



Building Bridges

Lessons from Problem-Solving
in Viet Nam

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Cover photo: Construction nearing completion on the Vam Cong Bridge fording the Hau River, tributary of the Mekong (photo by Wilfredo Agliam).

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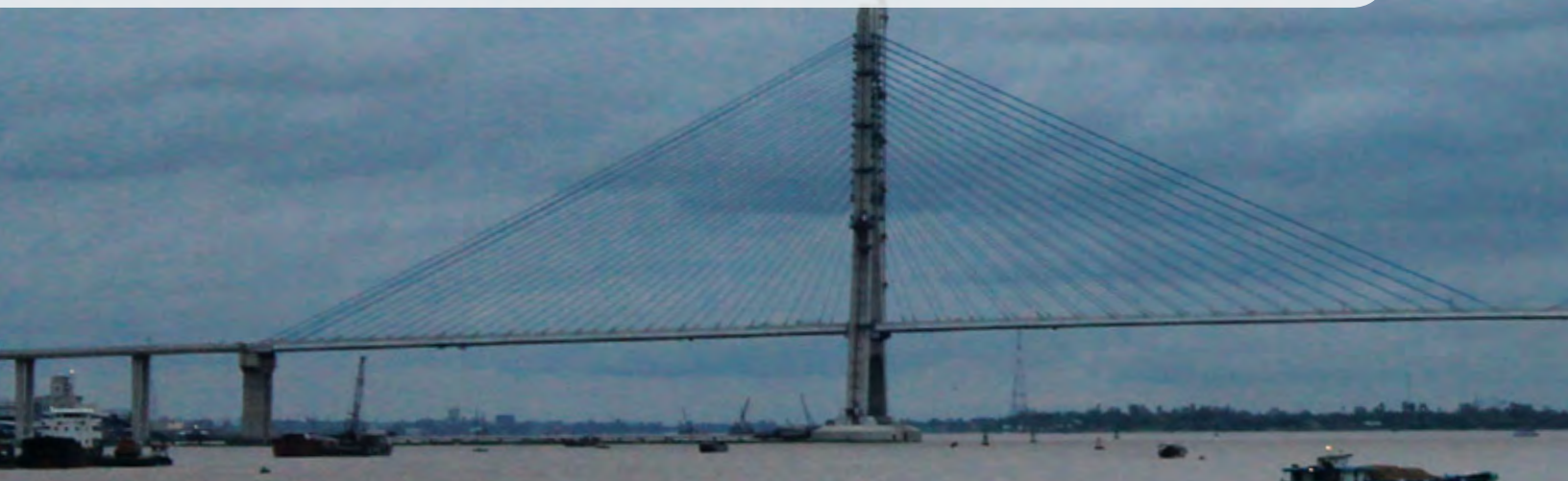


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Cao Lanh Bridge being built on the Tien River: Once commissioned, the project will improve connectivity and cut travel times between the Mekong Delta and Ho Chi Minh City (photo by Wilfredo Agliam).



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A site supervisor at the An Binh Interchange: The contractor's staff are often the first point of contact for complainants (photo by Nitish Jha).

Joint Foreword

The Central Mekong Delta Region Connectivity Project (CMDRCP), spanning Dong Thap Province and Can Tho City in Viet Nam, is noteworthy for its size and impact. The construction of two large, cable-stayed bridges and a 26-kilometer interconnecting road will cut travel times, improve surface connectivity substantially, and boost the movement of goods and services in an economically vital yet environmentally sensitive part of the country. The project loan, amounting to \$410 million, is financed by the Asian Development Bank (ADB), with an additional \$260 million loan cofinanced by the Export-Import Bank of Korea and a grant of \$134 million from Australia's Department of Foreign Affairs and Trade. The project has led to the acquisition of a large amount of land with direct and indirect impacts on people's lives and livelihoods. The magnitude of impact and the sheer range of innovative tools and approaches designed by the project authorities in resolving grievances were among the reasons this project was chosen for a joint case study by the Office of the Special Project Facilitator (OSPF) and the Viet Nam Resident Mission. The intent was to highlight key lessons for ADB operations staff and ADB-assisted project partners, with illustrations of what worked well and what could be improved upon in future problem-solving scenarios.

This study is valuable because it analyzes and helps the reader understand a complex and multifaceted project-level Grievance Redress Mechanism (GRM). Among its interesting findings are a wide range of enabling institutions, instruments, methods, processes, and core values that cover the legal, financial, social, technical, communicative, and organizational aspects of the project and that collectively propel the GRM. Of these, the establishment of mechanisms such as the Special Task Force and Field Office, which helped relevant project stakeholders deal with complaints in a timely

manner, and the utilization of the loan for land acquisition and resettlement through retroactive financing, are noteworthy.

Besides this, the study demonstrates convergence between the subproject GRMs for resettlement- and construction-related complaints. It also reinforces the significance of a conducive institutional setting, as constantly evolving policies, laws, and procedures in Viet Nam—governing both resettlement and grievance redress—supported and invigorated the project GRM.

The study shows that fostering and imbuing structures, institutions, and indeed, individuals with certain core values, like project ownership, commitment to project implementation, and principles of fairness and equity, are as important as ensuring an adequate budget for widespread, meaningful, and periodic public consultations; establishing an escrow account for deferred compensation payments; and using a variety of communication tools to raise awareness about the GRM.

It finally emphasizes the advantages of more sustained efforts in terms of the frequency and timeliness of communication with affected stakeholders; the benefits of a comprehensive and standardized complaints database; and, not least, the need for awareness raising and capacity building of agencies and individuals tasked with problem-solving.

Given the nature of the CMDRCP, the recurring imagery of bridges is apt. Problems, in the context of its GRM, were best resolved by project authorities building bridges, that is, lines of communication to reach out to those who were affected and keeping these “bridges” open and accessible at all times. And the allusion to “crossing the bridge [...] even before it appears,” implies that a process of extensive

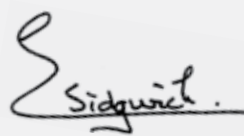
consultations with affected people, well in advance of project implementation, is at the crux of effective problem-solving, by seeking to understand people's concerns and to minimize the prospect of future problems through rigorous prior planning.

In issuing this publication, we hope to illuminate successful experiences and best practices to promote

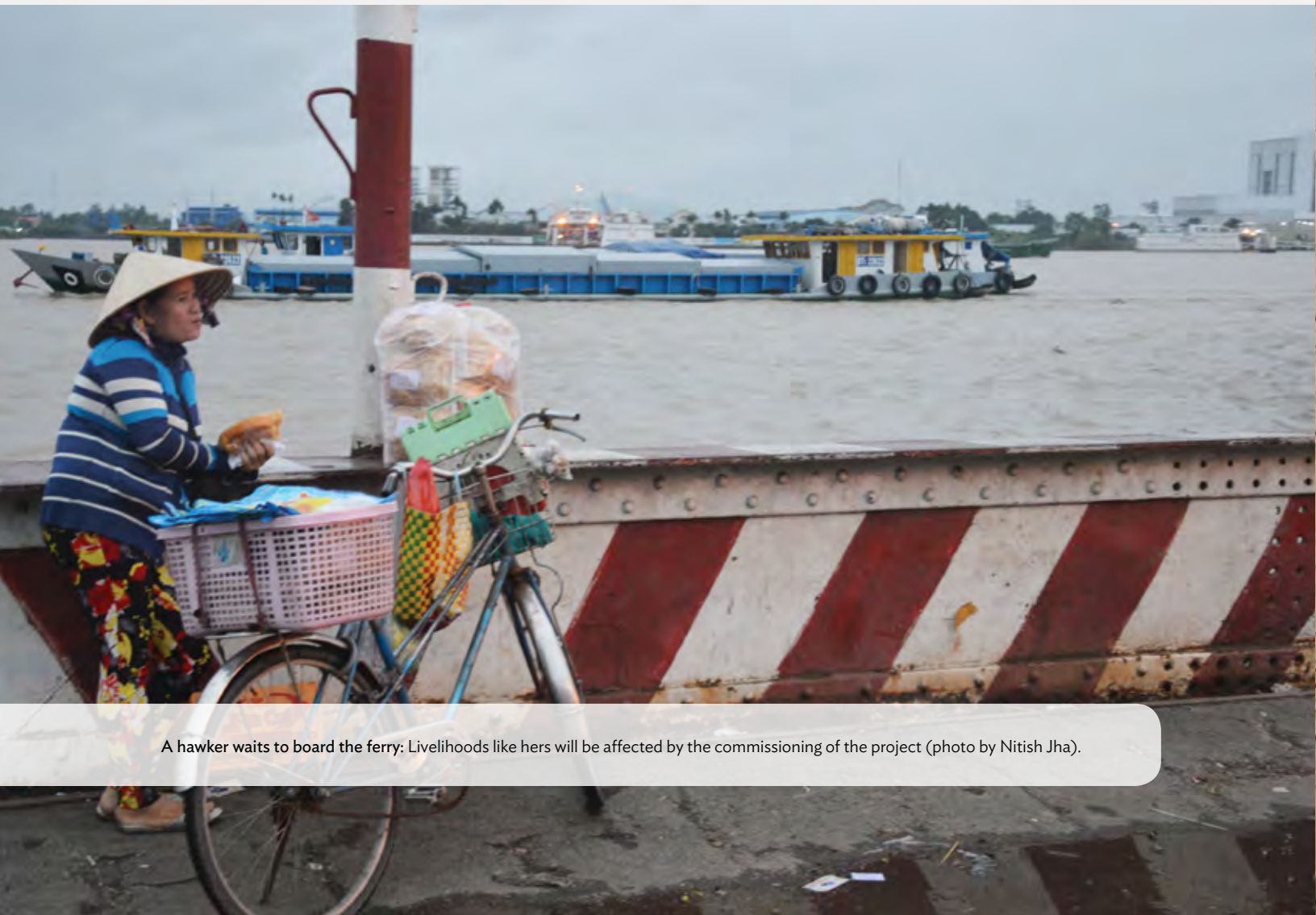
learning and the sharing of knowledge among ADB project staff and other development partners. We are also optimistic that it will serve as a blueprint for problem-solving, providing guidance on how best to integrate various elements for a well-functioning GRM in any development context.



Warren Evans
Special Project Facilitator, OSPF



Eric Sidgwick
Country Director, VRM



A hawker waits to board the ferry: Livelihoods like hers will be affected by the commissioning of the project (photo by Nitish Jha).



A safety specialist and engineer belonging to a contractor's staff discuss issues on site at the Can Tho City end of the Vam Cong Bridge (photo by Nitish Jha).

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Final Income Restoration Program evaluation workshop in Tinh Thoi Commune, Cao Lanh City, Dong Thap Province, June 2017 (photo by Pierre Arnoux).

Authors

This publication was prepared by a team led by Sushma Kotagiri, senior facilitation specialist, Office of the Special Project Facilitator (OSPF) (team leader); Le Dinh Thang, senior project officer (transport), Asian Development Bank Viet Nam Resident Mission (VRM) (co-team leader); and Antoine Morel, senior environment specialist, VRM. Nitish Jha, senior social development specialist (consultant), contributed significantly to the research and writing, and coordinated the preparation of the publication. Wilfredo Agliam, associate facilitation coordinator, OSPF, supported the team with

design and layout inputs, and administration and coordination with the participating agencies and stakeholders.

Le Dinh Thang, senior project officer (transport), VRM, passed away unexpectedly on 13 April 2018, shortly before project completion. In view of his valuable contributions to this study and his efforts towards the implementation of the Central Mekong Delta Region Connectivity Project, this publication is dedicated to his memory.



Public consultation in Tinh Thoi Commune, August 2012: An early start and continuous communication are cornerstones of effective problem-solving (photo by Pierre Arnoux).



Abbreviations

ADB	Asian Development Bank
AH	affected household
AP	affected person
CHLFD	Center for Housing and Land Fund Development (Dong Thap Province)
CIPM	Corporation for Investment, Development, and Project Management of Infrastructure
CLFD	Center for Land Fund Development (Can Tho City)
CMDRCP	Central Mekong Delta Region Connectivity Project
DDIS	detailed design and implementation support
DFAT	Department of Foreign Affairs and Trade (Australia)
DPC	District People's Committee
GRM	Grievance Redress Mechanism
IRP	income restoration program
km	kilometer(s)
LAR	land acquisition and resettlement
m	meter(s)
MOT	Ministry of Transport
OSPF	Office of the Special Project Facilitator
PCC	Project Coordination Committee
PPC	Provincial People's Committee
STF	Special Task Force

Executive Summary

The investment project will improve connectivity in the Mekong Delta Region in Viet Nam and provide efficient access from Ho Chi Minh City to the Southern Coastal Region through the construction of two cable-stayed bridges across the Mekong River, and a raised highway linking them. With a total loan amount of \$410 million financed by the Asian Development Bank (ADB) and \$260 million from the Export-Import Bank of Korea, and a grant amount of \$134 million from Australia's Department of Foreign Affairs and Trade (DFAT), the project began in 2013 and is due to be completed in 2018. It led to the acquisition of 224 hectares of land, having a direct impact on more than 1,770 households with an additional, indirect impact on another 516 households. Based on ADB's Safeguard Policy Statement (2009), the project is a Category A for both involuntary resettlement and environmental safeguards.

During implementation, the project's Grievance Redress Mechanism (GRM) recorded and handled a total of 968 complaints from affected people, split almost equally between resettlement- and construction-related issues. The project staff from ADB and DFAT, along with project authorities at the national and provincial levels, met the challenge by designing a comprehensive project GRM and ensuring its effective functioning through multiple enablers.

The Office of the Special Project Facilitator (OSPF) and ADB's Viet Nam Resident Mission decided to publish a joint case study of this GRM, as a guide for operations staff from ADB and other development partners about how best to integrate such elements in GRMs for their own projects in the future.

The study methodology combined data gathered through interviews and focus group discussions with a comprehensive document review. Stakeholders met over a two-week period in the field included affected

households (AHs), especially those who used the GRM; officials in relevant agencies at all levels of government; the project implementation consultant, referred to as the detailed design and implementation support (DDIS) consultant; contractors; staff from the resident mission and the implementing agency, Cuu Long Corporation for Investment, Development, and Project Management of Infrastructure (CIPM); and representatives of mass unions.

It was found that consultations during project preparation and implementation were widespread, covering almost all AHs. Complaints arose during project implementation, relating to either property or assets acquired by the project, i.e., resettlement-related complaints, or damage to property or the environment due to the project's construction activities, i.e., construction-related complaints. The two kinds of complaints were mirrored by the presence of two separate GRMs, which converged over the duration of the project, as the nature of the problems overlapped.

Institutions of this composite GRM include provincial-level land acquisition and resettlement (LAR) agencies in both Dong Thap Province and Can Tho City. Both agencies organized the resettlement GRM slightly differently from each other, with the one in Dong Thap choosing to establish a provincial-level Special Task Force (STF) that drew on its members' technical and professional expertise to deal with the large volume of complaints. Meanwhile, the agency in Can Tho set up a Field Office to implement its income restoration program (IRP), which then started functioning as a liaison office for problem-solving between AHs and the agency itself. For construction-related complaints, the first point of contact was invariably the contractors, with or without the involvement of local authorities like the commune or ward people's committees. For both types of

complaints, Cuu Long CIPM played a key role in facilitating, coordinating and monitoring the problem-solving process, with the active support of the DDIS consultant. Project officers of the resident mission and DFAT, as representatives of funding agencies, helped design the GRM through consultations with provincial authorities, and amended it as implementation progressed. They also closely supervised the GRM process through both missions and monitoring reports filed with them by the implementing agency and DDIS consultant. Finally, a national Project Coordination Committee (PCC) with high-level representation from the executing agency, i.e., the Ministry of Transport; the implementing agency; relevant central government ministries and agencies; the Dong Thap Province and Can Tho City people's committees; and the three funding agencies, constituted an overarching supervisory body that provided overall direction to the implementing agency and provincial authorities.

The enablers that smoothed the operation of the composite project GRM in the Central Mekong Delta Region Connectivity Project (CMDRCP) included (i) a favorable policy and legal framework, as regulations governing compensation for involuntary

resettlement, environmental protection, and complaints handling provided a conducive setting for a project-specific GRM; (ii) an innovative institutional setup with distinct GRMs for resettlement- versus construction-related complaints and entities like the PCC, STF and Field Office, all of which allowed a quicker resolution of cases; (iii) the commitment of the project owner, funding agencies, and other authorities in ensuring that the project, including its GRM, was carefully planned, implemented, and monitored, ensuring consultation with stakeholders; (iv) the integrated functioning of consultants and contractors, whereby the implementing agency, through the DDIS consultant, provided oversight of the work of contractors in recording and resolving construction-related complaints, and also adopted a flexible approach to problem-solving when complaints could not be easily classified as construction- or resettlement-related; (v) timely availability of funds and retroactive financing, which not only meant minimum delays in conducting widespread consultations or necessary surveys, and paying compensation using loan funds, but also a retroactive financing arrangement that permitted the use of the loan to compensate people affected



Land within the An Binh Interchange Loop: According to a recent government directive, 100% of this land is to be acquired by the project (see Box 1) (photos by Nitish Jha).

by an earlier project subsumed by the CMDRCP; (vi) a state budget, which acted as an escrow account for deferred compensation for payments that had to be postponed for reasons outside the project's control; (vii) multiple modes of consultation and information disclosure that were used creatively by project authorities, in conjunction with mass unions, to disseminate knowledge about the GRM in accordance with the character and preferences of the target population; (viii) detailed attention to technical design measures at the planning stage itself; (ix) attention to social design and income restoration program implementation, also prior to implementation, which were preemptive measures in reducing the volume of complaints; and (x) intangible, positive values that supported the relatively unproblematic operation of grievance redress procedures.

The study further found that there was room for improvement in the following areas: (i) the regularity and timeliness of communication with AHs, for which the project authorities were responsible; (ii) the creation of a systematic database for complaints, in which various kinds of data about complaints

received could be recorded and updated, and which can be accessed remotely by designated stakeholders; and (iii) training or capacity building in problem-solving for members of the project implementation team, including staff of relevant government agencies, the consultants, and contractors.

In conclusion, the study reiterates that problem-solving agencies take a holistic view that allows them to handle both resettlement- and construction-related complaints, which may sometimes overlap. In the context of its GRM, CMDRCP used a range of tools, institutions and approaches to mitigate possible concerns before they became problems and also resolve any problems that did arise. These elements, which the study explores in detail, may be categorized as (i) institutional and legal, (ii) financial, (iii) information dissemination, communication, and consultation, (iv) social and technical design, (v) efficiency in time management, and (vi) organizational. Planners and implementers of any future project may assess which of these elements are relevant in their project's context and ensure their integration into its GRM for its long-term sustainability.





Commerce and related livelihoods at four ferry stations will be negatively affected as ferry users switch to using the bridges once they are ready. Rehabilitation for affected households is being considered through an Income Restoration Program in the context of the project's Social Action Plan (photo by Nitish Jha).

A Tale of Two Bridges —and a Road

1

What Is a Grievance Redress Mechanism?

A Grievance Redress Mechanism (GRM) is a combination of institutions, instruments, methods, and processes by which resolution of a grievance is sought and provided. It allows project-affected persons (APs) to engage with project authorities, using an established protocol, if they believe their needs, concerns, and rights are ignored or infringed upon in any way. The authorities, in turn, seek to resolve potential grievances by preemptively putting in place measures to minimize complaints or else by responding to and resolving problems brought to their attention by aggrieved people. The GRM may use both formal and informal channels, and typically sets out a timeframe for the resolution of complaints. In any Asian Development Bank (ADB)-assisted project, the ADB Safeguard Policy Statement 2009 mandates the establishment of GRMs for its three principal safeguard categories: involuntary resettlement, environment, and indigenous peoples.¹

A GRM is operationalized by the borrower or client, to receive APs' concerns and grievances about the project's social and environmental performance, and to facilitate their resolution. The GRM process should be easily understandable, transparent, gender responsive, culturally appropriate, and readily accessible to all affected and vulnerable people at no cost and without risk of retribution. APs must be duly informed about the GRM at an early stage of the project cycle, and records of complaints must be carefully kept. The project GRM does not impede

the access to the country's judicial or administrative system at any time. However, efficient and effective complaint handling and problem-solving, made possible by a good GRM, result in a widely accepted and sustainable project, with judicial recourse minimized or absent.

With this background, the Office of the Special Project Facilitator (OSPF) and ADB's Viet Nam Resident Mission decided to publish a joint case study of the GRM of the Central Mekong Delta Region Connectivity Project (CMDRCP), which was adjudged as being proactive in dealing with the concerns of APs. The objective of this joint study was to gain insights from problem-solving approaches adopted by this project, and use these to share, among ADB operations staff and other development partners, the essential elements for establishing a good project GRM.

The Project and Its Setting

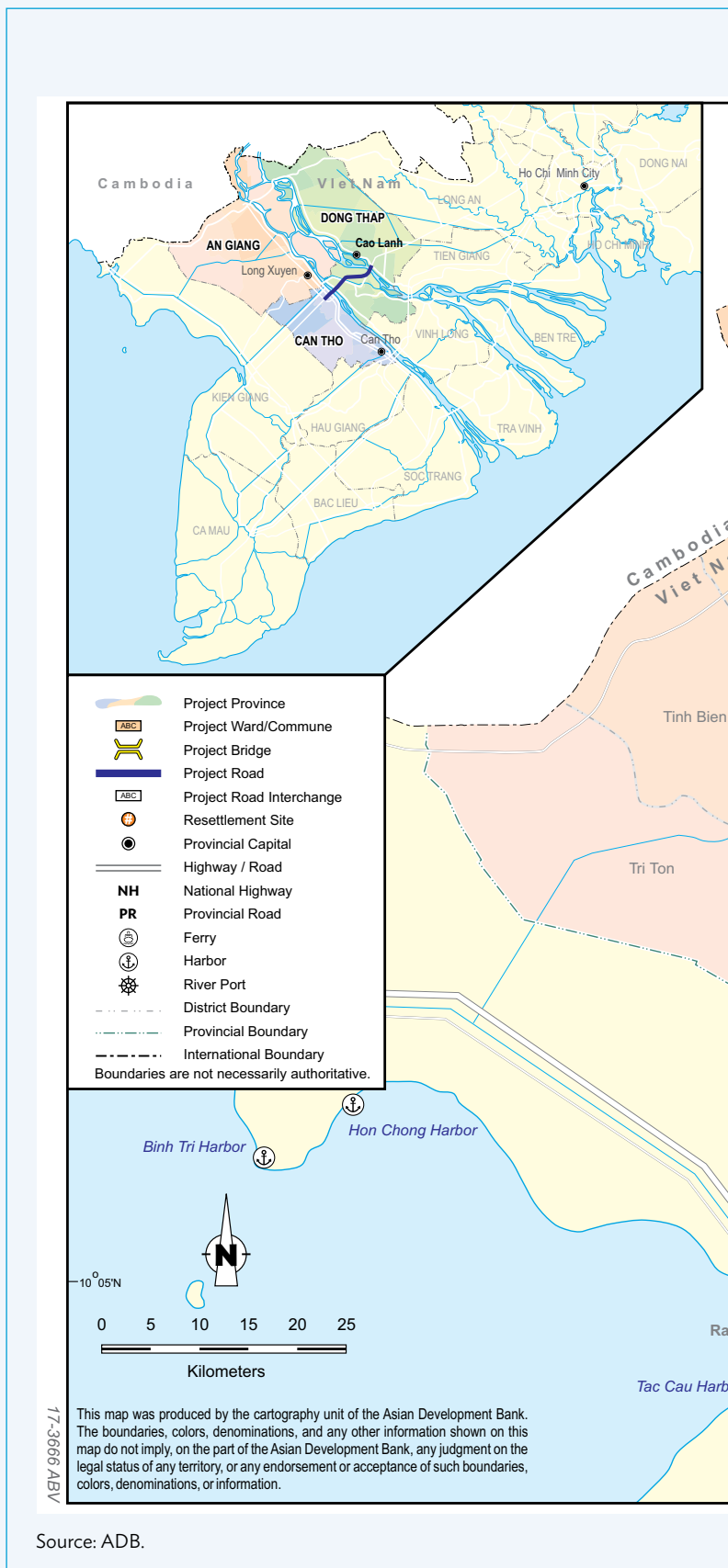
The densely populated Mekong Delta Region of Viet Nam is characterized by narrow roads crisscrossed by rivers and canals that make for slow traffic. This region not only contains Can Tho, the most populous city in the delta and the fifth largest in the country, but also encompasses one of the nation's most agriculturally productive areas. The Central Mekong Delta Region is crucial to rice production. A total of 12 provinces constitute the Mekong Delta, popularly known as the country's "rice bowl." It supports a population of around 18 million, of whom 80% are engaged in rice cultivation, processing, or trade. Viet Nam is now the world's second-largest exporter of

¹ Asian Development Bank (ADB). Safeguard Policy Statement (2009). Manila.

rice, according to the International Rice Research Institute.² The country produces close to 38 million tons of rice annually, roughly half of which is grown in the Mekong Delta, which also contributes close to 90% of rice exported from the country.³

The CMDRCP aims to foster prosperity in the region through the construction of cable-stayed bridges across two major tributaries of the Mekong—the Tien and the Hau—and a four-lane road connecting them. Together these three components form part of a strategic transportation link connecting the region to the country’s Second Southern Highway as well as linking the economic powerhouse and vital export hub of Ho Chi Minh City in the east, to Cambodia in the north. The improved road network is envisaged to cut travel times to Ho Chi Minh City by almost half, and to ease bottlenecks in the flow of goods and services.⁴

The overall length of the project exceeds 30 kilometers, including interchanges, approach roads, bridges, and the interconnecting highway. Besides Dong Thap Province and Can Tho City, the project will bring benefits to neighboring An Giang Province (see Figure 1). However, the project area is also one that is most at risk, globally, from climate change events such as flooding, sea level rise, and saline intrusion. Thus, the project infrastructure is designed to be climate-resilient, with both the bridges and the linking road being elevated such that they are not prone to land subsidence and the road surface

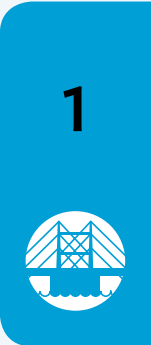
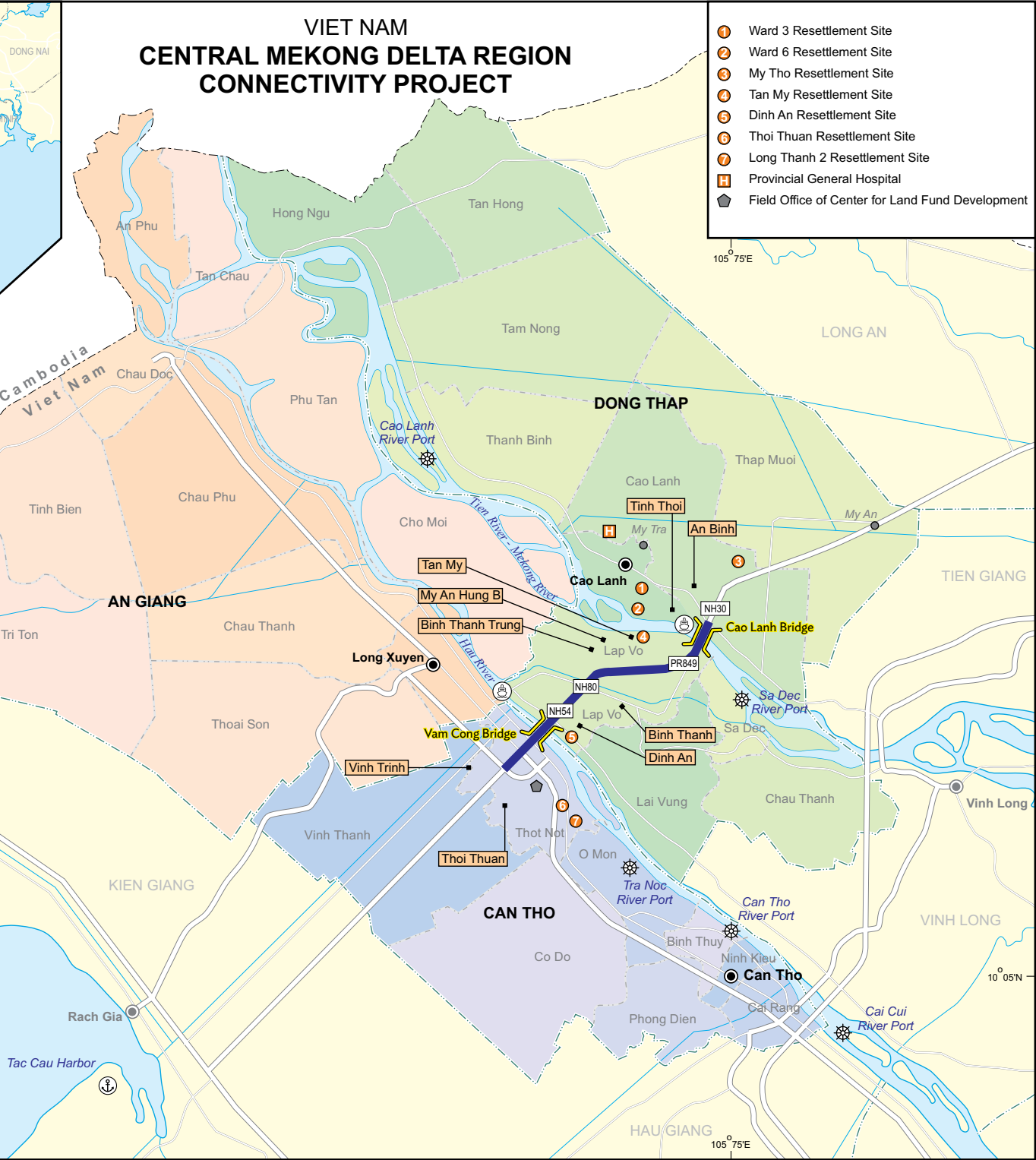


² International Rice Research Institute. Vietnam’s Rice Harvest Rises through Research. <http://irri.org/our-impact/increase-food-security/vietnam-s-rice-harvest-rises-through-research> (accessed 9 March 2018).

³ Z. Xu. 2010. Drought Threatens Vietnam’s Rice Bowl. *Xinhua News Agency*. 25 March. <http://english.cri.cn/6966/2010/03/25/2021s559273.htm>.

⁴ Loan 3013-VIE: Central Mekong Delta Region Connectivity (CMDRC) Project. USD 410 million (OCR). Additional information at <https://www.adb.org/projects/40255-033/main>. The project is implemented in partnership with the Department of Foreign Affairs and Trade (DFAT), Government of Australia, and the Export-Import Bank of Korea (KEXIM). DFAT has contributed a grant for USD 134 million (Grant 0353-VIE: CMDRCP), while KEXIM has provided a loan for USD 260 million.

Figure 1: Map of the Central Mekong Delta Region Connectivity Project



always remains above future predicted flood levels of 3 meters.⁵

Project construction began in late June 2013 and is expected to be completed in mid-2018, with the road and both bridges to be made operational simultaneously. With 224 hectares of land acquired, the project has had a direct impact on 1,778 households or nearly 7,700 APs located across eight communes and one ward, with 1,520⁶ households in Dong Thap Province and 258 households in Can Tho City. Of the 571 affected households (AHs) that required relocation, 221 purchased plots at the designated official resettlement sites in the vicinity of the project area—located within 2–5 km of their affected house sites—and 350 chose to self-relocate, including a few who moved to other provinces where agricultural land was cheaper.⁷ Comprehensive income restoration programs (IRPs) were implemented for all households directly affected by the project. In addition, there was an induced impact on 516 entities⁸ at the four existing ferry stations, whose commercial operations and livelihoods will be negatively affected after completion of the Cao Lanh and Vam Cong bridges on the Tien and Hau rivers. Livelihood rehabilitation for these AHs is being considered through an IRP within the context of the project's Social Action Plan.

Some significant unforeseen impacts on households emerged during the course of project implementation. These include (i) disruption of physical access and water and electricity supply to those living and/or farming land within the eight interchange loops connecting existing roads to the project road; (ii) the necessity of moving an electricity pylon contravening regulations about access to the

bridge at the interchange in An Binh Commune; and (iii) large-scale subsidence of almost 60 ha, both within and outside the project area, due to the use of construction techniques for soft soil treatment. As of March 2018, the resolution of these issues was ongoing.

The Case Study Approach

Given the scale of land acquisition and resettlement (LAR) impact and the magnitude of complaints that were handled at various levels of the project GRM, OSPF and the Viet Nam Resident Mission identified the project GRM as a worthy case study to shed light on the various approaches adopted by it, the enablers that supported its functioning, and the lessons learned in the problem-solving process, in order to inform the effective design and implementation of GRMs in future ADB-assisted projects. In this regard, a preliminary mission was carried out by OSPF and the resident mission in April 2017, followed by a fieldwork mission in November 2017.

The case study methodology entailed a combination of primary and secondary research. A review of project-related documents was followed by fieldwork to collect additional documentation, including data on complaints, and to consult with stakeholders. Stakeholders included AHs,⁹ especially those who used the GRM; officials in relevant agencies at the commune, ward, district, and provincial levels; the detailed design and implementation support (DDIS) consultant;¹⁰ contractors; staff of the resident mission and the implementing agency, Cuu Long Corporation for Investment, Development and Project Management of Infrastructure (CIPM);

1



⁵ Environmental Impact Assessment—Final Report (2011) Components 4, 5 and 6. ADB Technical Assistance: Preparing the Central Mekong Delta Region Connectivity Project; “A Methodology for Incorporating Climate Change Adaptation in Infrastructure Planning and Design—Bridges” (2015) United States Agency for International Development (USAID).

⁶ This includes 10 HHs from a previous local project that was incorporated into the ADB project at a later date.

⁷ VIE: CMDRCP Resettlement & Social Monitoring Report – Quarterly Report No. 14. October 2017. Cao Lanh City, Dong Thap Province: DDIS Consultant for Cuu Long CIPM and ADB. https://www.adb.org/sites/default/files/project-documents/40255/40255-033-smr-en_0.pdf

⁸ This covers 133 fixed businesses (owned or rented), an estimated 133 hawkers, and around 250 motorbike taxis at the four ferry sites (see Final Social Action Plan, CMDRCP, April 2013, DDIS Consultant).

⁹ Representatives from 50 AHs were met, the majority of whom had used the project GRM. Of this total, 37 participated in focus group discussions held at five locations, while the remainder were interviewed in depth at their homes in communes, wards, or resettlement sites.

¹⁰ The DDIS consultant is the construction engineer, more generally referred to as the project implementation consultant.

representatives of mass unions,¹¹ and others involved in the planning and implementation of the project. Semistructured interviews, meetings, and focus group discussions were used to obtain data and information from key stakeholders of the project.

Apart from ascertaining if project information was well disseminated and consultation was meaningful at all stages of the project, attention was paid to those with grievances, to understand the nature of their complaints and gauge the efficacy of the complaint-handling process. The problem-solving process in the CMDRCP highlighted many positive lessons and a few limitations posed by the project GRM, thereby indicating how to strengthen GRMs and other accountability mechanisms in future projects.

Preliminary Complaints Data

Consultations during project preparation and implementation were carried out on a large scale, achieving nearly full coverage of all AHs. Representatives from more than 1,250 AHs attended project information and consultation meetings, while those who could not attend were contacted by members of mass unions and local government officials.¹² The effectiveness of these outreach efforts appears to have paid off. Household representatives met during this study expressed their understanding of the project and of its GRM in terms of how it is meant to operate, and they expressed satisfaction with the early onset of project consultations.

Complaints arose only during the project implementation stage and were related to either property or assets acquired by the project (resettlement-related complaints) or damage to property or the environment due to the project's

construction activities (construction-related complaints). In total, at least 968 complaints were received by project authorities from June 2013 until November 2017 (see Table 1). According to official estimates in both the project provinces, the 479 resettlement-related complaints have all been resolved, as the project's civil works are near completion.¹³ Meanwhile, contractors handling the project's eight procurement packages reported receiving 489 construction-related complaints, which were mostly resolved but with a few in the process of resolution, supervised by the DDIS consultant on behalf of Cuu Long CIPM.¹⁴

Table 1: Preliminary Complaints Data

Data Parameter	Number
Direct impact:	
Affected households (Dong Thap Province)	1,520
Affected households (Can Tho City)	268
Total affected households	1,788
Induced impact (at 4 ferry stations):	
Total entities	516
Total affected entities	2,304
Households attending consultation meetings (estimate)	1,250
Resettlement-related complaints (Dong Thap Province)	460
Resettlement-related complaints (Can Tho City)	19
Construction-related complaints	489
Total complaints	968

Note: In the absence of detailed information, the degree of correspondence between AHs filing both resettlement- and construction-related complaints cannot be calculated.

Sources: Center for Housing and Land Fund Development (CHLFD) Dong Thap Province, Center for Land Fund Development (CLFD) Can Tho City, and DDIS consultant, November 2017.

¹¹ In the Vietnamese context, these are nationwide associations that receive state sponsorship and may be used to implement state programs or campaigns. Examples include Women's Union, Farmers' Association, Veterans' Association, Fatherland Front, and Youth Union.

¹² Field notes; interview with resettlement specialist, DDIS consultant, Ho Chi Minh City, 14 November 2017.

¹³ Reports to ADB mission on "Status of Land Acquisition and IRP for Components 1 & 2 – CMDRCP" by the Center for Housing and Land Fund Development (CHLFD), 14 November 2017; and "Compensation, Support and Resettlement Data in Component 3 – CMDRCP" by the Center for Land Fund Development (CLFD), 14 November 2017.

¹⁴ Data supplied by DDIS consultant, Cao Lanh City, 24 November 2017.







Some of the project-affected persons met by the ADB Mission in November 2017 (photos by Wilfredo Agliam and Nitish Jha).

Multiple Routes to Problem-Solving

2

Many factors were responsible for enabling the CMDRCP authorities to deal with the vast number of complaints they faced. Foremost among these was the conception of a project GRM with a dual structure that, over the course of implementation, saw a degree of flexibility and convergence in how it operated, as different types of complaints ended up being handled by the same set of entities.

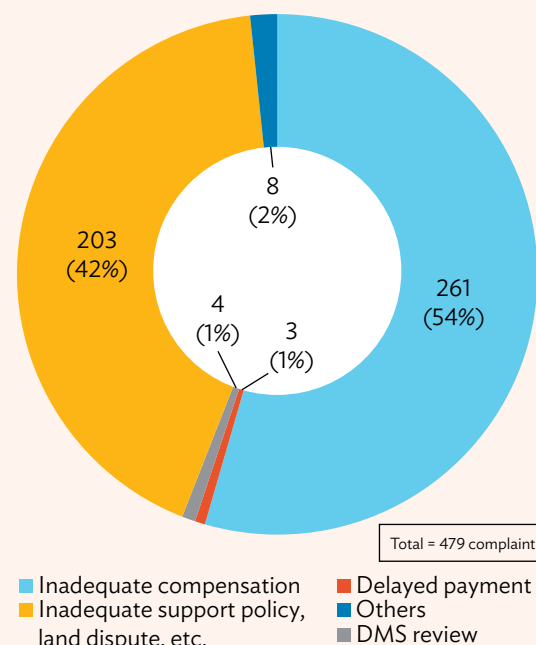
A Dual Grievance Redress Mechanism

In the context of this project, two distinct project-specific GRMs were established, one for resettlement-related complaints and the other for construction-related ones, as outlined in the resettlement plan and environmental impact assessment, respectively. Over the course of project implementation, various adjustments were made, and it was decided to give Cuu Long CIPM—supported by the DDIS consultant—a coordinating role in executing the project GRMs. While the overall structure and process of the GRM remained more or less the same, timelines were adjusted depending on the gravity and complexity of the complaint. More complicated complaints took longer to resolve, as they involved decision-making by higher authorities.

Grievance Redress Mechanism for Resettlement-Related Complaints

Resettlement complaints encompassed a range of concerns covering inadequate compensation,

Figure 2: Types of Resettlement-Related Complaints



DMS = detailed measurement survey.

Sources: CHLFD Dong Thap Province and CLFD Can Tho City, November 2017.

inaccurate or incomplete detailed measurement survey (DMS), delayed payment, lack of clear title to land or assets, and an inadequate support policy for livelihood restoration (see Figure 2).¹⁵ The review to determine a complaint's validity began once the AH brought a grievance to the notice of the authorities, either the local people's committee or the provincial land development agency.

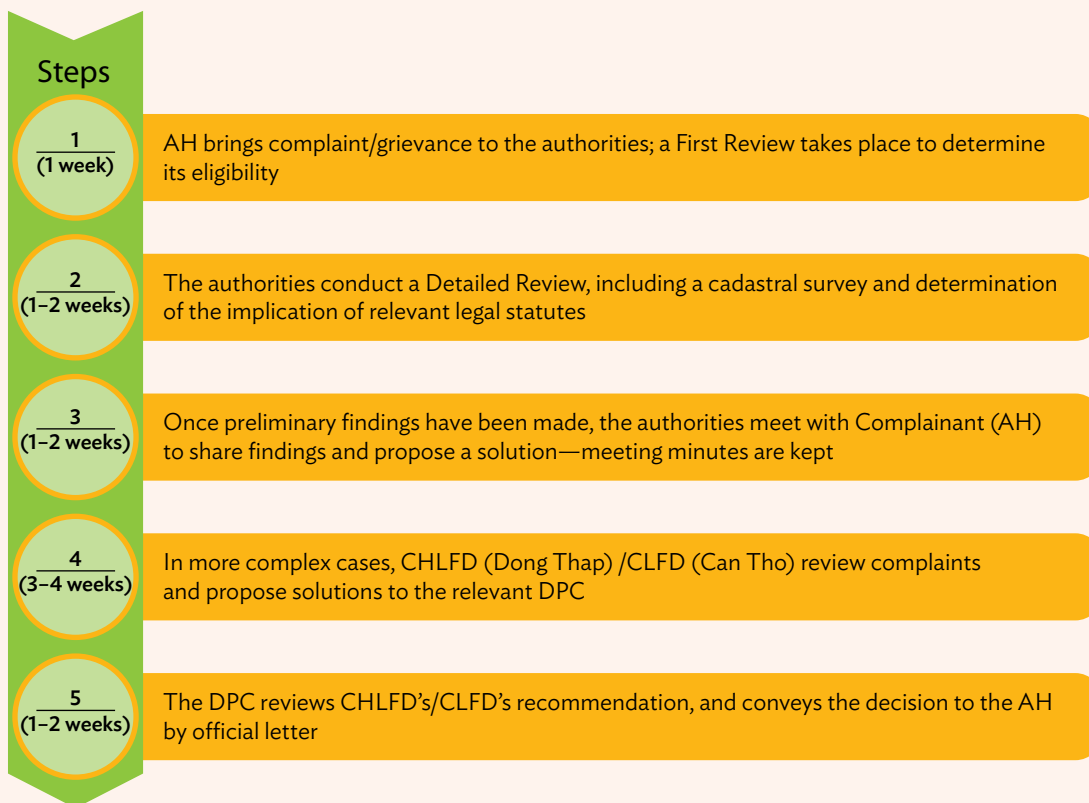
¹⁵ The adjective "inadequate" indicates the perception of the AP or AH that the compensation or support policy on offer does not match their expectations.



Staff of the Center for Housing and Land Fund Development—Dong Thap Province's land acquisition and resettlement agency—confer in Ward 3 resettlement site in Cao Lanh City. These officers are the contact persons on the ground for resettlement-related complaints (photo by Nitish Jha).



Figure 3: Resolution of Resettlement-Related Complaints



AH = affected household, CHLFD = Center for Housing and Land Fund Development, CLFD = Center for Land Fund Development, DPC = District people’s committee.

Source: Adapted from the CMDRCP Resettlement Plans (Final) for Dong Thap Province and Can Tho City, February 2013, Ha Noi, Viet Nam: Ministry of Transport, and Cuu Long CIPM.

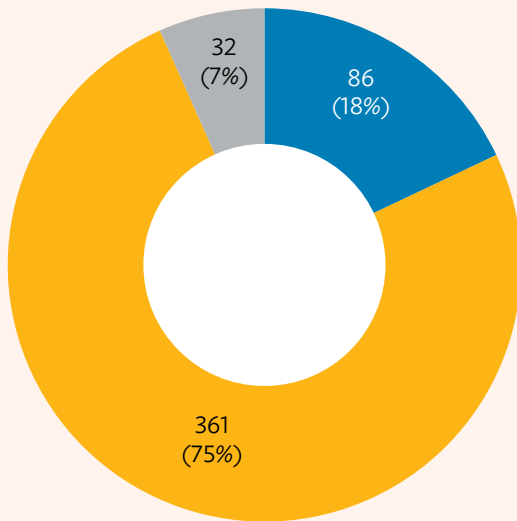
Figure 3 indicates the process of resolution of resettlement-related complaints. In theory, Steps 1 to 3 involved commune or ward people’s committees, the District People’s Committee (DPC), the Center for Housing and Land Fund Development (CHLFD) in Dong Thap Province or its equivalent agency, the Center for Land Fund Development (CLFD) in Can Tho City, including their technical staffs when needed (see Figure 4). The District Chief Inspector and staff from the Department of Natural Resources and the Environment were also expected to participate. These steps were documented by the simple act of maintaining meeting minutes, which were signed by all the attendees. Step 4 was triggered for more

complicated cases, wherein CHLFD or CLFD informed the DPC of a possible solution by official letter after careful consideration of the matter. In Step 5, the DPC conveyed its decision to the AH, which had the option to appeal to the provincial or city people’s committee if still dissatisfied with the outcome, after which the AH’s only resort was the legal system.¹⁶ The entire process was expected to last 7 to 11 weeks per complaint, or a total of 3 months at the outside limit.

The resettlement plan was prescient in noting that, during actual implementation, complaints could be directed to the CHLFD or CLFD directly. In reality, moreover, the sheer volume of complaints in Dong

¹⁶ In reality, the legal scenario did not eventuate in the context of CMDRCP, whether for resettlement- or construction-related complaints.

Figure 4: Agencies That Resolved Resettlement-Related Complaints



■ Commune/ Ward PC
■ District PC
■ Province (by STF, CHLFD; none by CLFD)

CLFD = Center for Land Fund Development,
 CHLFD = Center for Housing and Land Fund Development,
 PC = people's committee, STF = Special Task Force
 Sources: DDIS consultant and contractors, November 2017.

all resettlement-related complaints have been dealt with, the resolution of some construction-related complaints is still in process.

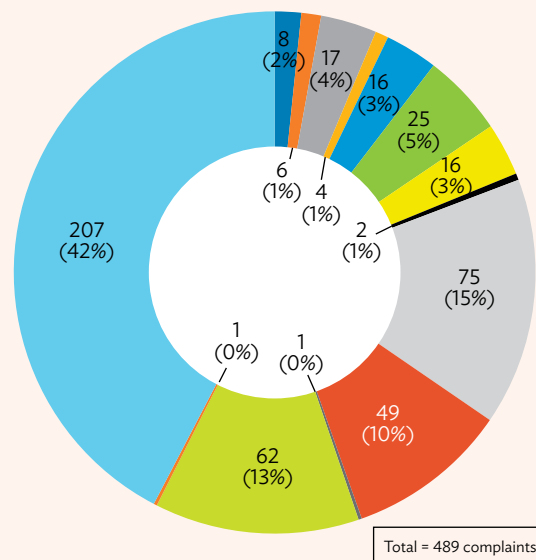
For construction-related complaints, the AH's first point of contact was often the construction team at the project site (Step 1 in Figure 6; also see Figure 7). Therefore, the functioning of this GRM was sometimes very direct, especially for minor issues. Individuals could lodge a complaint if they believed their property, life, business, health, or the public environment were being negatively affected by project activities. If the commune people's committee was already a witness or mediator in the process, it registered and forwarded the complaint to the contractor or the project owner, which then

Thap Province often meant a fewer number of officials involved in each step than initially envisaged, in order to deal with each complaint more expeditiously.

Grievance Redress Mechanism for Construction-Related Complaints

Key environmental complaints ranged from issues like localized pollution (e.g., dust, noise, water contamination, chemical lubricant, and bad odors) to more significant ones such as damage to agricultural production (due to the disruption of irrigation supply, falling agricultural productivity due to farmland or crops being affected, breaking of cofferdams, and blockage of drains) and cracks developing in houses due to pile-driving activities. More serious and complex complaints also affected many households, e.g., the unforeseen subsidence of agricultural land caused by certain construction processes (see Figure 5). While

Figure 5: Types of Construction-Related Complaints

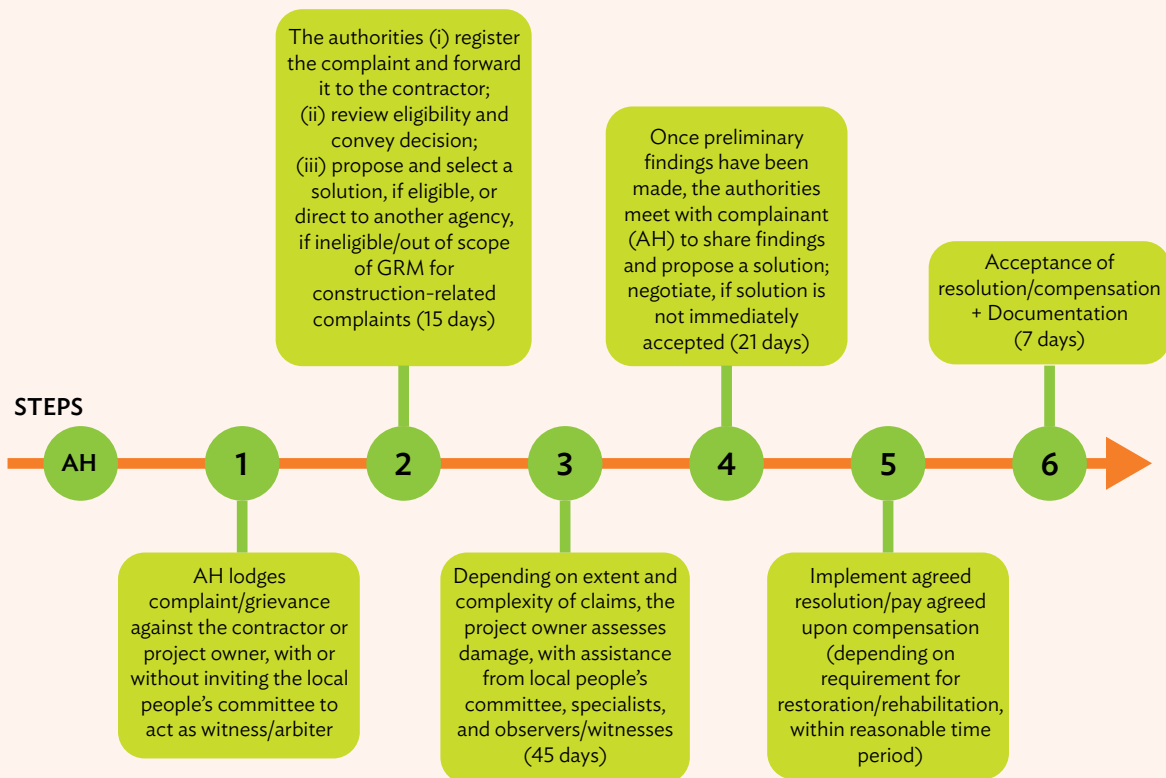


■ Delay in compensation
■ Dust
■ Fall in agricultural productivity
■ Water pollution
■ Flooding of house
■ Insect breeding
■ Disrupted irrigation supply
■ Poor field drainage
■ Damage to farmland
■ Cofferdam breakage
■ Wall collapse
■ Road subsidence
■ Cracks in houses
■ Farmland subsidence

Sources: DDIS consultant and contractors, November 2017.



Figure 6: Resolution of Construction-Related Complaints



AH = affected household, GRM = Grievance Redress Mechanism.

Source: Environmental Impact Assessment – Final Report (2011) Components 4, 5 and 6. ADB ADB Technical Assistance: Preparing the Central Mekong Delta Region Connectivity Project.

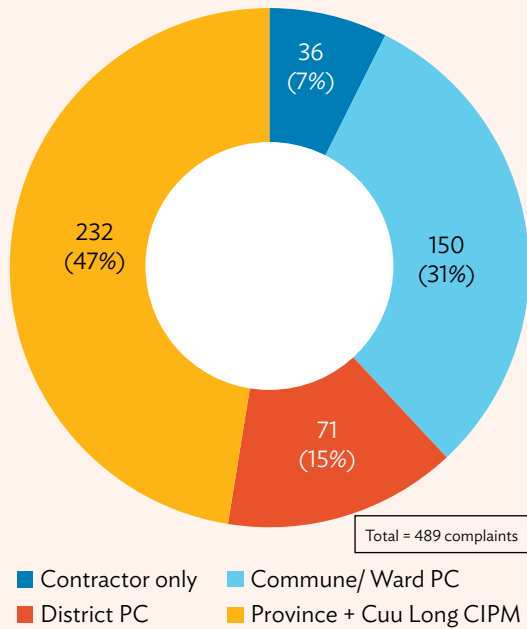
carried out a review to assess eligibility, informed the complainant of the results of this review, and proposed a solution, if the complaint was found valid. This was followed by damage assessment by the insurance company—with the assistance of the local people's committee and specialist agencies whose involvement was agreed upon by both parties—after which a resolution or compensation was proposed to the complainant. A process of negotiation could then ensue, with the AH also resorting to hiring its own valuator—for example, a local builder—to assess the extent of damage. If the AH was still dissatisfied with the resolution or compensation proposed by the contractor or Cuu Long CIPM, even after the involvement of a third-party mediator, it was free to file a legal suit, which did not, in fact, happen.

Other Institutional Innovations

The CMDRCP had in place other innovative mechanisms that helped handle problems quickly and effectively. These included the Special Task Force (STF) in Dong Thap Province and the Field Office in Can Tho City. Also important were the roles of Cuu Long CIPM, the implementing agency, and of the Viet Nam Resident Mission and the Department of Foreign Affairs and Trade (DFAT), Government of Australia, as representatives of the funding agencies.

A potentially valuable role in future GRMs is one that can be played by a body similar to the Project

Figure 7: Agencies That Resolved or Are Resolving Construction-Related Complaints



CIPM = Corporation for Investment, Development, and Project Management of Infrastructure; PC = people's committee.

Sources: CHLFD, CLFD, and DDIS consultant and contractors, November 2017.

Coordination Committee (PCC), an overarching supervisory body constituted at the national level for the CMDRCP.

The Special Task Force

In Dong Thap Province, resettlement-related complaints were within the jurisdiction of CHLFD. However, for particularly complex cases, the STF was set up in 2014, following Provincial People's

Committee (PPC) Decision No. 85.¹⁷ Such an institutional arrangement was triggered by the large number of complaints received about the project. The formation of the STF, with all concerned institutional stakeholders as members and a direct line of communication with the PPC, enabled the quick mobilization of expert advice from all fields, helped shorten the time spent on grievance redress, and led to the avoidance of potentially expensive and time-consuming court cases.

The STF, chaired by the Director of the Department of Natural Resources and the Environment, with the Director of CHLFD acting as the Vice Chairperson, brought together experts from various provincial departments, including industry and trade, finance, transport, construction, and justice; the Chief Inspector of the Province;¹⁸ leaders of the relevant DPCs; representatives of mass unions; etc. In particular cases, the PPC invited representatives from other institutions or departments with specific expertise to join the STF for the duration of the case in question.

Cuu Long CIPM convened STF meetings on a case-by-case basis, and also acted as an observer at these meetings. Once a complaint was reviewed and discussed, the complainant could be invited to meet with the STF for further consultations. At a later stage, to accelerate the pace of project implementation, the STF met more frequently to review progress on ongoing cases. It handled a total of 29 cases, taking a month per case, on average, with some difficult cases taking 3 to 4 months to reach a mutually satisfactory resolution, e.g., the case of compensation for land owned by a man who died intestate or the case of land on which a petrol station had been built (see Box 5 and Box 6).¹⁹

Similarly, at the district level in Dong Thap Province, district project compensation committees worked in

¹⁷ Decision on the "Formation of the Task Force to check and verify complaints of households about land compensation, support and resettlement in Component 1 (Cao Lanh Bridge) and Component 2 (Cao Lanh – Vam Cong Connection Road) of the CMDRCP in Dong Thap Province." (25 July 2014) Decision No. 85/QD-UBND-TL. Cao Lanh: Dong Thap Provincial People's Committee.

¹⁸ This person heads the provincial office of the Government Inspectorate (<http://thanhtra.gov.vn/en>), the national, ministry-level watchdog agency that handles matters of citizens' rights as they relate to both procedural matters—e.g., project delays, inadequate compensation, lack of consultation, etc.—and indictments (also known as denunciations) of government personnel perceived to have engaged in corruption, or else not acted in public interest. This is the foremost national agency dealing, among other things, with citizens' complaints and grievance redress.

¹⁹ Field notes; meeting with CHLFD Dong Thap, 15 November 2017.



collaboration with DPCs and project management units for land fund development, generally taking a month to sort out each complaint falling within their competence. Cadastral, agricultural, and land management officers posted in commune people's committee offices extended their technical expertise to the process, when required to do so.

The Field Office

The distance between CLFD's office in Can Tho City and the Vam Cong Bridge is about 50 km. For the convenience of both AHs participating in the IRP and its officers administering this program, CLFD set up a field office in May 2015 for 2 years, close to where most of the involuntary resettlement activities were taking place. The two officers posted permanently to this field office were meant to facilitate the management and implementation of the IRP.²⁰

In fact, in addition to the work of rolling out the IRP in the two project districts in Can Tho City, the officers dealt with complaints brought to them by AHs, who could not overlook the convenience of having representative staff of the agency located nearby. Although they were not mandated to do so, the field officers responded quickly to concerns AHs had regarding compensation and related matters. For instance, they could promptly address a complaint about assets missing in a detailed measurement survey. For problems they were not authorized to resolve, they sought the assistance and advice of their colleagues and other officials in Can Tho City.

Thus, the Field Office verified the detailed measurement survey; coordinated and supervised the IRP; verified complaints registered with them by AHs; and acted as a liaison between AHs, commune and ward authorities, and CLFD. This is the major reason complaints in this area were minimal.

Moreover, CLFD, in the project area under its authority, also established a Compensation Support and Resettlement Council (CSRC) in April 2012 for a period of 2.5 years; a Steering Committee for the

“The Field Office proved very important. It acted as a bridge between AHs and our office in Can Tho City, which is 50–60 km away. Field staff were able to quickly identify and address any emerging issues, and it also enabled quick responses and decision making by me and the Vice Chairperson of the City PC.”

—Ho Van Man
deputy director, CLFD

IRP in December 2013; and two working groups—the first for agricultural activities, and the second for vocational training and small businesses—to enable the implementation of the IRP in January 2014 (see Figure 8). In this institutional mesh, the Resettlement Council, Steering Committee, working groups, and Field Office mutually supported each other's functioning.

The Field Office was closed in mid-2017 after the formal completion of the IRP. Remaining grievances are now handled by the commune and ward people's committee offices with assistance extended by the CLFD head office in Can Tho City.

The Implementing Agency

Cuu Long CIPM played a pivotal, all-around role in project management and problem-solving (see Figure 9). It is primarily a state-owned company, under the management of the Ministry of Transport (MOT), specializing in investment and management

²⁰ Decision on “Positioning the Field Office of the IRP in Component 3—Vam Cong Bridge and the additional 1.5 km road construction.” (5 May 2015) Decision No. 447/CV-BCD. Can Tho City People's Committee.



of transportation infrastructure in the Mekong Delta provinces. In its role as the implementing agency representing MOT in the CMDRCP, it was involved in the resolution of both involuntary resettlement- and construction-related complaints. In resettlement, although it did not take part in land acquisition, it was the facilitator of STF meetings in Dong Thap Province and also participated in them, since these meetings could affect the successful and timely closure of the

involuntary resettlement process. For construction, Cuu Long CIPM was and still is very active in organizing consultations with AHs who have complaints about construction-related problems, major or minor.

All complaints, whatever their cause or origin, were reported to Cuu Long CIPM by either the contractors, local people’s committees, or provincial agencies in charge of involuntary resettlement, most often

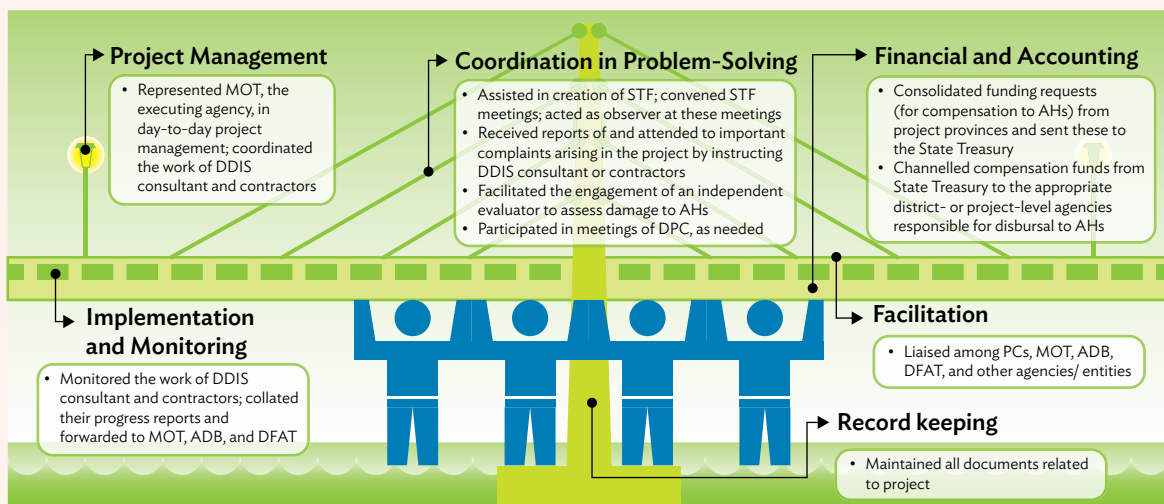
Figure 8: Timeline of Institutions Established by CLFD for the Project



CLFD = Center for Land Fund Development.
Source: OSPF.



Figure 9: The Multifaceted Role of Cuu Long CIPM in the Project



ADB = Asian Development Bank; AH = affected household; CIPM = Corporation for Investment, Development, and Project Management of Infrastructure; DDIS = detailed design and implementation support; DFAT = Department of Foreign Affairs and Trade (Australia); DPC = District People’s Committee; MOT = Ministry of Transport; PC = people’s committee; PPC = Provincial People’s Committee; STF = Special Task Force.

Source: OSPF.

“The officers at the Field Office were very approachable. They even handled resettlement compensation payments.”

—Local resident,
Vinh Trinh Commune, Can Tho City

through the conduit provided by the DDIS consultant. With the support of the DDIS consultant, Cuu Long CIPM carried out the critical function of coordinating among complainants, local and provincial authorities or agencies, and insurance companies, to resolve both minor and significant complaints.

2

The Detailed Design and Implementation Support Consultant

In terms of grievance redress, the DDIS consultant performed the important function of day-to-day supervision and coordination of the contractors' work. This was a first in the CMDRCP, as the DDIS consultant was made aware of this responsibility, which was written into its terms of reference (TOR). The DDIS consultant functioned in an independent and highly professional manner from the beginning, including filing very forthright reports bringing complaints to the notice of Cuu Long CIPM and the funding agencies; constantly tracking the progress of complaint handling; and sometimes even instructing contractors to address complaints without the involvement or interference of Cuu Long CIPM. Such an ethical approach is purely in the interest of the project owner and highlights the need to select project implementation consultants with due care, paying attention to their past record in successful project implementation and experience in effective grievance redress.

Funding Agency Interventions

CMDRCP funding agencies, represented by project officers at the Viet Nam Resident Mission and DFAT,

helped to design the GRM and were instrumental in operationalizing it during implementation, making course corrections as needed.

Resident mission officers developed the project-specific GRMs in alignment with the Safeguard Policy Statement requirements and the local institutional context. This required ensuring that the GRM was discussed with the project owners and provincial authorities in detail, at the inception stage itself.

Resident mission and DFAT officers also closely tracked complaints and their resolution, through joint quarterly review missions as well as periodic—i.e., monthly and quarterly—monitoring reports submitted by the DDIS consultant through the implementing agency. During review missions, relevant DPCs were also met, and every memorandum of understanding with Cuu Long CIPM was signed by both funding agencies.

Besides this, DFAT provided a substantial grant that financed the DDIS consultant. This allowed, among other things, the mobilization of international safety specialists who monitored project safety aspects, an activity of critical importance to reduce construction-related risks on a project of this magnitude. The international resettlement and environment safeguard specialists were also very important in coordinating the GRM and addressing more difficult complaints. In the same context, DFAT and VRM had key roles in devising the TOR for the land subsidence survey.

The Project Coordination Committee

The PCC was an oversight body set up at the national level to monitor the progress of the CMDRCP. Its membership comprised the Vice Minister, Ministry of Transport, as Chairperson, along with the Director General of Cuu Long CIPM; relevant central government ministries and agencies; the chairpersons of Dong Thap Province and Can Tho City PCs; and senior representatives of the three funding agencies—ADB, DFAT, and the Export-Import Bank of Korea (KEXIM). Cuu Long CIPM acted as the PCC secretariat in coordination with relevant MOT departments. The vice chairpersons of the respective PPCs presided over the provincial



Focus group discussion underway to understand the experiences of affected people who used the Grievance Redress Mechanism, An Binh Commune, Dong Thap Province, November 2017 (photo by Pierre Arnoux).



OSPF team meeting affected person with cracked house in presence of contractor's staff in Thoi Thuan Ward, November 2017 (photo by Nguyen Cong Hiep).

coordination meetings to implement the project's social action plans.

The PCC convened semiannually during project implementation, when possible coinciding with the cofinanciers' joint review missions, in order to take stock of the project. It provided overall direction and management to Cuu Long CIPM and provincial authorities as needed. It was responsible for ensuring coordination across all aspects of project implementation; resolving technical and contractual issues as they arose; and monitoring implementation of the project's safeguard programs, in particular programs for addressing involuntary resettlement and environmental impact mitigation.

The PCC was not directly involved in problem-solving or complaint resolution. Despite this, the very fact of its establishment potentially enabled relatively complex issues to be discussed at the highest level. For contentious issues faced by future GRMs, such an institutional structure can prove invaluable for achieving coordination between funding agencies and project owners.

The Composite Project Grievance Redress Mechanism

Despite the operation of the two GRMs for separate purposes—LAR-related versus construction-related complaints—points of institutional convergence emerged as shown in Figure 10.

From Figure 10, it is evident that Dong Thap Province and Can Tho City set up the GRM for resettlement-related complaints slightly differently. The former mobilized institutional arrangements at the district or city level,²¹ while the latter preferred to put in place project-wide institutional arrangements in the project

area within its administrative boundaries. This is illustrative of the fact that the institutional responses to the same requirement—here, the need to establish a GRM for LAR-related complaints—can differ from province to province.

Perceptions of Affected Households about the Grievance Redress Mechanism

All complaints in this project arose during the implementation stage. The degree of overlap between AHs complaining about resettlement-related issues and those complaining about construction activities cannot be ascertained. However, based on records, it can be said that about 27% of all AHs (479 out of 1,778) complained about resettlement matters, while around 28% (489 out of 1,778) complained about construction-related issues.

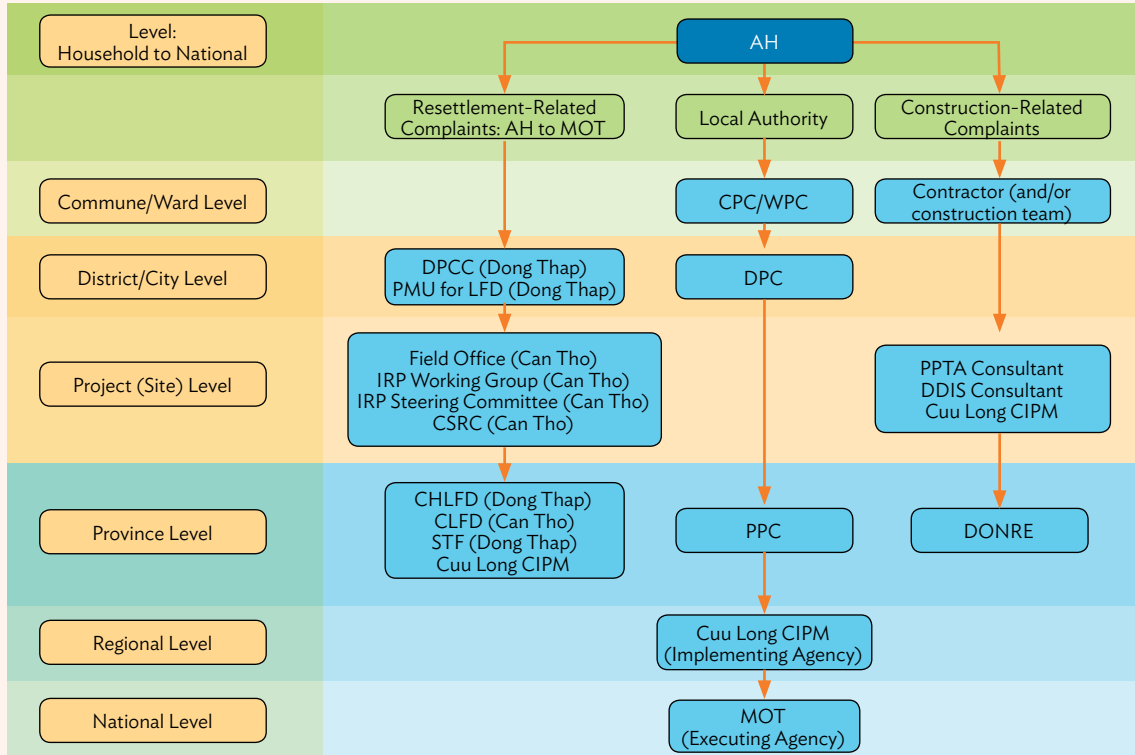
Many AHs met during this study expressed satisfaction with the functioning of the GRM, citing the widespread extent of initial consultations; their clear understanding of the GRM process and role of different appellate authorities; and also the quick and/or satisfactory resolution of their complaints. However, a few expressed some dissatisfaction with what they perceived as insufficient consultation or information regarding complaints filed by them. Others said that the GRM was very prompt in functioning—i.e., kept to published timelines—but that complaints took time to get addressed comprehensively, which led to their escalation to higher authorities. Occasionally, some APs experienced substantial delays in the processing of their complaints and, during the process, were unable to ascertain whether and how their complaints were being dealt with.

2



²¹ The three administrative units that are stakeholders in Dong Thap Province are Lap Vo District, Cao Lanh City, and Cao Lanh District, in decreasing order of project impact.

Figure 10: Composite Project GRM



AH = affected household; CHLFD = Center for Housing and Land Fund Development; CLFD = Center for Land Fund Development; CIPM = Corporation for Investment, Development, and Project Management of Infrastructure; CPC = commune people's committee; CSRC = Compensation Support and Resettlement Council; DDIS = detailed design and implementation support; DONRE = Department of Natural Resources and the Environment; DPC = District People's Committee; DPCC = district project compensation committee; IRP = income restoration program; MOT = Ministry of Transport; PMU for LFD = Project Management Unit for Land Fund Development; PPC = Provincial People's Committee; PPTA = project preparatory technical assistance; STF = Special Task Force; WPC = ward people's committee.

Note: Supporting entities (agencies and civil society organizations), e.g., the Women's Union, the Farmers' Association, agricultural cooperatives, the Department of Labor, Invalids and Social Affairs, etc., have been left out of this schema for the sake of simplification.

Source: OSPF.



View atop the six-lane, 2-kilometer-long Cao Lanh Bridge (photo by Nitish Jha).

Building Bridges, Breaking Barriers

3

Identifying Enablers for Effective Problem-Solving

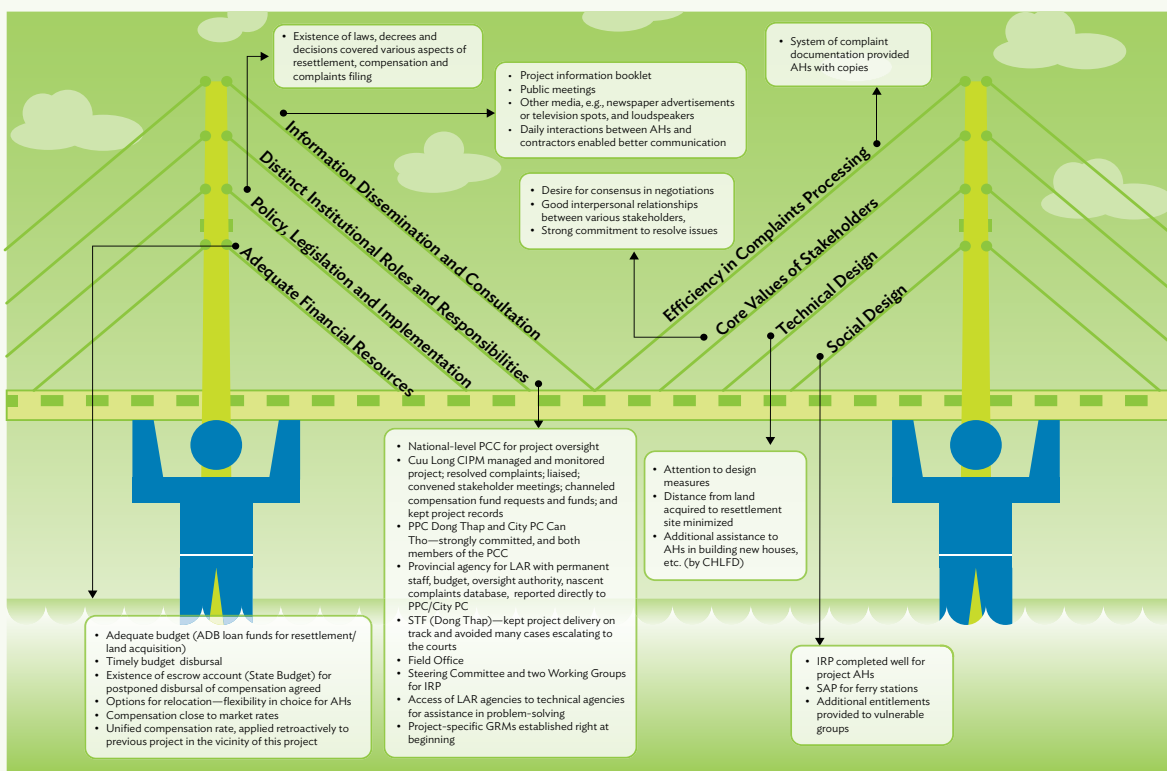
Enablers are those factors that allow for the smooth operation of the composite GRM in this project (see Figure 9). Two of the foremost enablers were the existence of progressive and conducive policies, including an innovative

institutional setup to deal with grievance redress, and the legal environment.

Progressive and Conducive Policy and Legal Environment

The principal laws that governed complaints arising from involuntary resettlement and/or construction activities were the latest iterations of the Land Law

Figure 11: Enablers of an Effective GRM



ADB = Asian Development Bank; AHs = affected households; CHLFD = Center for Housing and Land Fund Development; CIM = Corporation for Investment, Development, and Project Management of Infrastructure; GRM = Grievance Redress Mechanism; IRP = income restoration program; LAR = land acquisition and resettlement; PC = people's committee; PCC = Project Coordination Committee; PPC = Provincial People's Committee; SAP = Social Action Plan.
Source: OSPF.

(2013), the Law on Environmental Protection (2014), and the Law on Complaints (2011) (see Appendix).²² Together, these permitted greater economic and political latitude for individuals while simultaneously allowing provincial governments the authority to establish or restructure institutions that serve the public better. In the context of this project, some of the elements that fostered individual autonomy included legal provisions or stipulations for compensation at market rates, the rights of people to be compensated even if they did not have the Land Use Right Certificate for the land on which they resided, and their right to make a complaint if they felt aggrieved at any time during the course of the project.

Innovative Institutional Setup

Various decrees and decisions that translated law into reality, along with an assessment of the capacity and resources for grievance redress carried out during project preparation, enabled the design of the two project-specific GRMs as well as the development of an institutional substructure that made grievance redress efficient. The establishment of a network of

institutions—from the PCC at the national level to the provincial STF, which pulled together technical and legal expertise to solve problems, and the Field Office at the commune/ward level—ensured that the project stayed on track and grievances of APs were adequately resolved in a timely manner.

Strong Commitments from Project Owner, Funding Agencies, and Other Authorities

Cuu Long CIPM demonstrated strong ownership of the project, partly by how closely it coordinated efforts at complaint resolution by different agencies (see Box 1). In order to record, track, and deal with complaints more systematically, it directed all people's committees and contractors to report to it all complaints filed with them by AHs. In addition, strong commitments from provincial governments together with those from provincial agencies handling LAR, supported by local institutional structures, further ensured that people's needs and concerns were met to a large extent.

The Viet Nam Resident Mission played a critical role in consulting with the project owner and provincial

Box 1: Land within the Interchange Loops

Given the technical design of the access ramps, people with land—residential, horticultural, or agricultural—located inside the four sets of interchange loops would have had little, if any, access to this land once the project was completed. Moreover, irrigation supply to most of these areas was disrupted by the construction of the ramps, as was drinking water and electricity. The affected households complained that it was not feasible to live or farm within the loops. However, the need to acquire the land within these loops was comprehended only at the start of project implementation.

A recent decision by the Ministry of Transport (MOT) approved the acquisition of 100% of the land within one set of loops. The partial (80%) acquisition of land within the three remaining sets of loops is awaiting the Prime Minister's approval, although MOT has agreed, in principle, to preserve 60 meter strips of land along the main roads concerned, and to acquire the land within the loops behind these strips. Compensation will be paid both for the land acquired and, based on an estimation of yields, retroactively for the crop losses that occurred since the land started becoming unproductive or inaccessible due to construction activities. Thus, in March 2018, the issue of land within the interchange loops was nearing some manner of resolution due to the efforts of Cuu Long Corporation for Investment, Development, and Project Management of Infrastructure, combined with those of Center for Housing and Land Fund Development, Special Task Force, and the MOT.

Source: Cuu Long CIPM, fieldwork mission notes.

²² Viet Nam Land Law 2013. (29 November 2013) Law No. 45/2013/QH13 <http://vietnamlawenglish.blogspot.in/2013/11/vietnam-land-law-2013-law-no-452013qh13.html>; Viet Nam Environmental Protection Law 2014. (21 June 2013) Law No. 55/2014/QH13 <http://vietnamlawenglish.blogspot.in/2014/06/vietnam-environmental-protection-law.html>; Viet Nam Law on Complaints 2011. (11 November 2011) Law No. 02/2011/QH13. <https://www.global-regulation.com/translation/vietnam/2957504/law-02-2011-qh13%253a-complaints.html>.



authorities while designing a project-specific GRM, in accordance with the Safeguard Policy Statement and the local institutional context. Meanwhile, DFAT provided a key grant that allowed for the engagement of the DDIS consultant, including social and environmental safeguard specialists as well as safety specialists, and the administration of an important survey of land subsidence (see Box 2). Both received regular reports from the DDIS consultant and Cuu Long CIPM, carried out review missions, and supervised the project and its GRM together.

Integrated Functioning of Consultants and Contractors

As initially envisaged by the project GRM, contractors had a central role to play in resolving complaints about houses that developed cracks in the construction process (see Box 3). Later, as evidence of its ownership of the project and its GRM, Cuu Long CIPM took up the role of coordinating and supervising the work of the contractors in this matter. The DDIS consultant was mandated to ensure that

Box 2: Land Subsidence

In mid-2017, the use of a certain soft soil treatment technology caused agricultural land to begin sinking beyond the anticipated scope along one section of the project road. This affected 57.5 hectares belonging to 207 households.^a Affected households began informing the commune people's committee, which notified the District People's Committee and Cuu Long CIPM simultaneously. These latter agencies instructed the detailed design and implementation support consultant and contractors how to proceed. To date, many meetings chaired by Cuu Long CIPM have been held on this issue, and farmers have been partly compensated for crop loss by the insurance company. Various remedial options are still being explored because of the financial, legal, and other implications of a problem of this magnitude.

Since this is a complex interagency issue, it is likely to take a long time to resolve. It is worth noting, however, that the problem has been recognized and is being actively addressed by the project owner. As part of the ongoing process of resolution, a detailed survey of the affected land has been conducted. Early communication with AHs on the issue of procedural delays was poor but has been much improved after Cuu Long CIPM acted on feedback it received from complainants. The Viet Nam Resident Mission has also advised Cuu Long CIPM to advertise a new timeline, because continuous communication is the cornerstone to effective problem-solving. Informing people regularly of progress made or unanticipated delays avoids an escalation of complaints, resort to the law courts, or even the blockage of or damage to project infrastructure by irritated and angry people.

^a "Solving progress of subsidence in agricultural land caused by VCM in the Road connecting Cao Lanh and Vam Cong bridges – CMDRCP" (November 2017) Report to Cuu Long CIPM and ADB on Land Subsidence Issue Affecting Component 2 of CMRDCP. Cao Lanh City: DDIS consultant.

Source: DDIS Consultant, fieldwork mission notes.

Box 3: Cracks Developing in Houses Due to Road Construction

Construction and drilling activities sometimes resulted in the cracking of walls, floors, and ceilings in houses in the vicinity of the project. Affected households (AHs) either reported such cases to the relevant contractors directly or to the commune people's committees (CPCs) so they could mediate in the resolution of the complaint. Once informed by CPCs, District People's Committees worked with contractors to determine the validity of such complaints and any compensation thereafter. In some cases, houses were inspected by contractors prior to any construction activity and then again after it had finished. Such record keeping, undertaken before project implementation, made complaint resolution easier. In others, where a house was examined only upon filing of a complaint, it proved harder to ascertain whether the damage predated the project or resulted from it. Cases like this were dealt with differently, and multiple scenarios exist. In one instance, a contractor rebuilt an entire wall that was on the verge of collapsing because of pipes being laid underground near it. In others, contractors offered to fill in cracks, and plastered and painted the damaged areas after construction in the area was complete. However, AHs usually indicated that they preferred monetary compensation and often disagreed with the damage assessed by the insurance company. In such cases, AHs were permitted to hire a qualified third-party assessor before they entered into negotiations with contractors or chose to escalate their complaints.

Source: Cuu Long CIPM, DDIS Consultant, fieldwork mission notes.



contractors had a database in place, were constantly attending to complaints, and supported Cuu Long CIPM in coordinating these efforts.

Although the existence of two distinct project GRMs may imply otherwise, there was a fair degree of integration between resettlement-related complaints and those related to environment (construction-related). For instance, in the cases of land subsidence or land within the interchange loops, they were clearly connected. Within the DDIS team, work was closely coordinated among the social, environmental, and resettlement specialists and the engineers, since there was recognition that problems cannot be solved in silos.

Timely Availability of Funds and Retroactive Financing

In terms of finances, timely availability of adequate budget to conduct large-scale consultations and, subsequently, timely disbursements for LAR to AHs were critical to keeping project implementation on track and minimizing the number of complaints related to delayed payments, as shown in Figure 2. The project is one of few ADB-financed projects that have LAR financed from the ADB loan, instead of from counterpart funds out of the limited state budget. Supplementary grant financing permitted

the mobilization of various specialists attached to the DDIS consultant and the survey of land subsidence that occurred close to the end of the project.

Furthermore, a retroactive financing arrangement permitted the use of the loan to compensate AHs from a previous project that was superseded by the CMDRCP. Thus, a unified compensation rate was applied retroactively to several households affected by the earlier, state-supported project and led to them receiving the better compensation benefits on offer under the CMDRCP, which in turn mitigated any potential complaints from these AHs (see Box 4). This is one of the innovative enablers of this project.

Escrow Account for Deferred Compensation

The state budget acted as a default escrow account for deferred compensations that could not be disbursed on account of the legal or economic circumstances of the AHs in question (see Box 5). Compensation payments that are deferred remain in the provincial-level state treasury, which acts as a kind of escrow account when such payments cannot be made for reasons beyond the control of the project. The amount owed accrues normal interest for as long as it is held in the account.

Box 4: Unified Compensation Rate

Dang Van Ut, a linesman in the state-owned telecommunications company, lives next door to his mother and four siblings. Together they own five adjoining plots of land in My Tho Resettlement Site. In 2012, he and his siblings used to live in An Binh Commune, some 4–5 km away, along with their mother in her ancestral house. The construction of Highway No. 30 (Cao Lanh Bypass Road) affected their land, which was acquired by that project in its entirety. Compensation was offered, but Mr. Ut and his family refused to accept it, claiming it was too low.

A year or so later, the Central Mekong Delta Region Connectivity Project (CMDRCP) began. The location of the house was in the right-of-way of this new project, which subsumed the previous bypass construction project entirely. The CMDRCP also offered much higher rates, but Mr. Ut and his family were not deemed eligible, as they had been offered compensation under the previous project. His initial complaint about inadequate compensation was denied by the Center for Housing and Land Fund Development and the chairperson of Dong Thap Provincial People's Committee. However, he was finally deemed eligible for compensation under the CMDRCP. The same compensation rate was applied to the other households facing the same set of circumstances. In exchange for their land, Mr. Ut and his family members were also given permission to buy five plots at this site, since they had five valid household identity cards among them.

Source: CHLFD, fieldwork mission notes.



Box 5: Deferred Compensation Payments: Cases of Inheritance and Mortgage

In Dong Thap Province, a complication arose when, during the detailed measurement survey, a surveyor recorded the name of the deceased owner of an acquired plot of land instead of those of his family members. For this to be corrected, his wife and seven sons had to formally process their inheritance papers. Furthermore, since he had died intestate, compensation for the land owned by the man was paid in the following manner: 50% of the amount to his wife, and the remaining 50% to be divided equally among the wife and sons.

The Special Task Force had to step in and advise about this formula for dividing the compensation amount, based on its combined analysis of the Land Law, Law on Marriage, and certain provisions on inheritance related to the Civil Code, with the Department of Justice playing a significant role as a member of the STF. The Land Law applied, because the compensation was being paid for land acquired. Further delays were caused because a few of the sons of the deceased had to be counselled further by the STF, since they were still not agreeable to the compensation on offer. The amount they finally accepted had not been disbursed at the time of this study, because the family members were still unable to come to an agreement about their respective shares of the compensation amount. Therefore, the STF or the Center for Housing and Land Fund Development agreed to make arrangements with the ward people's committee to distribute this money as soon as the family's internal matters are decided.

In the second case, in Can Tho City, the affected person (AP) in question had already surrendered a small portion of land to the project and theoretically accepted the compensation amount. This amount, too, is kept in the state treasury as the AP's "Red Book" (i.e., land use right certificate) is still retained by the bank as collateral against its loan, and submission of the original Red Book for inspection is a necessary requirement to receive project compensation. He has been invited informally by the Center for Land Fund Development several times but has still not collected the amount owed to him, because he has not been able to redeem his loan yet.

^a The Red Book is the popular name for a booklet with a red cover, which is issued by the Ministry of Natural Resources and the Environment and contains details of the holder's land use rights. It is formally referred to as the "Land Use Right Certificate."

^b CLFD is Can Tho City's equivalent of Dong Thap's CHLFD, but it does not have a mandate to deal with housing issues, unlike the latter. It is focused instead on matters of developing the land fund.

Source: CHLFD, CLFD, fieldwork mission notes.

3



Multiple Avenues of Consultation and Information Disclosure

In the context of consultation and information disclosure, multiple avenues were used. Project information booklets, containing basic project and GRM information in clear, simple and understandable language were made available to the representatives of AHs attending the consultations prior to project implementation, and distributed by local authorities to those who could not attend. Regular public meetings and house visits to AHs by contractors' staff, to assess their satisfaction with project implementation, also increased GRM awareness and the prospect for complaints. Loudspeakers were used to inform people of the project timetable, while newspaper advertisements and/or TV spots were used to reach out to AHs missing from the locality at the time of the initial consultations. Besides these, daily interactions

between AHs in the immediate project vicinity and contractors working on site also enabled a two-way flow of information between both sets of stakeholders.

Detailed Attention to Technical Design Measures

Detailed attention to technical design measures to improve the access of AHs to the project itself; the attempt to minimize the distance between the project area and resettlement sites; and the additional assistance provided to AHs in building new houses by an agency like CHLFD, helped meet the spoken and unspoken needs of many AHs.

It is also worth noting that the technical design of the project was prepared well in advance under the DDIS consultant's contract. This was made possible by ADB-administered capacity development technical

assistance Viet Nam: Central Mekong Delta Region Connectivity Project²³ financed by the Government of Australia, which was provided more than 2 years prior to loan approval. It enabled sufficient time and resources for Cuu Long CIPM to conduct a thorough survey and devise a project design aimed at minimizing the number of complaints.

Furthermore, both CHLFD—through the STF—and CLFD relied on other agencies with specific technical or professional knowledge for their assistance in resolving complaints that were outside their own areas of expertise (see Box 6).

Attention to Social Design and Income Restoration Program Implementation

The social design and implementation of IRPs for AHs; the Social Action Plan and corresponding IRP drafted to address the project's induced impact on ferry stations, which will be affected adversely once the project is commissioned; as well as additional entitlements²⁴ provided to socioeconomically vulnerable or marginalized AHs—before the start of project implementation—were important in minimizing the number of actual grievances (see Box 7).

In facilitating these processes on information dissemination about the project and the rollout of the IRP, and addressing the needs of AHs, mass unions can be counted among the enablers of an effective GRM. Their role in future projects may be expanded to include actual problem-solving as well.

Intangible, Positive Relationships among Stakeholders

Relationships among stakeholders were intangible but positive contributors to effective problem-solving in the CMDRCP. Several core values, including the desire for consensus in negotiations,

“Communication and consultation is a bridge to various stakeholders understanding one another better.”

– DDIS Consultant

good interpersonal relationships between different sets of stakeholders, and a strong commitment to resolve problems faced by AHs on the part of Cuu Long CIPM and provincial governments, supported the relatively unproblematic operation of grievance redress procedures than would otherwise have been the case.

In terms of the actual complaint process, most AHs filing complaints were provided with copies of the documentation related to their complaints. Furthermore, the two LAR agencies in Dong Thap Province and Can Tho City maintained comprehensive documentation about all complaints that reached them and that they handled.

Areas for Improvement

Besides the enablers listed above, the CMDRCP also made some strides in addressing issues like communication, capacity building of complaint handlers, and building a database of complaints. However, these efforts need to be strengthened further in the context of future ADB-supported projects in order to reinforce problem-solving in the context of GRMs.

²³ TA 7822: Central Mekong Delta Region Connectivity Technical Assistance Project.

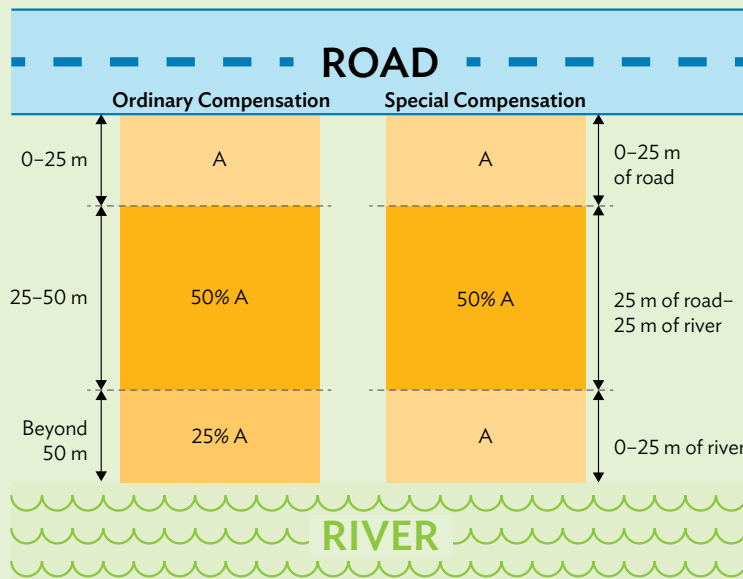
²⁴ These included extra financial compensation; relocation to preferred sites such as near the general hospital in Dong Thap (see map in Figure 1); and deferred loan payment plans provided to those who qualified for special assistance to access project benefits.



Box 6: The Petrol Station and the Inn: Technical Expertise in Problem-Solving

A petrol station claiming compensation in An Binh Commune, Dong Thap, was located such that it fronted both a river and a road prior to the Central Mekong Delta Region Connectivity Project acquiring its land. Its owners claimed such dual access provided their businesses special advantages, with river access often being more profitable. They therefore rejected the standard formula for compensation and entered into extended negotiations with Center for Land Fund Development/Special Task Force (CLFD/STF). The STF even went to the field to collect information before reporting to Dong Thap Provincial People’s Committee.

Ordinary Compensation versus Special Compensation, in the case of Petrol Station



How the complaint was resolved:

Ordinarily, if a plot of land extends a distance from the main road, the area within 25 meters (m) of the road will receive the highest rate of compensation (here “A” in the first dataset); between 25 and 50 m it will receive 50% of A; while beyond 50 m it will receive only 25% of A. In this case, since the frontage of both road and river were deemed equally important, it was decided to pay the petrol station the same rate—i.e., A—for land fronting the river as well as the road, within 25 m of either of them. Meanwhile, the span of land in between was compensated at half the rate, i.e., 50% of A.

Similarly, in Can Tho, CLFD operated only with regulations that governed the rate of compensation for residential properties, so when confronted with acquiring an inn, it applied the rate for an ordinary house structure. The couple that owned the inn disagreed with the official letter from the district project compensation committee, which proposed compensation rates for a house in exchange for their inn. The detailed measurement survey classified it as a house, but the owners argued that it had several rooms for rent, so they should receive a higher amount. Therefore, the Department of Construction was brought in to help reevaluate the compensation amount, since the AH’s complaint was found valid. The reappraisal conducted by the department’s team suggested compensation at a higher rate, with which the inn’s owners were very satisfied.

Source: CHLFD, CLFD, fieldwork mission notes.



Box 7: A Well-Designed Income Restoration Program and the Role of Mass Unions

One of the highlights of the Central Mekong Delta Region Connectivity Project was a well-designed income restoration program (IRP) for affected households (AHs) and a smooth rollout, according to Cuu Long Corporation for Investment, Development, and Project Management of Infrastructure, Center for Land Fund Development, and Center for Housing and Land Fund Development.

The AHs met during this study expressed satisfaction with livelihood rehabilitation/restoration initiatives implemented under the IRP, including (i) livestock and animal husbandry; (ii) bookkeeping, provision of inputs, and other training for small businesses; and (iii) vocational training, of which driving courses seemed to be the most popular. The IRP restored the income or livelihood lost due to acquisition of land and other household assets and the relocation of households to other places. It supported 75% of AHs (i.e., 1,155 AHs, including 788 farming households and 354 small businesses) in what was perhaps the biggest-ever land resettlement in at least Dong Thap Province. In Can Tho City, 134 AHs participated in the IRP.

Mass unions helped to liaise with AHs, conveying information to them, gathering their views to feed back to project authorities, and helping implement the IRP. The Farmer's Association was in charge of agricultural activities, while the Women's Union looked after bookkeeping and small business propagation, and the Department of Labor, Invalids and Social Affairs oversaw vocational training.

Source: Cuu Long CIPM, CHLFD, CLFD, fieldwork mission notes.

3

Regularity and Timeliness of Communication with Affected Households

As noted already, a number of AHs mentioned that they were dissatisfied with the lack of regular, complete, and/or timely communication by the project authorities in matters of complaint handling. Whether this problem is real or merely a matter of their perception is secondary. As happened in the case of land subsidence, the frequency and transparency of communication and consultation with AHs need to be improved. The project owner and other agencies engaged in problem-solving have an important responsibility to be proactive in this regard.

Creating a Systematic Database for Complaints

The CMDRCP also made progress in recording all types of complaints whereas, previously, complaints assessed as being minor were never recorded. Cuu Long CIPM instructed contractors and local authorities to formally register all complaints, noting information like the name of the complainant, the type of complaint, the date of filing, and a short description of the complaint itself. Apart from

creating such a registry of complaints, which was maintained by the DDIS consultant on Cuu Long CIPM's behalf, complete information about whom to contact to lodge complaints was disclosed at every construction site; and commune, ward, and District People's Committee offices.

However, in the absence of a standard template, the agencies in charge of involuntary resettlement, on the one hand, and the contractors, on the other, recorded or classified complaints differently. This made monitoring complaints difficult. Furthermore, the fact that some records were kept in paper folders meant that they could not be shared or looked up easily.

In future ADB-supported projects, an online shared complaints database would improve matters by assigning a single reference number to each complaint so that it can be tracked anywhere in the system, whenever needed, and not lead to the confusion of double-counting the same complaint lodged with different authorities at different times. It would also allow authorities to determine how many complaints a single AH has lodged, if this information is deemed useful. The precise format or template of the database would need to be decided, along



with a consideration of issues of user access and confidentiality, and anonymity of the complainant. Such a database should be instituted as part of the GRM, at the project inception stage itself, to record and monitor complaints.

Training or Capacity Building in Problem-Solving

Defining the GRM in project documents is necessary but not sufficient. At the implementation stage, project officers in the funding agencies may have to re-emphasize the creation of the complaints database and have project GRM-specific training

sessions with, say, a day spent on training for the GRM for each safeguard. In future projects, this should not be left to “on-the-job learning.” This matters, because often the project preparation team—including the project management unit—may be entirely different in composition from the project implementation team, including the project implementation unit or project implementation consultant. ADB or other funding agencies should provide such sessions to the project owner and other government agencies, whereas the training of contractors should be included in the TOR of the project implementation consultant.



An Income Restoration Program participant at a cattle market points to the cow that has been marked with her name, Can Tho City, November 2015. A well-designed and executed program helped mitigate complaints about the project (photo by Pierre Arnoux).

A Primer on Building Bridges

4

This case study highlighted several lessons—some obvious and others less so—that are pertinent to any project. Recommendations

for future ADB-supported projects are based on the lessons derived from this context.

Lesson Learned	Recommendations
Project Phase: Inception and Planning	
<p>Design of the GRM</p> <p>Institutional innovation and variations based on the national policy, legal, and political context can contribute to the speedy and effective handling of complaints and prevent recourse to the judicial system by AHs.</p>	<ul style="list-style-type: none"> ☉ Consider the prevailing institutional context in any project area prior to designing project-specific GRMs. ☉ Integrate local institutions for grievance redress to create a project GRM that is flexible yet easy enough for the most vulnerable among the AHs to understand and utilize. ☉ Discuss the GRM with the project owners and other relevant provincial authorities in detail during project preparation
<p>Coordination among Specialists</p> <p>There may be an overlap between what constitutes a resettlement issue versus a construction or environmental one.</p>	<ul style="list-style-type: none"> ☉ Consider GRMs for resettlement-related and construction-related complaints simultaneously. Even if these cannot be merged, given the available institutional setup, project consultants should understand that AHs often may not distinguish between the two. ☉ Foster better coordination among resettlement, environmental, and social development specialists as well as engineers, and adopt a unified approach where possible.
<p>Creation of a Complaints Database</p> <p>The creation of a systematic complaints database or registry—compatible across users, and with a unique reference number assigned to each complaint and/or complainant—can help track complaints in the system, ensure that complaints are not double-counted, and enable enumeration of complaints by AH.</p>	<ul style="list-style-type: none"> ☉ Institute a complaints database as part of the GRM at the project inception stage. ☉ Estimate and allocate sufficient resources—human and financial—for the operation of such a database.
<p>Realistic Budgeting for LAR</p> <p>Correctly anticipating the potential impact of any forthcoming project may not be possible due to changing land prices, inflation, etc. However, a closer estimate helps in a better LAR budget, needed to conduct thorough consultations with AHs and implement the project resettlement plan effectively.</p>	<ul style="list-style-type: none"> ☉ In large and complex infrastructure projects that are likely to have a significant overall impact, (i) provide for an adequate LAR budget within the loan, (ii) ensure the ring-fencing of similar funds within any counterpart budget, (iii) enable retroactive financing when necessary, (iv) mobilize supplementary grants for critical components wherever possible, and (v) include a sizeable contingency for dealing with unanticipated events. ☉ Pay attention to project design—in social, economic or technical terms—in order to minimize the risk of complaints during implementation. ☉ Gauge and provide plans and budgets for both direct and indirect (or induced) impacts. ☉ Be realistic about the extent of LAR funds required.



Passengers boarding the ferry with Cao Lanh Bridge in the distance (photo by Nitish Jha).



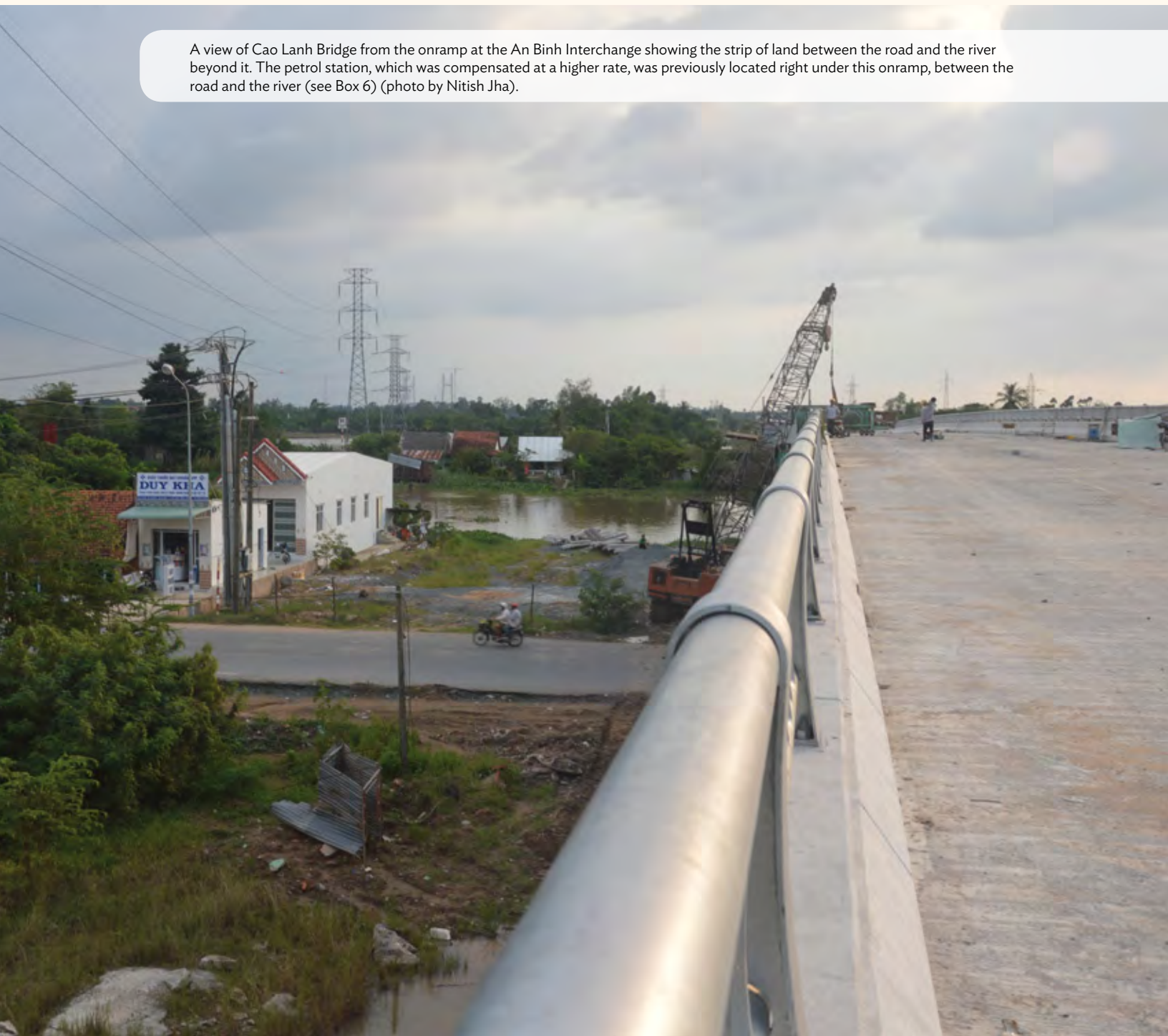
Lesson Learned	Recommendations
<p>Consultation and Awareness Raising about GRM</p> <p>Extensive consultation and awareness raising about the GRM with potential AHs and various project authorities—clarifying rights and obligations of all stakeholders in the grievance redress process, among other things—ease the subsequent process of project implementation.</p>	<ul style="list-style-type: none"> ☉ In the PPTA budget, include widespread consultations with AHs on the topic of problem-solving. ☉ Require preliminary training about GRM for representatives of executing agencies, implementing agencies, local authorities, and any LAR agencies.
Project Phase: Implementation	
<p>Recruiting a Good Project Implementation Consultant</p> <p>Since knowledge of complaint handling is key to successful project implementation, there is a real need for a strong construction supervision consultant team, with safeguard, safety and disaster risk management credentials, and a good record on past projects.</p>	<ul style="list-style-type: none"> ☉ Allocate adequate resources to engage such consultants who can help the project owner coordinate the GRM and also provide training to contractors in GRM matters. ☉ Prioritize experience in grievance address in the TOR for project implementation consultant candidates.
<p>Training for Contractors</p> <p>Contractors dealing directly with complaints often lack exposure to GRM processes.</p>	<ul style="list-style-type: none"> ☉ Require formal training in GRM for contractors' staff who engage directly with AHs, enabling them to manage relationships with complainants more effectively, such training to be provided by the project implementation consultant but funded by the contractors themselves.
<p>Benefits of a Supervisory Consortium</p> <p>An oversight institution like the PCC is very useful for engaging in advocacy efforts at the national level.</p>	<ul style="list-style-type: none"> ☉ For any project, establish such an overarching forum, with senior-level representation from funding agencies, counterpart ministries, executing agency, and implementing agency, supported by consultants. ☉ Use such forums to raise issues that can be addressed effectively only at this level, including the more timely resolution of complicated cases.
<p>Efficiency in Complaints Processing</p> <p>On large-scale projects, the sheer volume of AHs and complaints lodged can make the day-to-day processing of complaints extremely challenging unless some institutional innovations are put in place to simplify matters.</p>	<ul style="list-style-type: none"> ☉ Establish a dedicated field office for projects that are spread over a large area, where many of the AHs are located far away from the agencies in charge of involuntary resettlement or grievance redress. ☉ Set up a consortium similar to the STF, which brings together expertise from multiple technical and professional fields that can help resolve complaints faster and more smoothly. ☉ Entrust day-to-day supervision and coordination of the contractors' work in GRM to the project implementation consultant and include this in the TOR.
<p>Information Dissemination and Consultation</p> <p>During the implementation phase, the means, frequency, and transparency of communication and consultation with AHs are vital to project success.</p>	<ul style="list-style-type: none"> ☉ Adopt multiple, creative, and locally accepted approaches in the processes of information disclosure and consultation about the GRM. ☉ The project owner, other agencies, consultants, and contractors—all entities engaged in problem-solving—must take the initiative in ensuring that communication and feedback channels with AHs are regularly used. ☉ Minimize response times in complaints processing and provide adequate information and notice to households in advance of any potentially harmful or damaging activities.
<p>Amending the GRM</p> <p>The GRM, as envisaged and designed at project inception, is subject to change due to various factors.</p>	<ul style="list-style-type: none"> ☉ If the GRM is modified midcourse by project stakeholders, let the revised GRM be reflected in project monitoring reports and disclosed to AHs, highlighting any changes as project implementation progresses.

Lesson Learned	Recommendations
<p>Fostering Core Stakeholder Values</p> <p>Relationships among stakeholders are intangible but positive contributors to effective problem-solving.</p>	<ul style="list-style-type: none"> ☺ Encourage a strong sense of project ownership and commitment to problem-solving among the executing agency and implementing agency, and ADB project staff as well. ☺ Actively foster positive values that make for a smoother process of grievance redress among all stakeholders.

ADB = Asian Development Bank, AH = affected household, GRM = Grievance Redress Mechanism, LAR = land acquisition and resettlement, PCC = Project Coordination Committee, PPTA = Project Preparatory Technical Assistance, STF = Special Task Force, TOR = terms of reference.

Source: OSPF.

A view of Cao Lanh Bridge from the onramp at the An Binh Interchange showing the strip of land between the road and the river beyond it. The petrol station, which was compensated at a higher rate, was previously located right under this onramp, between the road and the river (see Box 6) (photo by Nitish Jha).





Dusk settles on the river as the Cao Lanh ferry station winds down for the night, a view from the bridge (photo by Nitish Jha).

Crossing the Bridge

The idiom of “crossing a bridge when one comes to it” refers to handling a problem as and when it arises, and not worrying about it beforehand. However, exactly the opposite is true of smooth project execution and effective problem-solving, in which one has to cross the bridge even before it appears. Proper anticipation of problems and comprehensive planning are at the heart of effective grievance redress, helping to mitigate possible concerns before they become problems and efficiently resolving any problems that do, in fact, arise.

It is worth reiterating that project planners and managers should take an integrated, holistic view of the project GRM. In the case of the CMDRCP, considering the resolution of LAR-related complaints and construction-related complaints together enabled a more rounded picture of problem-solving than if only one or the other aspect had been taken into account. As the preceding discussion has shown, the CMDRCP also used multiple innovative tools, institutions, and approaches in problem-solving, which are summarized in Figure 12.

In the introduction, a GRM was defined as a combination of institutions, instruments, methods, and processes by which a resolution to a grievance is sought and provided, and which may use both formal and informal channels for such resolution. “Institutions” may be regulations, structures, or organizations that support or are used by the GRM; “instruments” are specific tools used by the GRM; “methods” are approaches employed by the GRM; and “processes” are particular activities undertaken to mitigate problems or to ensure that they do not arise in the first place. To this we may add “core values” like a sense of project ownership, a strong

commitment from funding and government agencies to do what is in the interest of affected people, and the willingness of project authorities to compensate AHs fairly. These are all ideals intrinsic to the process of redressing grievances. They are almost never formalized or written down but are essential in seeing problems resolved and APs satisfied with any project. To this end, they need to be identified and actively fostered.

Figure 13 lays out all the elements of the GRM discussed in this case study in terms of (i) what type of element they are (i.e., institution, instrument, method, process, or core value), (ii) what category they belong to (e.g., institutional, financial, organizational, etc.), and (iii) whether they contain sub-elements that use formal or informal channels or indeed both.

As illustrated by the CMDRCP, for a project GRM to be effective, attention needs to be paid to the entire range and complexity of determining factors, whether they are institutional, legal, financial, social, technical, organizational, or having to do with communication and time management.

Without proper planning that pays attention to each of these, the effectiveness of the GRM and the core sustainability of the project itself could be at risk. Systematically identifying enablers and constraints in any project GRM will allow the strengthening of enablers and resolution of constraints from the project design and planning stage itself, thus ensuring a GRM that is both an effective accountability mechanism and a tool for better governance.

Figure 12: Categories of Grievance Redress Mechanism Elements

Source: OSPF.



INSTITUTIONAL AND/OR LEGAL

Including the

- existence of a progressive and conducive policy and legal environment;
- establishment of innovative institutions like the STF, PCC, or field offices to further the objectives of an effective GRM;
- fostering of a strong sense of project ownership within the EA and IA, and strong commitments from funding agencies, provincial governments and other relevant authorities;
- dedicated coordinating role played by Cuu Long CIPM—assisted by the DDIS team—in grievance redress; and
- continuous involvement in project planning and supervision of GRM implementation by the funding agencies, ADB and DFAT.



FINANCIAL

Encompassing the

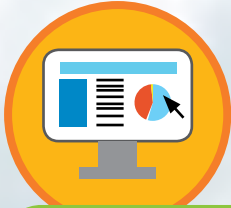
- availability of an adequate budget for large-scale community consultations;
- willingness on the part of the EA and IA to acquire land and fairly compensate AHs;
- timely disbursements of compensation for LAR to AHs;
- ability to use the state budget as an escrow account for deferred compensations;
- use of the loan for retroactive financing;
- mobilization of DFAT grant financing, which allowed the recruitment of important project implementation specialists and the conduct of the land subsidence survey;
- readiness to apply a unified compensation rate across project AHs; and
- provision of adequate funds for an effective IRP.



INFORMATION DISSEMINATION, COMMUNICATION AND CONSULTATION

Covering the

- use of mass unions to spread project information;
- continuous consultation with stakeholders at all stages; and
- use of various creative approaches in disseminating information about the GRM.



SOCIAL AND TECHNICAL DESIGN

Including the

- administration of a comprehensive survey of AHs to assess direct and indirect impact;
- detailed attention to social and technical design measures;
- implementation of IRPs using mass unions; and
- fostering of intangible, positive relationships among stakeholders.



EFFICIENCY IN TIME MANAGEMENT

Indicating

- keeping complaint processing timelines as advertised or amended; and
- timely response to any and all complaints.



ORGANIZATIONAL

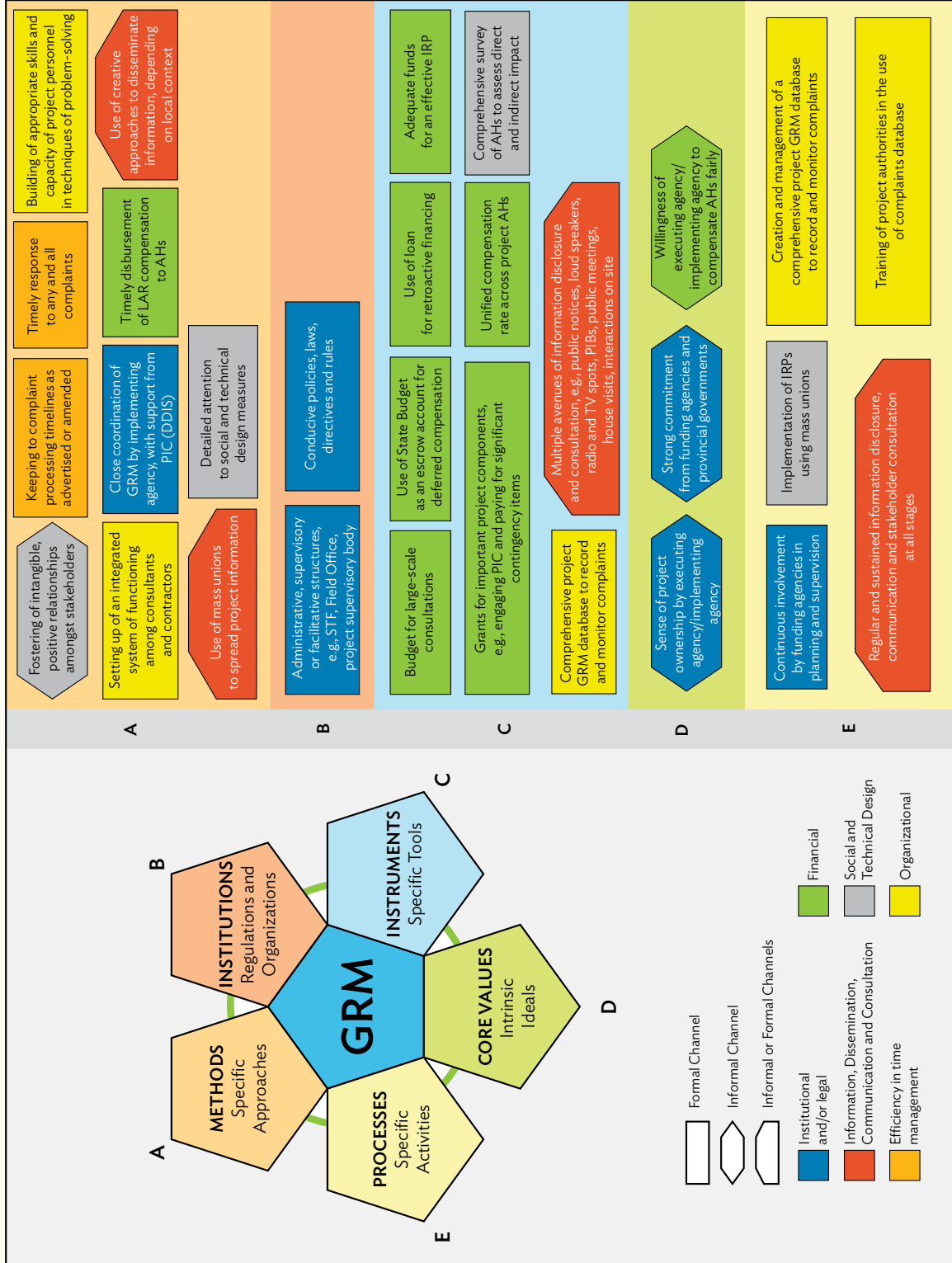
Including the

- creation and management of a comprehensive project GRM database to record and monitor complaints;
- training of project authorities in the use of this database;
- building of appropriate skills and capacity of project personnel in techniques of problem-solving; and
- setting up of an integrated system of functioning among consultants and contractors.

The elevated road ramp leading to Cao Lanh Bridge, as seen from the project site office in Cao Lanh City. The proximity of the project implementation consultant to the contractors allows close supervision of the latter's activities in all matters, including complaints handling (photo by Wilfredo Agliam).



Figure 13: Multiple Links among Multiple GRM Elements



AH = affected household, DDIS = detailed design and implementation support, GRM = Grievance Redress Mechanism, LAR = land acquisition and resettlement, PIC = project implementation consultant STF = Special Task Force.
Source: OSPF.



Restaurant at Cao Lanh Ferry Station. Many small businesses like this will be affected by the opening of the bridges (photo by Nitish Jha).

Appendix

Involuntary Resettlement and Public Complaints across Time

Resettlement Policy Trajectory

Prior to 1990, Viet Nam did not have a resettlement policy for cases in which the state acquired land for development projects; all land was public by definition. In terms of the legal and policy environment surrounding development projects, the country has come a long way in adopting more progressive and equitable regulations for acquiring land and resettling people but still has some distance to go to ensure that these legal stipulations are implemented properly, safeguarding the rights of citizens.¹

Over time, land and resettlement policies have changed due to different contributing factors, including international pressure and domestic social pressure, although it is not clear which is more important. Nevertheless, it is evident that the evolution of resettlement policy and the right of citizens to complain about actions negatively affecting their welfare go hand in hand.

Evolution of Law on Complaints

The growth trajectory of the national-level GRM should be viewed within the context of the

development of resettlement policy, since the same enlightened forces are behind both.²

The Law on Complaints and Denunciations, first promulgated in 1998 and based on the right to lodge a complaint, enshrined in the 1992 Constitution, was an unambiguous step in the direction of devising a national GRM. It allowed citizens the right to propose that competent agencies, organizations, or state employees review their administrative decisions or actions if the complainants had reason to believe that such decisions or actions contravened laws and infringed upon their legitimate rights and interests.

In 2008, the law was amended to allow agencies, organizations, and public employees to exercise their prerogative just as individual citizens had been allowed to do in 1998. Permitting collective complaints when people share the same grounds for complaint made the process less cumbersome for both the complainants as well as the relevant state agencies, which were previously faced with addressing multiple complaints having the same content and demands.

Due to the conviction of the national leadership that the motives and nature of complaints and denunciations were very different from each other, a separate law was enacted for each of the two actions in 2011. Recent news reports state that nearly 70% of all administrative complaints filed in the country

¹ P. H. Ty et al. 2013. *Compensation and Resettlement Policies after Compulsory Land Acquisition for Hydropower Development in Vietnam: Policy and Practice*. Land 2:678-704. CF.; and World Bank. 2011. *Compulsory Land Acquisition and Voluntary Land Conversion in Vietnam: The Conceptual Approach, Land Valuations and Grievance Redress Mechanisms*. Hanoi.

² The Asia Foundation and Policy, Law and Development Institute. 2009. *The Mechanism to Settle Administrative Complaints in Vietnam: Challenges and Solutions*. Summary Report. Hanoi. Also see The National Assembly, Government of Viet Nam. *Law on Complaints*. 2011. Law No. 02/2011/QH13. Ha Noi.

³ Complaints relate mostly to compensation, ground clearance support, land reclamation, religion, and landownership, while denunciations are about state officials' legal violations, corruption, and wastefulness.

relate to different aspects of land management, including asking for land acquired by the state to be compensated at market rates or asking for the return of land previously donated to the state for social welfare purposes.⁴

Over time, the total number of complaints has declined, but the number of complex cases involving larger

numbers of people has actually risen. The nature of complaints is getting more and more complicated and diversified, calling for an urgent need to effectively and quickly settle citizens' complaints by fixing gaps in the existing law.

⁴ *Viet Nam Law and Legal Forum*. 2015. Land-related complaints still complex. 6 August. <http://vietnamlawmagazine.vn/land-related-complaints-still-complex-4889.html>; *Viet Nam News*. 2016. Complaints over resettlement due to unclear rules: PM. 8 October. <http://vietnamnews.vn/society/344148/complaints-over-resettlement-due-to-unclear-rules-pm.html>; *Bao Anh, Viet Nam*. 2016. Laws on complaints, denunciation prove effectiveness. 16 December. <https://vietnam.vnanet.vn/english/laws-on-complaints-denunciation-prove-effectiveness/269538.html>.



Passengers preparing to disembark from a ferry with the Cao Lanh Bridge in the background (photo by Nitish Jha).

Figure A1: Resettlement Trajectory





Decree No. 22 1998

- Directed that land user right certificate holders must receive compensation for land and associated assets
- Required investors to complete the construction of resettlement sites before people move in

Land Law 2003

- Instructed that adequate compensation be paid for land and structures, at or close to market rates
- Delegated responsibility for resettlement implementation to provincial or local counterparts instead of project investors
- Authorized provinces to establish their own land administration and resettlement agencies, with a permanent staff (including cadastral staff in communes and wards), budget, records maintenance system, and direct line of communication with the PPC

Decree No. 197 2004

- Provided more detailed instructions for compensation, assistance and resettlement of AHs
- Ensured AHs living on undisputed land receive compensation and livelihood support, whether or not they have legal title to the land

Decree No. 69 2009

- Raised rate and level of support given to AHs, based on potential profit to be made from the new land use(s)
- Mandated diversity of housing types in resettlement sites, and an increase in area of plots allotted
- Required investors and local counterparts to put in place IRPs for households both directly and indirectly affected by the project

Land Law 2013

- (i) Clarified several terms and introduced the concept of two land price systems, including
 - official land prices published every 5 years, for the calculation of taxes, general fees, and charges (other than land use fees); and
 - a specific land price for each site, to be decided by the PPC, which will be based on the site's infrastructure, location, and intended use, which will then form the basis for the calculation of rent and land use fees.





Affected people in Vinh Trinh Commune, Can Tho City, choosing their preferred Income Restoration Program activity (photo by Pierre Arnoux).

Figure A2: Evolution of Law on Complaints

1998

Law on Complaints and Denunciations

Allowed citizens to propose that agencies, organizations, or state employees review their administrative decisions or actions if these contravene laws and infringe upon their rights and interests

2008

Law on Complaints and Denunciations

Permitted collective complaints when people share the same grounds for complaint

2011

Law on Complaints

Specific and separate Law on Complaints promulgated, with the following stipulations or clauses:

- Complaints must be made and settled in an objective, public, democratic, and timely manner.
- Complaints must be made to the agency with the power to settle the case.
- First-time complaints may be filed simultaneously with the agency or public employee whose action is being complained about as well as the agency or supervisor to which it/he/she reports.
- Accordingly, persons whose administrative decisions or acts are complained about may settle first-time complaints, and their direct superior agencies may settle second-time complaints.
- The person being complained about must compensate or make amends for the damage caused by their decision, if the ruling is against him/her.
- The complainant may authorize a lawyer or legal aid officer to file a complaint on his/her behalf.
- A complainant can initiate a lawsuit at any time during the complaint resolution process.
- Both parties can read, photocopy, transcribe, or see documents and evidence gathered by the complaint resolution authority.
- The statute of limitation for filing a complaint is 90 days from the date of receiving the administrative decision or detecting the administrative act in question, not counting any period during which the complainant is indisposed and cannot exercise his/her right to complain due to reasons like illness, natural disaster, or other obstacles.
- The complaint resolution authority can meet the complainant, the defendant, and other relevant persons or groups to clarify complaint details, with witnesses such as relevant socio-political organizations and socio-professional organizations present.

2013

Law on Receptions of Citizens^a

The term “citizens’ reception” refers to meetings organized to receive complaints, petitions, denunciations, or other reports from members of the public.^b The Law

- mandates that all political structures and government departments and agencies, at every administrative level, must organize regular and emergency meetings to receive complaints from citizens;
- directs that these structures and agencies must each designate (i) one or more staff (Citizens’ Reception Officer/s) to receive, record, and handle complaints; and (ii) a publicly notified venue where such complaints may be handed over (Citizen’s Reception Places or Offices);
- establishes a clear protocol to be followed in recording complaints, etc., including giving a copy of the complaint record to the complainant, appointing a translator in case the complainant is not proficient in Vietnamese, and notifying the complainant of any settlement or decision;
- forbids the harassment or obstruction of people making complaints, including discriminating against citizens, losing records of their complaints, or generally acting in an irresponsible manner in the matter of complaint handling; and
- prohibits the misuse of the right to complain by lodging false or malicious complaints, creating public disorder, etc.

Vam Cong Bridge as viewed from the Thot Not Interchange in Can Tho City. The Field Office was located near this 3-kilometer-long, six-lane bridge, enabling affected people to easily contact staff of the Center for Land Fund Development (photo by Nitish Jha).

^a Viet Nam Reception of Citizens Law 2013. (25 November 2013) Law No. 42/2013/QH13 <http://vietnamlawenglish.blogspot.in/2013/11/vietnam-reception-of-citizen-law-2013.html> (Accessed 9 March 2018).

^b Viet Nam News. 2017. Inspection Work Has Improved But Problems Remain. 13 December. <http://vietnamnews.vn/politics-laws/419319/inspection-work-has-improved-but-problems-remain.html#KqPMEfj0E1yZ2IK1.97>.

Building Bridges

Lessons from Problem-Solving in Viet Nam

This study of the Central Mekong Delta Region Connectivity Project in Viet Nam was conducted jointly by the Office of the Special Project Facilitator and the Viet Nam Resident Mission of the Asian Development Bank (ADB). The project was classified Category A for both involuntary resettlement and environmental safeguards. However, despite its significant impacts, a range of innovative tools and approaches contributed to a complex and multifaceted, project-level Grievance Redress Mechanism (GRM) that was able to effectively handle more than 950 complaints. This joint case study documents successful experiences and best practices, and also analyzes the operation of various enablers before offering important lessons for ADB operations staff and ADB-assisted project partners about how to devise and implement similar GRMs for problem-solving in their future projects.

About the Asian Development Bank

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to a large share of the world's poor. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.



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