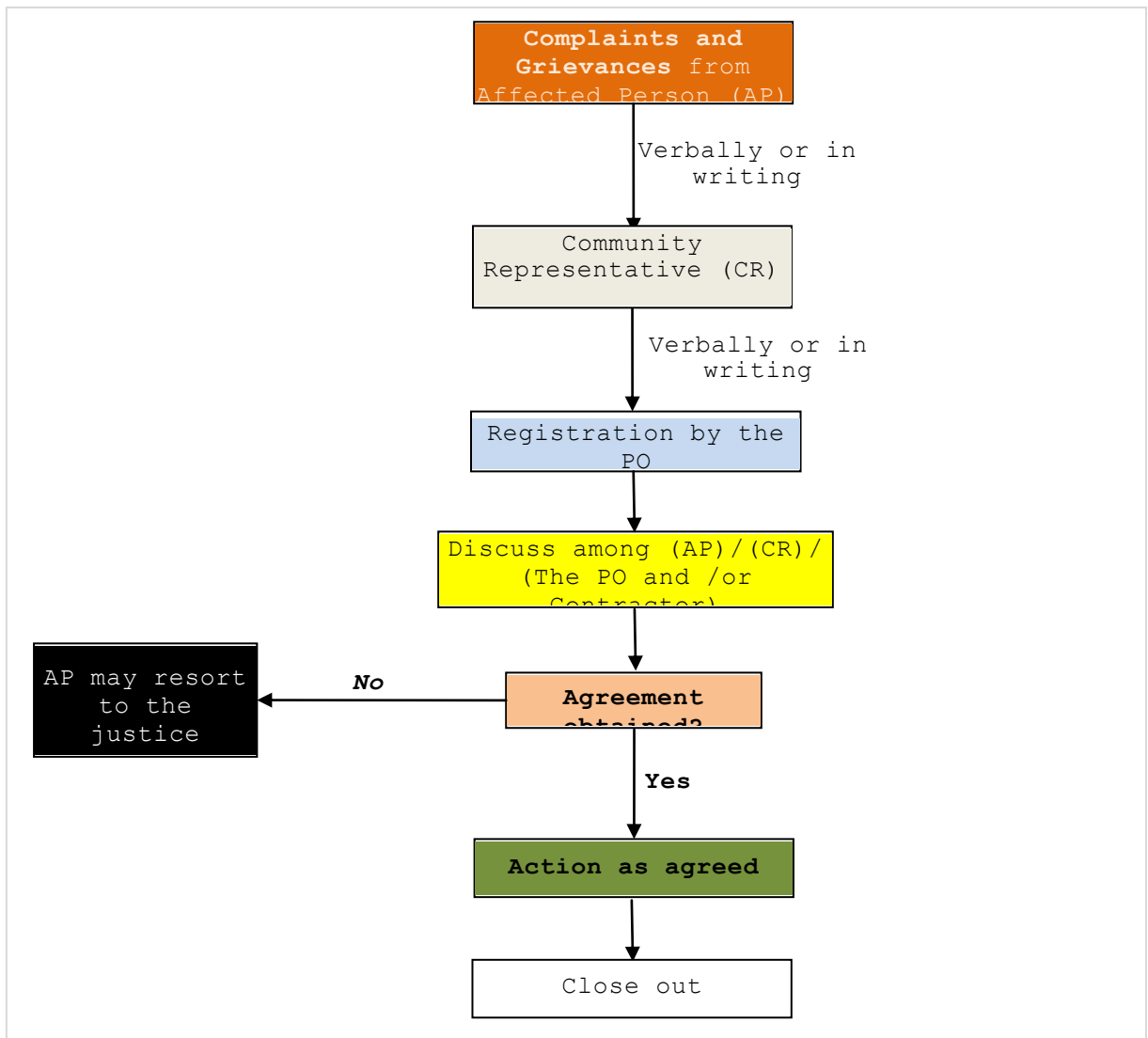


Figure 1. Basic Complaints and Grievances Mechanism of the Project

SECTION 8. SUPERVISION, MONITORING AND EVALUATION

In addition to internal project monitoring arrangements, the project owner will ensure that RP implementation will be monitored by a qualified agency independent of project implementing agencies. The RP should establish the scope and frequency of monitoring activities. External monitoring reports will be prepared for simultaneous submission to the project office and the World Bank.

A Resettlement Plan cannot be considered complete until a completion audit or survey confirms that all entitlements have been received by beneficiaries and livelihood restoration is progressing on schedule. If possible, the (internal/external) monitoring activities of RPs could be considered to be combined with similar action under Ethnic Minority Development Plan of the same subproject.

SECTION 9. RESETTLEMENT COST AND BUDGET

All costs associated with land acquisition and resettlement planning and implementation, including the cost of field investigations; surveys and documentation; consultation and participation; addressing grievances and complaints; monitoring and supervision; and coordination with the local authorities in regard to resettlement implementation would be covered by subproject developers. The estimated cost breakdown would be included in the resettlement plans and will be included towards the cost of the subproject. The implement cost estimates will make adequate provisions for consultancy services for implementation organization, design and inspection works, construction works and contingencies for resettlement area. This total project implementation cost will be included towards the cost of the subproject. In the case of cost overruns due to unforeseen circumstances or delays, the subproject developers will allocate additional funds as may be necessary.

ANNEX 1 – Guidance for Preparation of a Resettlement Plan

FULL RESETTLEMENT PLAN

The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

1. Description of the project

General description of the project and identification of the project area.

2. Potential impacts

Identification of

- (a) the project component or activities that give rise to resettlement;
- (b) the zone of impact of such component or activities;
- (c) the alternatives considered to avoid or minimize resettlement; and
- (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

3. Objectives

To address the main objectives of the resettlement program.

4. Socio-economic studies

The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including

- (a) the results of a census survey covering
 - (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
 - (ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
 - (iii) the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;
 - (iv) information on vulnerable groups or persons as especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation, for whom special provisions may have to be made; and
 - (v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- (b) Other studies describing the following

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

5. Legal framework

The findings of an analysis of the legal framework, covering

- (a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;
- (c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
- (d) laws and regulations relating to the agencies responsible for implementing resettlement activities;
- (e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and
- (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land--including claims that derive from customary law and traditional usage (those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan).

6. Institutional Framework

The findings of an analysis of the institutional framework covering

- (a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- (b) an assessment of the institutional capacity of such agencies and NGOs; and
- (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

7. Eligibility

Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

8. Valuation of and compensation for losses

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

9. Resettlement measures

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

10. Site selection, site preparation, and relocation

Alternative relocation sites considered and explanation of those selected, covering

- (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (d) legal arrangements for regularizing tenure and transferring titles to resettlers.

11. Housing, infrastructure, and social services

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

12. Environmental protection and management

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

13. Community participation

Involvement of resettlers and host communities

- (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;
- (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
- (d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

14. Integration with host populations

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

- (a) consultations with host communities and local governments;
- (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;
- (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and
- (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

15. Grievance procedures

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

16. Organizational responsibilities

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

17. Implementation schedule

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

18. Costs and budget

Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

19. Monitoring and evaluation

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

ABBREVIATED RESETTLEMENT PLAN

An abbreviated plan covers the following minimum elements, in addition, in case some of the displaced persons lose more than 10% of their productive assets or require physical relocation, the plan also covers a socioeconomic survey and income restoration measures.

- (a) a census survey of displaced persons and valuation of assets;
- (b) description of compensation and other resettlement assistance to be provided;
- (c) consultations with displaced people about acceptable alternatives;
- (d) institutional responsibility for implementation and procedures for grievance redress;
- (e) arrangements for monitoring and implementation; and
- (f) a timetable and budget.