

PUBLIC CONSULTATION AND DISCLOSURE PLAN

1 INTRODUCTION

The RMIT International University Vietnam (RIUV) is to be established in Ho Chi Minh City (HCMC) on a site within the Saigon South Development approximately 5 kilometres south of HCMC ("the Project"). The campus site was designated as the site of a university in the Saigon South Master Plan which has been approved by the Government of Vietnam. The master plan was developed to provide HCMC with the necessary amenities, services and infrastructure to accommodate a projected increase in population to 10 million.

The campus will be developed incrementally with the central nucleus of activity situated on the east bank of the Ong Lon River. The main campus buildings comprising education and training buildings, an education resource centre, research and innovation institutes, a staff/administration building, a multi-purpose amenities building and staff and student housing, will be constructed in the initial stage of development to 2003. Expansion through other stages to 2007 and 2013 will occur in phase with demand. As part of the approval process for the Zone Planning Certificate, the campus master plan was approved by the HCMC People's Committee in August 1999.

The university will be Vietnam's first fully international campus, contributing to the country's development through training, education, consultancies, and research and innovation. It is anticipated that in the first year of operation the campus will have a population of approximately 2000 students and staff, growing to 9,000 by Year 10. The campus will also include retail outlets, public and recreational facilities and a range of other ancillary services.

Potential impacts from the development will result from clearance of the site involving relocation of people from the site, disuse of the site by 107 households, removal or destruction of goods and a change in land use. A Resettlement Action Plan (RAP) has been prepared to mitigate adverse effects of resettlement, maintain or improve the living standards of those affected, provide development opportunities to those directly affected and ensure transparency in the implementation of the resettlement.

This Public Consultation and Disclosure Plan (PCDP) has been developed to ensure meaningful consultation with stakeholders, disclosure of the results of the environmental assessment process and ongoing consultation.

2 REGULATIONS AND REQUIREMENTS

The relevant Vietnamese documentation in relation to environmental assessment is:

- The National Action Plan for Environment and Sustainable Development, prepared by the National Committee for Science, SIDA, UNDP, IUCN, approved by the Prime Minister of Vietnam in 1991.
- The Law on Environmental Protection approved by the National Assembly of the Socialist Republic of Vietnam on 27 December 1993; issued according to the order 29-L/CTN 10 January 1994 of the State Chairman.
- Decree N^o 175/CP on 18 October 1994 issued by the Government for the guidelines on implementation of the Law on Environmental Protection.
- Vietnamese Standard of Environment, issued by the Ministry of Science, Technology and Environment (MOSTE) in 1995.

- Circular N° 490/1998/TT-KHCNMT issued on 29th April 1998 by MOSTE requiring content of an EIA study.

The Project has been advised by the HCMC People's Committee that under MOSTE guidelines no reporting is required on environmental effects since this is considered to be an education project. The Committee has also advised that based on Item 2, Article 39 of the Decree No. 12/CP of 18 February 1997 on implementation of the Law of Foreign Investment in Vietnam, reporting on environmental effects is not required. However the investor is required to explain activities which may have environmental impacts, and to provide solutions and commitment to mitigate impacts during construction and operation.

3 PROGRAM OBJECTIVES

The overall purpose of the consultation and disclosure program is to disseminate project information and to incorporate stakeholders' views including PAPs in the Resettlement Action Plan.

The specific aims of the program are to:

- Improve project design and lead to fewer conflicts and delays in implementation;
- Seek stakeholders views about the project and/or components of the Project;
- Obtain information about the need and priorities of PAPs;
- Obtain co-operation and participation of PAPs in activities required for implementation;
- Facilitate development of appropriate and acceptable entitlement options;
- Inform stakeholders about the RAP process and Vietnam Government, IFC and ADB requirements;
- Discuss opportunities for participation in the Project in accordance with the Vietnam Government, IFC/World Bank and ADB requirements;
- Ensure transparency in all activities related to land acquisition, resettlement and rehabilitation.

4 STAKEHOLDERS

Consultation was undertaken with the following stakeholder groups:

- District level - MASD which is responsible for management of the Saigon South New Urban Area and the South Saigon Development Corporation (SADECO) which is responsible for developing the Phuoc Kien resettlement zone;
- Ward level – The Tan Phong Ward People's Committee in which the site for the RMIT International University is located and Phuoc Kien Commune People's Committee Chairman where the Phuoc Kien resettlement zone is located; and
- Project Affected Persons are those people who are identified as living on the project site and/or using the site.

5 REVIEW OF PREVIOUS PUBLIC CONSULTATION AND DISCLOSURE

Consultation has focussed around the preparation and gaining of agreement and understanding between RMIT, the HCMC People's Committee and its delegated body - the Management Authority South Saigon Development (MASD). Consultation has

included the preparation of the Land Lease Application and Compensation Proposal which relate directly to the RAP.

Consultation started at the outset of the preparation of the RAP. The consultation process has involved a range of formal and informal consultative methods including interviews with Project Affected Persons (PAPs) and key stakeholders, and several meetings with stakeholder groups.

Consultation with PAPs was undertaken in two stages. In the first stage, the Tan Phong Ward People's Committee prepared a letter informing PAPs about the Project, the objectives of the census, and requirements and assistance from PAPs. A socio-economic survey was undertaken by the Tan Phong Ward People's Committee and MASD in 1999.

As preparation for on-going consultation, the Department of Land and Housing provided training for Tan Phong Ward People's Committee about professional skills required and land policy.

As the survey undertaken by the Tan Phong Ward People's Committee and MASD in 1999 was not completed (more than 30% of the survey forms were either incomplete or unsigned by PAPs), further socio-economic survey and research work was undertaken in September and November 2000. This survey involved interviewing on-site and off-site PAPs to gain information on their current living situation and their resettlement preferences. In this survey, 18 on-site households and 18 off-site households were interviewed, making a total of 36 households in 107 affected households.

6 ON-GOING CONSULTATION WITH PROJECT-AFFECTED PEOPLE (PAPS)

The overall purpose of the consultation program is to disseminate project information and to incorporate PAPs' views into the RAP implementation. The specific aims of the program are to:

- improve project design to avoid conflicts and delays in implementation;
- seek PAPs' views about the project and/or components of it;
- obtain information about the need and priorities of PAPs;
- obtain co-operation and participation of PAPs in activities required for RAP implementation;
- facilitate development of appropriate and acceptable entitlement options;
- inform PAPs about the RAP process and Vietnam government, IFC and ADB requirements;
- discuss opportunities for participation in the project in accordance with the Vietnam Government, IFC and ADB requirements and components of it; and
- ensure transparency in all activities related to land acquisition, resettlement and rehabilitation.

Consultation is being carried out in ways appropriate for cultural, gender-based and other differences among the PAPs. Particular emphasis is put on the views and needs of the more vulnerable groups.

Ongoing participation of PAPs will be sought during the compensation and resettlement implementation stage. Under two Vietnamese regulations, a Compensation Committee will be formed following the Prime Ministers decision to withdraw the land for the RMIT campus:

- Decree No. 22/1998/ND-CP dated 24 April 1998 by the Government regarding compensation entitlements and resettlement procedures;
- Decision No.6511/QD-UB-DB (hereinafter referred to as 6511/QD) on compensation prices issued on 26 September 2000 by HCMC People's Committee specifically regarding approval for the compensation prices and resettlement of people in the remaining areas of the South Saigon New Urban Area in the districts of 7, 8 and Binh Chanh.

This Committee will have responsibility for carrying out the resettlement according to Vietnamese regulations. Practically, the Tan Phong Ward People's Committee, under whose jurisdiction the RMIT site falls, will have direct contact with the PAPs as representatives of the Compensation Committee. RMIT's consultation with PAPs has and will be carried out in close coordination with the Tan Phong Ward People's Committee.

Detailed Letter to PAPs

A detailed information letter will be provided by the Compensation Committee to each PAP to ensure their involvement in the process. The letter will include:

- a brief description of the project;
- basic Compensation Policy and Entitlements;
- options under the compensation strategy;
- implementation schedule; and
- grievance redress mechanism.

To ensure that everyone understands the letter, meetings will be held at the Ward Committee headquarters to explain the letter's contents. The Ward has already offered their assistance to implement this project.

Any further explanation that is required will be provided at the time of the census to confirm assets and income to be compensated. The census will be undertaken on the date the Land Lease Agreement is signed.

PAPs' grievances and complaints on any aspect of the land acquisition, compensation and resettlement will be addressed by the Compensation Committee in accordance with the grievance procedure. Once the Compensation Committee has ceased to exist, RMIT will establish a second grievance procedure to address any further complaints or issues.

It is important that all PAPs are aware of the procedures for the proposed grievance redress mechanisms.

MASD will ensure that District 7 People's Committee and Tan Phong Ward People's Committee, PAPs and their representatives be involved in the planning and decision making process. PAPs' involvement in implementation of the RAP will be continued by appointing one or two PAP representatives to be in the Compensation Committee. The RMIT representative on the Compensation Committee should also ensure the continuing involvement of PAPs during the implementation process.

MASD will facilitate training for the Tan Phong Ward People's Committee to enable them to work with PAPs while undertaking the detailed census. The RMIT representative should accompany the Tan Phong Ward People's Committee to ensure that internal monitoring of PAP data is undertaken satisfactorily on behalf of the Compensation Committee. This will aid RMIT when it carries out the overall monitoring of the implementation of the RAP.

Grievance Mechanism

PAPs' grievances and complaints on any aspect of the land acquisition, compensation and resettlement will be addressed by the Compensation Committee in accordance with the grievance procedure.

A four-staged procedure for redress of grievances is proposed and includes:

- Complaints of PAPs on any aspect of compensation, relocation or unaddressed losses shall firstly be lodged verbally or in writing to Tan Phong Ward People's Committee. The complaint can be discussed in an informal meeting with the PAP and the Chairman of the Tan Phong Ward People's Committee. It will be the responsibility of the Tan Phong Ward People's Committee to resolve the issue within 15 days from the date of receipt of the complaint.
- If a solution cannot be reached or the PAP receives no response from the Tan Phong Ward People's Committee, the PAP can appeal to the District 7 People's Committee. The PAP will be heard in person in the presence of a representative of the Compensation Committee, and will be invited to produce documents that support the PAP's claim. The complaint must be lodged within two months of registering the original complaint. The District People's Committee will provide the decision within one month of registering the appeal.
- If the PAP is not satisfied with the decision of the District People's Committee or its representatives, or the absence of any response from the District People's Committee and Compensation Committee, the PAP can appeal to the HCMC People's Committee. The HCMC People's Committee will provide a decision on the appeal within 30 days from the day the appeal is received by the HCMC People's Committee.
- If the PAP is still not satisfied with the decision of the HCMC People's Committee on its appeal within the stipulated time, the PAP as the last resort may submit its case to the City Court.

A post Compensation Committee grievance procedure will be provided by RMIT after the Compensation Committee has finished its work. This will provide a forum for PAPs to voice any grievance with the income restoration process.

The post Compensation Committee grievance procedure will be as follows:

1. complaints of PAPs regarding post-compensation benefits not received or any other resettlement complaint should be identified by the RMIT representative (who was on the Compensation Committee to provide knowledge and continuity of the issues and PAPs involved). It will be the responsibility of the RMIT representative to resolve the issue within 15 days from the date of receipt of the complaint, and
2. if a solution cannot be reached, the PAP can appeal to the RMIT administration in HCMC. RMIT might then seek assistance from the HCMC Peoples' Committee to

develop a resolution.

The monitoring and post-Compensation Committee grievance procedure will be in accordance with IFC and ADB requirements.

7 ON-GOING PUBLIC CONSULTATION AND DISCLOSURE WITH OTHER STAKEHOLDERS

The Environmental Assessment Summary (EAS) will be translated into Vietnamese and will be posted at the following locations:

- The MASD office at 59-61 Ly Tu Trong Street, District 1, Ho Chi Minh City;
- The District 7 office at People's Committee of District 7, District 7, Ho Chi Minh City;
- The Tan Phong Ward office at Tan Phong Ward People's Committee, Tan Phong Ward, District 7, Ho Chi Minh City;
- The RIUV office at 27 Nguyen Trung Truc Street, District 1, Ho Chi Minh City.

Copies of the following documents will be available at the RIUV office and on the World Bank Infoshop internet site –

[http://wbln0018.worldbank.org/IFCExt/spiwebsite1.nsf/\\$\\$Search?Openform](http://wbln0018.worldbank.org/IFCExt/spiwebsite1.nsf/$$Search?Openform).

- The Initial Environmental Examination plus Appendices;
- The Summary Initial Environmental Examination (required by ADB);
- The Resettlement Action Plan; and
- The Public Consultation and Disclosure Plan.

An advertisement will be placed in the Saigon Giai Phong (Saigon Liberated Newspaper) informing people of the availability of these documents.

A public meeting will be held in the District 7 People's Committee Office two weeks after the posting of the ESA. This will enable oral presentation of the key features of the Project including environmental impact and public discussion of issues.

Non-Resettlement Grievances

Grievances may arise concerning RMIT's environmental performance. The Community Liaison Officer will be the point of contact for these grievances, but responsibility will rest with the Deputy General Director of RMIT International University Vietnam (see resources and responsibilities below).

Such grievances will be integrated into RMIT's environmental management system (EMS), which is further described in the Environmental Assessment Summary. The EMS will be based on ISO 14000.

8 TIMETABLE

<i>Tentative Date</i>	<i>Activity</i>
19 Feb 2001	Acceptance of final RAP
26 Feb 2001	Completion of translation of ESA
26 February 2001	Release of final material to World Bank InfoShop
5 March 2001	Posting of EAS in HCMC
19 March 2001	Public Meeting in Ward 7 HCMC

9 RESOURCES AND RESPONSIBILITIES

The Public Consultation and Disclosure Program will be managed by Mr Simon Dawe, Deputy General Director of RMIT International University Vietnam. He will be assisted by Mr David Wilmoth, the General Director (when in country) and by his administrative staff.

As part of RMIT's Community Strategy for the project which will be developed by the RMIT Community Services Group, a Community Liaison Officer will be appointed. The Officer will be responsible for working with the PAPs, the local Tan Phong Ward community and the broader HCMC community to provide ongoing Project information and to assist with resolution of issues.

10 REPORTING

RMIT will undertake to report annually to the IFC on the implementation of the PCDP. The reports will include details of consultation undertaken and of operation of the grievance procedures.