

Draft Resettlement Plan

May 2016

Multi-tranche Financing Facility
Socialist Republic of Viet Nam: Power Transmission
Investment Program

Tranche 4

Resettlement Plan

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500kV Duc Hoa-Chon Thanh Transmission Line Binh Phuoc Province Segment

Multi-tranche Financing Facility
Socialist Republic of Viet Nam: Power Transmission
Investment Program

Prepared by the Southern Vietnam Power Project Management Board for Asian Development Bank.

CURRENCY EQUIVALENTS
(as of April 2016)

USD \$1 = VND \$22,260

ACRONYMS AND ABBREVIATIONS

ADB	-	Asian Development Bank
AHs	-	affected households
APs	-	affected persons
CPC	-	Commune People's Committee
DCARB	-	District Compensation, Assistance and Resettlement Board
DMS	-	detailed measurement survey
DPC	-	District Peoples Committee
DPs	-	displaced persons
EA	-	executing agency
EMA	-	external monitoring agency
GOV	-	Government of Viet Nam
HHs	-	households
IA	-	implementing agency
IOL	-	inventory of losses
km	-	kilometer
kV	-	kilovolt
LURC	-	land use right certificate
MOC	-	Ministry of Construction
MOLISA	-	Ministry of Labor, Invalid and Social Affairs
MONRE	-	Ministry of Natural Resources and Environment
m ²	-	square meter
MFF	-	multi-tranche financing facility
NPT	-	National Power Transmission Corporation
PECC3	-	Power Engineering Consulting Joint Stock Company 3
PIB	-	Public Information Booklet
PICs	-	Project Implementation Consultants
PMU	-	project management unit
PPC	-	Provincial People's Committee
PTIP	-	Power Transmission Investment Program
RCS	-	replacement cost study
ROW	-	right-of-way
RP	-	resettlement plan
SPMB	-	Southern Vietnam Power Project Management Board
SES	-	socioeconomic survey
SPS	-	Safeguard Policy Statements
SR2	-	Safeguard Requirements 2 (in SPS)
TA	-	technical assistance
TL	-	transmission line
VND	-	Vietnam Dong (Vietnamese Currency)

ELECTRICAL TERMINOLOGY

kV	(kilovolt)	1,000 volts
MW	(Megawatt)	1,000 kW
MVA	(Megavolt-ampere)	1,000 kVA
Transmission System		500 kV, 220 kV, 110 kV lines
Medium Voltage Distribution (MV)		35 kV, 22 kV or 10 kV lines supplying distribution substations
Low Voltage Distribution (LV)		400/230 V distribution and service lines
Load Factor		Ratio of average power demand to maximum power demand
Electrical Losses		Difference between energy delivered and energy sent out

REMARKS

In this report, "\$" refers to US dollars.

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DEFINITION OF TERMS

Affected household (AH)	<ul style="list-style-type: none"> - Means any household, person, firm, private or public institution that, on account of changes resulting from the Subproject, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term DP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a subproject or any of its components.
Cut-off date	<ul style="list-style-type: none"> - Coincides with the date of the start of the detailed measurement survey (DMS) of affected assets. The AHs will be informed of the cut-off date for each subproject component, and any people who settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.
Detailed Measurement Survey (DMS)	<p>With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of DPs earlier done during RP or REMDP preparation. The final cost of resettlement can be determined following completion of the DMS.</p> <ul style="list-style-type: none"> -
Displaced persons (DPs)	<ul style="list-style-type: none"> - In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Entitlement	<ul style="list-style-type: none"> - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.
Eligibility	<ul style="list-style-type: none"> - Means any person who has settled in the subproject area before the cut-off date that suffers from (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporarily, or (iii) loss of income sources or livelihood, regardless of relocation ... will be entitled to compensation and/or assistance.
Ethnic minority (EM)/ indigenous people (IP)	<ul style="list-style-type: none"> - The term ethnic minority or indigenous people is used generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the

project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In the case of Viet Nam, there is a high degree of consistency between the Vietnamese definition of ethnic minorities and ADB's definition of Indigenous People. The main point of divergence is that, in the case of ADB's policy, a group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage. National legislation, customary law, and any international conventions to which Viet Nam is a party are taken into account for application of the ADB policy.

Income restoration	- This is the re-establishment of sources of income and livelihood of the affected households.
Income restoration program	- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-subproject levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
Inventory of losses	- This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the subproject right-of-way (ROW) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of DPs will be determined.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Meaningful consultation	- A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to DPs; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of DPs and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues
Rehabilitation	- This refers to additional support provided to AHs/DPs losing

productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of pre-project living standards and quality of life.

Relocation	- This is the physical relocation of an AH/DP from its pre-project place of residence and/or business.
Replacement cost	- The term used to determine the value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.
Replacement cost study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	- Means all social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (iii) restrictions imposed on land, as a result of a project. This includes all measures taken to mitigate any and all adverse impacts of a subproject on DP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement plan (RP)	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlements, actions, responsibilities, monitoring and evaluation.
Severely affected household	- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject.
Vulnerable group	- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, (v) landless households, and (vi) indigenous people or ethnic minorities.

I. EXECUTIVE SUMMARY

A. Background

1. The Asian Development Bank (ADB) on 16 December 2011 approved a multi-tranche financing facility (MFF) in the amount of \$730 million for the Power Transmission Investment Program (PTIP). The Vietnam Electricity National Power Transmission Corporation (NPT) is the executing agency (EA), while the Southern Power Project Management Board (SPMB) is the implementing agency (IA). ADB approved Tranche 1 in December 2011, Tranche 2 in December 2012 and Tranche 3 in December 2015. Preparation for Tranche 4 is being carried out under Project Preparation Technical Assistance (PPTA) No. 7742-VIE. Four (04) subprojects are proposed for inclusion in Tranche 4, namely, (i) 500 kV Duc Hoa-Chon Thanh Transmission Line, (ii) 500kV Song Hau-Duc Hoa Transmission Line, (iii) 220 kV Chau Duc Substation, and (iv) 220 kV Ben Luc Substation.

2. Land acquisition will be involved in the construction of all four (04) subprojects of Tranche 4. Therefore, a total of 11 RPs are required for the 500 kV Duc Hoa-Chon Thanh TL, the 500 kV Song Hau-Duc Hoa TL, the 220 kV Chau Duc SS, and the 220 kV Ben Luc SS. In addition, one (01) Due Diligence Document is required for Song Hau 1 Thermal Power Plant as it is identified as the “associated facility”¹ of the 500 kV Song Hau-Duc Hoa TL Subproject. Hence, a due diligence review (DDR) of Song Hau 1 Power Plant was carried out in March 2016. As per ADB Safeguards Policy, the objectives of the DDR were to (i) look into how government carried out land acquisition when the power plant was constructed; and (ii) prepare a corrective action plan (CAP), as needed, that outlines the remedial actions that government would undertake to make land acquisition carried earlier consistent with the resettlement policy of PTIP.

3. This Resettlement Plan (RP) has been prepared for the new Duc Hoa-Chon Thanh 500kV TL upon Binh Phuoc section. This RP provides a detailed inventory of the adverse impacts of the subproject on the physical, economic, and socio-cultural assets of affected persons and households (APs and AHs) and the corresponding measures the Vietnamese Government will carry out to mitigate said adverse impacts with the view of helping restore or even improve the AHs’ pre-project standards of living. This is consistent with the Project Resettlement Policy and the social safeguards laid out in the Resettlement and Ethnic Minority Development Framework approved by ADB in November 2011.

B. Scope of Resettlement Impacts

4. The inventory of losses (IOL) carried out from November to December 2015 counted 50 affected households (AHs) made up of 218 affected persons (APs) in one (1) commune of one (1) district of Binh Phuoc Province. The total area permanently acquired for the construction of substation and tower foundation will be 4,775 m². The total area within the right-of-way (ROW) will be 65,377 m². All of 50 AHs belong to the Kinh group. There is no ethnic minority household affected by the subproject. One household belongs to a vulnerable group.

¹The Song Hau 1 Thermal Power Plant is regarded as an associated facility of the 500 kV Song Hau-Duc Hoa TL which is the subproject under Tranche 4 because the Power Plant is “not funded as part of a project but whose viability and existence depend exclusively on the project, and whose goods or services are essential for successful operation of the project” (SPS Appendix 1, paragraph 6).

5. As to impacts on houses and other structures, One (01) grade-IV house² of 85 m² will be affected by the ROW of the TLs as Decree 14/2014 and has to be relocated.

6. With regard to trees and crops a total 166 of rubber trees will have to be removed from the permanently acquired land for the tower foundation of TL. There are 2,280 rubber trees in the TL ROW.

C. Socioeconomic Information on the AHs

7. A socioeconomic survey (SES) of all 16 AHs was carried out in November and December 2015 in parallel with the IOL. Among those surveyed, 15 HHs (94%) were headed by males, while 1 HH (6%) was headed by women. The majority of the household members are working age (50-60 years old), including 66.66 % of the male APs and 100 % of the female APs. Of the total 15 surveyed households headed by male, 7 persons or 46.66 % of the heads of AHs surveyed finished secondary school and 8 persons or 53.34% had finished a high school program. One surveyed household headed by female had finished secondary school.

8. Although all of the AH heads were engaged in agriculture-related livelihood activities as their primary source of income, they were also involved in other types of livelihood in order to diversify their income sources. One vulnerable AH was identified during the IOL and this was a household headed by single women.

D. Information Disclosure, Consultation, and Participation

9. Public meetings and consultations were carried out in October to December 2015 by PECC3 where different stakeholders of the subproject were identified, such as: (i) Commune Peoples' Committees (CPCs); (ii) mass organizations; and (iii) the APs. In those meetings, they were given Project Information Booklets (PIBs) and discussed the topics related to the preparation of the RP. Representatives of mass organizations in all communes concerned also attended, such as the Vietnam Women's Union, Motherland Front and Vietnam Farmers' Union. The meetings and consultations, all held in CPC offices, were attended by 25 local officials and residents.

10. As detailed in the main report, consultations will continue during the updating and implementation of the RP.

E. Grievance Redress Mechanism

11. The SPMB will ensure that all grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner. All possible avenues will be made available to affected people to air their grievances by establishing a well- defined grievance redress mechanism. Complaining APs can send their complaints or grievance to all parties involved in Project implementation related to compensation, entitlement, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. The complaining APs will not be charged of any fee during the resolution of their grievances and complaints till it reached the court of law. Consistent with the provisions of the Project RP, four (4) stages in the resolution of grievances and complaints

² As per the Joint Circular No. 7-LB/TT dated September 30, 1991 by Ministry of Finance, Ministry of Construction, Bureau of Land Management, and State Pricing Committee on classification of houses, lands, and valuation of land and housing taxes, houses, which are made of wood/brick, brick wall (22 or 11cm thick), and tile/fibrocement roofs with the maximum house use life of 30 years, are classified as Grade-IV houses.

are prescribed in the main report. Any expenses related to the GRM including ADB's Accountability Mechanism will be borne by the project.

F. Legal Framework

12. The project resettlement policy and entitlements have been developed from the laws of the Government of the Socialist Republic of Viet Nam, principally the Constitution (2013); 2013 Land Law No. 45/2013/QH13, dated 29 November 2013, providing Viet Nam with a comprehensive land administration law; Decree No. 43/2014/ND-CP, dated 15 May 2014, guiding the implementation of some articles of the 2013 Land Law; Decree No. 47/2014/ND-CP, dated 15 May 2014 on compensation, rehabilitation and resettlement in the event of land recovery by the State; Decree No 44/2014/ND-CP, dated 15 May 2014 on land prices; and ADB's 2009 Safeguard Policy Statement (SPS), guided by Operations Manual on Involuntary Resettlement (OM Section F1/OP, dated 3 March 2010) and resettlement framework approved in 2011 for MFF and also its gap policy analysis. Provisions and principles adopted in PTIP will supplement the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with 2013 Land Law and Decree No. 38/2013/ND-CP which provides that in case of "discrepancy between any provision in an international treaty on Official Development Assistance (ODA), to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence" (Article 46, Item 1, Article 38/2013/ND-CP).

G. Entitlements, Assistance, and Benefits

13. The project entitlements are based on the 2009 SPS that have been harmonized with existing GOV laws. One key policy objective governing land acquisition in the PTIP is to replace or compensate for lost assets based on the principle of replacement cost. Compensation and various types of cash allowances, including income restoration assistance for AHs affected by the loss of productive lands and the vulnerable AHs, will be provided prior to displacement of AHs from their houses, land, and other assets, to help ensure that they will be at least as well off as they would have been in the absence of the subproject, and that vulnerable AHs are assisted in improving their socioeconomic status. The cut-off date for eligibility to subproject entitlements will be based on the start of the detailed measurement survey (DMS) of affected assets during RP updating.

H. Relocation of Housing and Settlement

14. The subproject will result to the relocation of one household affected by the construction of access road to the 500 kV Duc Hoa – Chon Thanh TL. A relocation site will not be needed because, as recorded in the IOL, the AH has opted to receive cash compensation and self-relocate since the HH still has remaining land outside the project area to build a new house.

I. Income Restoration

15. In order to assist affected persons to restore livelihoods and income levels, the PTIP will provide income restoration assistance in the form of allowance to AHs affected by the loss of productive lands and the vulnerable AHs. The various types of allowances outlined in the entitlement matrix include: (i) cash allowance for job changing and job creation for AHs affected by the permanent loss of agricultural land; (ii) cash allowance for life stabilization for AHs losing 10% or more of their productive landholdings; (iii) cash allowance for vulnerable affected households; and (iv) cash assistance for income loss (i.e., affected business and employment).

16. In addition, given the objective of this RP which is to restore, or preferably improve, pre-project living standards and productive incomes of APs, additional assistance will be made available to these AHs by some kind assistance including some or all of the following to AHs: (i)

Agricultural extension to strengthen existing cultivation practices with sustainable production techniques to be provided through government programs; (ii) Improved access to agricultural and investment credit; and (iii) Priority for employment on subproject construction

J. Resettlement Budget and Financing Plan

17. The estimated cost of resettlement for the 500kV Chon Thanh – Duc Hoa in Binh Phuoc segment is **VND 6,264,440,100** (equivalent to **USD 281,422**), including administrative cost (at 10% of the cost of land acquisition and allowances) and contingency (at 15% of the cost of land acquisition and allowances), and the cost of external monitoring (at 2% of the cost of land acquisition and allowances). NPT/SPMB is responsible for ensuring that funds for resettlement are sufficient and are available in a timely manner.

K. Institutional Arrangement

18. NPT, as the executing agency, will be overall responsible for the PTIP. The SPMB, as implementing agency, will carry out the updating and implementation of the RP in close collaboration with the PPC and member agencies of the District Compensation, Assistance and Resettlement Board (DCARB).

19. Since 2011, NPT as well as SPMB has been working with ADB's safeguards specialists in preparing and implementing land acquisition and resettlement plans for the Power Transmission Investment Program Tranche 1, Tranche 2, and Tranche 3. In addition, NPT and SPMB have also been engaged in several projects financed by other donors including World Bank and KfW Development Bank. Therefore, NPT and SPMB staff are familiar with and have considerable experience regarding the donors' requirements and standards, particularly 2009 ADB's SPS.

L. Implementation Schedule

20. A preliminary schedule of RP preparation and implementation is presented in table below. Contracts of civil works contractors will not be awarded until the RP, per approved final detailed engineering design, has been updated and agreed between NPT and ADB. Moreover, the civil works contractor will not be issued notice to proceed to commence construction works for the subproject unless the RP has been implemented satisfactorily.

Preliminary Resettlement Schedule

Activities	Time frame
Final draft RP to be submitted to NPT for public dissemination	May 2016
Dissemination process of final draft RP	June 2016
Distribution of PIB to AHs and posting of RP in relevant government offices and on ADB website	June 2016
NTP to endorse the RP to ADB for concurrence	July 1-15, 2016
ADB no-objection to RP and approval of subproject	July 1-15, 2016
ADB uploading to ADB website	July 2016
Conduct of DMS, replacement cost study (RCS) and RP updating	Q4 2016-Q1 2017
NPT to submit the draft updated RP to PPC for approval	May 2017
NPT to endorse the updated RP to ADB for concurrence	May 2017
Internal monitoring (requires submission of quarterly reports)	April 2017
ADB no-objection to updated RP and posting of updated RP	June 2017
Start of RP implementation	April 2017
Post-resettlement implementation evaluation (6 months after completion of RP implementation)	2019

M. Monitoring and Reporting

21. The SPMB is the internal monitoring body. With assistance from the Project Implementation Consultant (PIC), the SPMB will prepare quarterly monitoring reports to be submitted to NPT and ADB starting from the commencement of the updating of the RP. In addition, the NPT will hire and mobilize an external monitoring agency (EMA) following the start of RP updating. The EMA will submit bi-annual reports to the NPT and ADB. The EMA will likewise carry out a post-subproject assessment survey within six to 12 months after completion of compensation and resettlement activities.

II. PROJECT DESCRIPTION

A. Project Background

22. Recognizing the need to overcome current constraints in the power sector to ensure that the rapidly growing electricity demand could be met in an economically and environmentally sustainable manner, the Government of Viet Nam (GOV) approved in 2011 the National Power Sector Development Master Plan VII (PDMP VII). Under PDMP VII, the government approved multiple power generation and transmission projects to be implemented during 2011-2020.

23. The Asian Development Bank (ADB) on 16 December 2011 approved a multi-tranche financing facility (MFF) in the amount of \$730 million for the Power Transmission Investment Program (PTIP). The Executing Agency (EA) is the National Power Transmission Corporation (NPT), Vietnam's state-owned electricity transmission company that is responsible for the planning and nationwide distribution of electricity. The Southern Power Project Management Board (SPMB), responsible for the operation of the power system in southern Vietnam, is the Implementing Agency (IA). The PTIP is consistent with PDMP VII's objective of addressing the growing electricity demand of industrial, commercial, and residential consumers throughout Viet Nam, in addition to improving the operational effectiveness and efficiency of NPT. One component of the investment program is to expand Viet Nam's power transmission network by financing the construction of 500 kV and 220 kV transmission lines and associated substations. The Power Transmission Investment Program (PTIP) consists of four financing tranches. ADB approved Tranche 1 in December 2011, Tranche 2 in December 2012 and Tranche 3 in December 2015. Tranche 4 is currently being prepared under Project Preparation Technical Assistance (PPTA) No.7742-VIE.

24. Land acquisition will be involved in the construction of all four (04) subprojects of Tranche 4; therefore, a total of 11 RPs (for each province) are required for the 500 kV Duc Hoa-Chon Thanh TL, the 500 kV Song Hau-Duc Hoa TL, the 220 kV Chau Duc SS, and the 220 kV Ben Luc SS. In addition, one (01) Due Diligence Document is required for Song Hau 1 Thermal Power Plant as it is identified as the "associated facility" of the 500 kV Song Hau-Duc Hoa TL Subproject. Hence, a due diligence review (DDR) of Song Hau 1 Power Plant was carried out in March 2016. As per ADB Safeguard Policy, the objectives of the DDR were to (i) look into how government carried out land acquisition when the power plant was constructed; and (ii) prepare a corrective action plan (CAP), as needed, that outlines the remedial actions that government would undertake to make land acquisition carried earlier consistent with the resettlement policy of PTIP. A list of social safeguard documents required for the preparation of Tranche 4 is presented in **Table 1** below.

Table II1. Social Safeguard Documents Required for the Preparation of Tranche 4

No	Name of Subproject	Provinces	Type of Documents		
			RP	REMDP	DDR
1	500 kV Duc Hoa-Chon Thanh TL	Binh Phuoc	√		
		Tay Ninh	√		
		Binh Duong	√		
		Long An	√		
2	500 kV Song Hau-Duc Hoa TL	Hau Giang	√		Song Hau 1 Power Plant
		Vinh Long	√		
		Dong Thap	√		

No	Name of Subproject	Provinces	Type of Documents		
			RP	REMDP	DDR
		Tien Giang	√		
		Long An	√		
3	Chau Duc SS	Ba Ria Vung Tau	√		
4	Ben Luc SS	Long An	√		
	Total		11 RPs	0 REMDP	1 DDR

25. The construction of the new 500 kV Duc Hoa – Chon Thanh Transmission line is one of four (04) subprojects proposed for inclusion in PTIP Tranche 4³. The construction of the new TL requires land acquisition, thus this resettlement plan (RP) has been prepared. This RP for Binh Phuoc Province is the social safeguards document required for the approval of the 500 kV Duc Hoa – Chon Thanh Transmission line. It is based on the results of the inventory of losses (IOL) and socioeconomic survey (SES) of affected households (AHs), including consultations with the AHs. It contains the policies, guidelines and administrative processes and procedures which the NPT commits to the ADB that these will be complied with during project implementation. This RP is consistent with the prescription in the Resettlement and Ethnic Minority Development Framework (REMDF) prepared for PPTA № 7242 – VIE: Power Transmission Investment Program, the relevant legislations being enforced by the Government of Vietnam, and the 2009 Safeguard Policy Statement (SPS) as well as the other cross-cutting social policy themes of ADB

B. Description of the Subproject 500 kV Duc Hoa – Chon Thanh TL

26. The Duc Hoa-Chon Thanh 500kV TL starts from the 500 kV bus bar of the 500 kV Duc Hoa Substation (SS) in Duc Hoa District, Long An Province, and ends at the 500 kV bus bar of the new 500 kV Chon Thanh SS in Chon Thanh District, Binh Phuoc Province. The TL will traverse one commune in one district of Binh Phuoc Province.

Table 2. Length of Sections of the 500 kV Duc Hoa-Chon Thanh TL in Binh Phuoc province

Province	District	Commune	Length (m)
Binh Phuoc	Chon Thanh	Minh Thanh	2,314.77

Source: Feasibility Study, PECC3, 2015.

27. A total of 6 towers will be constructed in Binh Phuoc province for the subproject TL. Suspension towers are basically for holding the power cables above the ground. On the other hand, the role of angle/suspension towers includes serving as anchor when the TL alignment makes a turn, and to maintain tautness of the power cable between towers.

Table 3. Features of the Subproject TL

Components	Technical Specifications
Starting point	500kV Duc Hoa Substation
Ending point	500kV Chon Thanh Substation
Width of Right-of-way ROW	17 m either way from TL centerline
Voltage level	500 kV

³Four subprojects proposed for inclusion in Tranche 4 include (i) 500 kV Duc Hoa-Chon Thanh Transmission Line; (ii) 500kV Song Hau-Duc Hoa Transmission Line; (iii) 220 kV Chau Duc Substation; and (iv) 220 kV Ben Luc Substation.

Components	Technical Specifications
Number of circuits	2
Conductor	4xACSR 330
Earth wire	Phlox 147 & OPGW 150

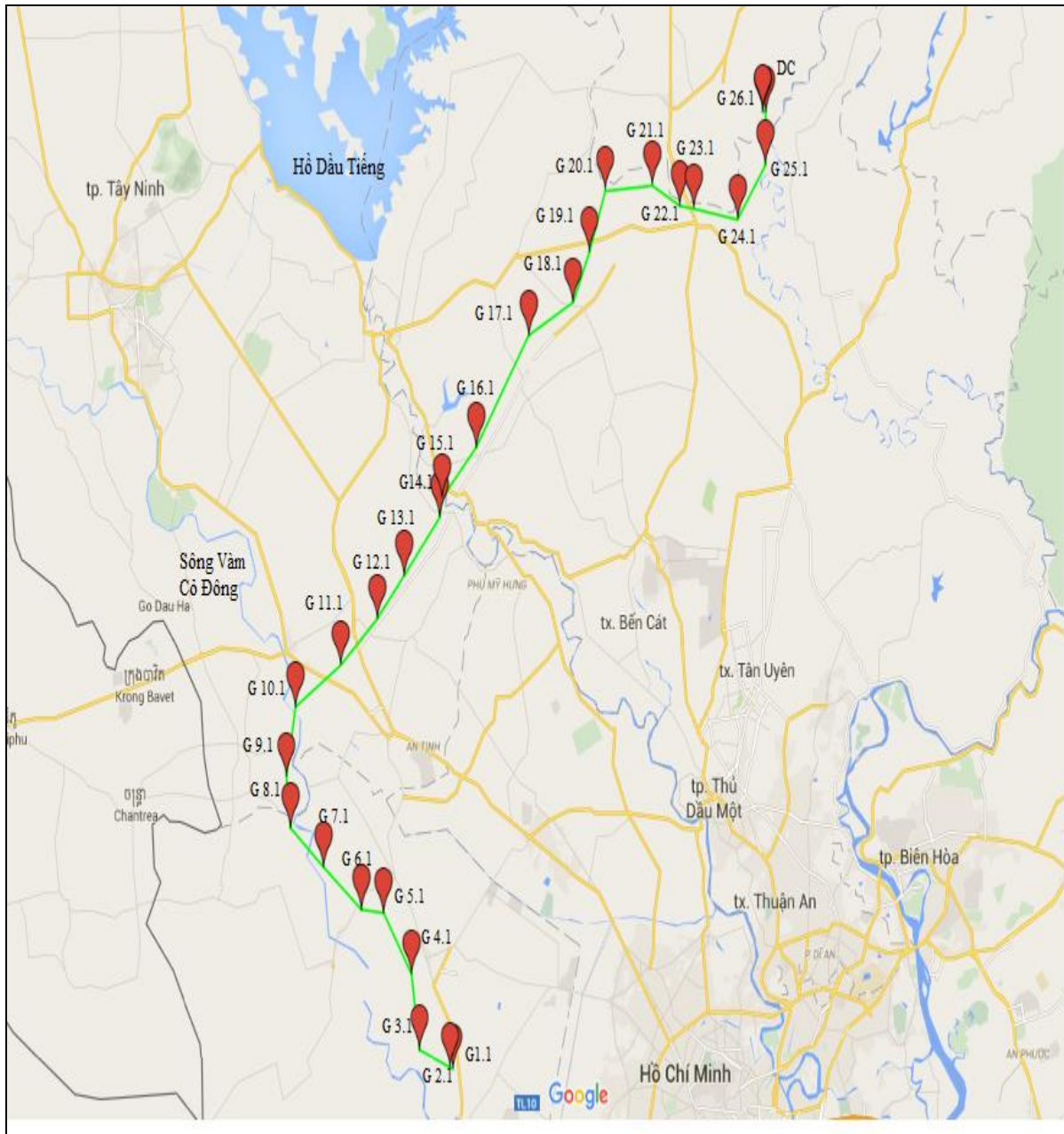
Source: Feasibility Study, PECC3, 2015.

28. Lands will be impacted (i.e., permanent acquisition or restricted use) for the following reasons: (i) foundations of suspension and angle/tension towers (permanent acquisition), and (ii) right-of-way (ROW) and earth grounding zone (restrictions on land use). The ROW of the 500 kV TL is 17 m either side from the TL centerline. While lands under the ROW will not be acquired, the agriculture activities of landowners will be restricted to prevent injuries due to electro-magnetic shocks that emanate from high-tension wires. The sag (i.e., lowest point) of the TL cable in rural residential areas and industrial parks should not be less than 6 m, while the sag over rice fields and farmlands should not be less than 12 m. Structures and trees are not allowed inside the 34 m ROW of the 500 kV TL because the vertical safety clearance between the top of an object and any point of the TL cable should not be less than 6 m. Cash crops (e.g., rice, vegetable, sugarcane) may still be grown in the ROW of the 500 kV TL. However, because each steel lattice tower makes use of its foundations as its grounding mechanism, no agricultural activity is allowed within 0.5 m of the tower foundations. (Decree No. 14/2014/ND-CP, dated 26 February 2014 stipulating in detail of Electricity Law regarding electricity safety).

29. Decree No. 14/2014/ND-CP also prescribes an “earth grounding zone” which is an easement area of 60 m from the edge of either side of the TL ROW. Lands in this zone will not be acquired but activities are restricted for safety reasons. In this area, a safety clearance of 6 m between the highest point of an object (e.g., structure or tree) and any part of the power cable must be maintained. Houses can be built in the zone provided they have fireproof materials and lightning arrestors. The earth grounding zones will remain as properties of the owners.

30. **Figure 1** below describes the alignment of the 500kV Duc Hoa – Chon Thanh Transmission line from starting point to ending point.

Figure 1: Route of 500 kV Duc Hoa – Chon Thanh TL



C. Measures Undertaken to Minimize Subproject Impacts

1. Selection of Alternative Location and Routes

31. During the Project preparation stage, which was initiated by the SPMB, three alternative routes for the 500 kV Duc Hoa – Chon Thanh TLs were considered. Their assessment was based on alternative that had the least cost and with minimal impacts to the people and their properties. When selecting the routes, the criteria were considered as follows: (i) the selected route is the most feasible of optimal services. Such route is in accordance with the National Power System Development Plan, the least impacting on residential zone to avoid land acquisition for access roads and minimize cost during construction, operation and maintenance; and (ii) the TL route should avoid traversing or running close to the important Subprojects (i.e. gasoline, explosive storages, radio stations), sensitive locations (i.e. cultural properties,

historical monuments, temples, pagoda and natural reserves). Slope sides and turnings are also avoided to reduce leveling and angle towers. While a number of parameters were applied in the selection, **Table 4** below highlights the main considerations in comparing the alternative routes.

Table 4. Three Alternative of the 500kV Duc Hoa – Chon Thanh Transmission Line

Major Parameters	Alternative 1	Alternative 2	Alternative 3
Length	103.6km	92.7km	99.9km
Houses in ROW (Unit)	310	297	310
Influence on the local planning	None	Yes	None
Land acquisition and clearance	Advantage	Disadvantage passing to Ho Chi Minh City	Difficult due to goes parallel the 500kV Pleiku – My Phuoc – Cau Bong TLs
Construction and operation management	Advantage	Advantage	Advantage
Agreement with the locality	- It is agreed by provinces of Binh Duong, Binh Phuoc, Long An and Tay Ninh	- It is agreed by provinces of Binh Phuoc and Long An	- It is not agreed by provinces

32. The SPMB and the Design Consultants held public meetings to consult with local authorities and local people regarding the location of the substation as well as the alignment of the connection line for the purpose of identifying options with the least adverse social and environmental impacts. Also, prior to the holding of the inventory of losses survey work, the proposed route of the TL was presented to the AHs and feedbacks and suggestions from them were gathered. Feedback gathered from local authorities and the affected people was taken into consideration in the design of the subproject.

33. As a result, Alternative One, although has the longer route, was chosen as the best alternative as it will cause the least social impacts. This has been confirmed during the field visits of ADB Mission and Resettlement Team in January 2016. Although all three alternatives have their advantages, Alternative One was selected as it was in line with the planning. Most importantly, Alternative One was selected as it will cause the least social impacts, require less land acquisition, and the least investment cost. Furthermore, this alternative will not affect any natural forest reservations, national parks, places of historical and cultural heritage as well as military areas. Consultations with relevant government agencies in Binh Duong, Binh Phuoc, Tay Ninh and Long An were carried out to solicit their feedback, and all have recommended Alternative One.

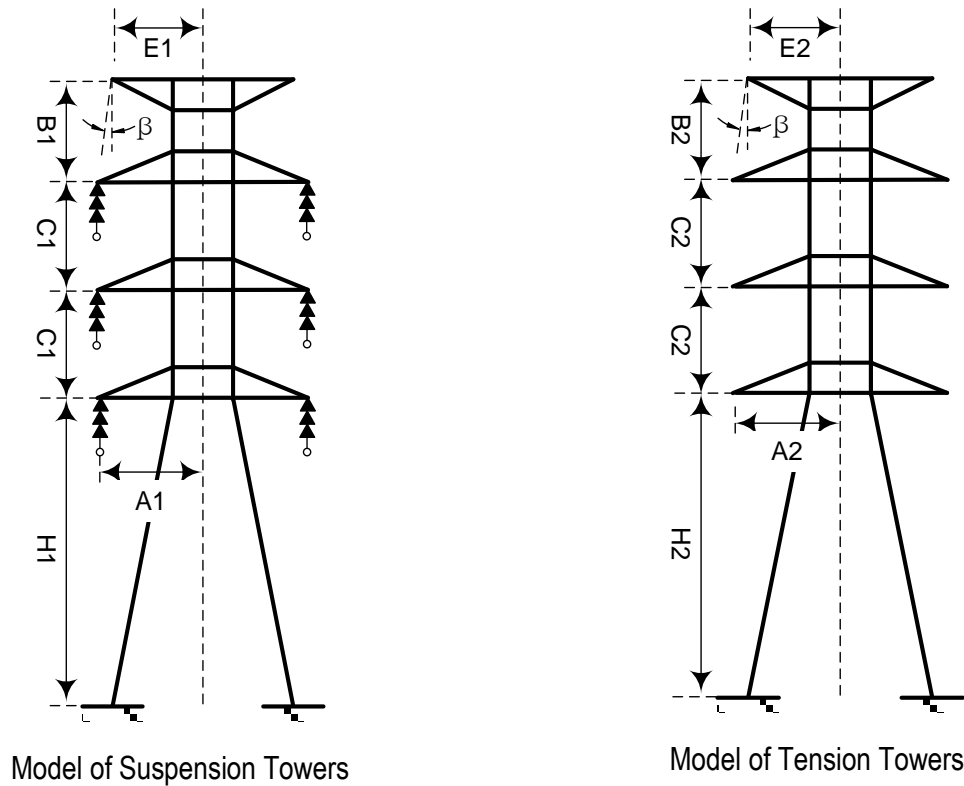
2. Mitigation Measures during Project Implementation

34. **Final Alignment of the ROW.** During the initial stage of Project implementation, the PICs will conduct the final survey of ROW alignments to assess the final sites of the towers where the impacts of temporary and permanent acquisition of lands can be further minimized. The clearing of perennial crops will be further minimized. Seasonal crops like rice and vegetables will be harvested first, when possible, prior to fabrication of the towers and the setting down and pulling up the cables, in consultation with affected persons (APs) using the lands.

35. **Selection of Temporary Work Stations.** Temporary use of lands will be needed for workers' camp for the assembly of towers and transmission cables in the work areas. Since the fabrication of towers will create noise and nuisance to the people, the camps shall be built on

36. Avoid and Minimize the Cutting of Annual Crops and Fruit Trees. In order to minimize the losses to APs, the cutting of fruit trees and annual crops under the ROWs will be avoided by way of trimming the obstructions during the laying down of cables before they are pulled up in the arms of the towers.

Figure 2: Models of suspension and tension towers of the Project



III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

37. An inventory of losses (IOL), that included a census of all affected persons (APs), was conducted in November to December 2015. A team of local enumerators from the Power Engineering Consulting Joint Stock Company 3 (PECC3), consulting firm hired by SPMB, and with assistance from local cadastral offices, carried out the IOL. (See **Appendix 1** for the IOL and socioeconomic survey questionnaire used).

38. The approach applied in determining the potential impacts of the Project was to conduct the IOL where all immovable properties inside the area of substation and the ROW corridor of connection line were determined, counted, measured, tagged, owners identified and their places of residence were verified with commune authorities. The immovable assets consist of lands, houses, other structures and essential utilities, perennial crops and fruit trees. In assessing the potential losses of these properties, the severity of impacts to APs were determined, from their sources of livelihoods to their productive capacity. The assessments were based on information disclosed by APs that cover sources of livelihood, income level, and ownership of productive assets.

A. Summary of Impacts

39. Given the area of the length of the TL, the dimension of the ROW and that of the suspension and tension towers as well as the establishment of ROW alignment, the impact of the land acquisition in eight communes, Binh Phuoc Province is summarized in the table below. The subproject will affect a total 50 households, or 218 APs, of which 6 households will lose land permanently for the construction of tower foundations. The master list of the AHs is shown in Appendix 2.

Table 5. Scope of Land Acquisition and Summary of Impacts in Binh Phuoc Province

Province	District/Commune	Number of AHs & organization	Limited land use ability (m ²)	Permanently acquired land (m ²)	Affected Houses and Structures	Trees	Crops (m ²)
Binh Phuoc	Chon Thanh						
	Minh Thanh	50	65,377	4,755	1	2,446	-
Total		50	65,377	4,755	1	2,446	-

Source: IOL data, November-December, 2015.

B. Impacts on Lands

1. Permanently acquired land for tower foundations

40. The construction of the 500kV transmission line in Binh Phuoc segment will permanently acquire 4,755 m² of productive land that belongs to six households in Minh Thanh commune, Chon Thanh, Binh Phuoc province. All of 4,755 m² are classified as perennial tree land and all of six AHs have land use rights certificates (LURCs) over their properties (**Table 6** describes more detailed information on affected land by the communes).

Table 6. Use of Permanently Acquired Land for Tower Foundations

District/Commune	No. of tower	No. of AH	(m ²)		Total (m ²)
			Paddy land	Perennial crops land	
Chon Thanh District					
Minh Thanh	6	6	0	4,755	4,755

District/Commune	No. of tower	No. of AH	(m ²)		Total (m ²)
			Paddy land	Perennial crops land	
Total	6	6	0	4,755	4,755

Source: IOL data, November-December, 2015.

2. Affected land in the TL ROW

41. As regulated by the Decree No.14/2014/ND-CP, the productive land (orchard land and forestry land) under the 500 kV transmission line can continue farm if the vertical clearance between the sag of the power cables and the top of trees is minimum at 6m. In these cases, land will not acquire but cash assistance will compensate for the land since restrictions on the continued use of land. For the residential land, no houses can be existed under the 500 kV transmission line, therefore, all of residential land must to acquire and compensate at the replacement cost.

42. For this subproject, a total of 65,377 m² of land belonging to 50 AHs are within the 32 m ROW of the TLs. Of which, 231 m² are classified as residential land and remaining 65,146 m² are classified as perennial tree land. The area of perennial tree land will not be acquired by the subproject and their land can continue using but it is to be restricted for safety reasons because the vertical safety distance between the top of an object and any point of the TL cable should not be less than 6 m. All residential land (231m²) will be acquired and moving out of the ROW of Transmission line as regulated by Decree No. 14/2014/ND-CP, dated 26 February 2014. All 50 AHs have LURCs for their affected landholdings in the ROW. (See more detailed information on affected land in ROW in the below table).

Table 7. Area of Affected Lands in TL Row

District/ Commune	No. of AH	Area (m ²) of Affected Lands in TL ROW			Total
		Paddy land	Perennial crops land	Residential land	
Chon Thanh					
Minh Thanh	50	0	65,146	231	65,377
Total	50	0	65,146	231	65,377

Source: IOL data, November-December, 2015.

3. Temporary Impacts

43. This type of impacts occurs during subproject implementation due to the requirement for temporary access of vehicles that will deliver pre-fabricated steels, equipment, cables, utilities, etc. during the construction and stringing of the towers. The Project Implementation Consultant (PIC) and the civil works contractor will identify the sites for the access roads and for temporary workstations. The civil works contractor will pay for any damaged crops or income loss arising from the inability of AHs to plant their crops during the temporary use of their lands, in addition to restoring those temporarily affected lands to their original condition before returning to the landowners. NPT will ensure that this condition is stipulated in the contract of the civil works contractors. NTP will ensure measures to address temporary impacts brought about by the project will be included in the environment management plan to be implemented by the civil works contractors.

C. Affected Houses and structures

1. Affected Houses

44. Only one house will be affected by ROW of the TL as the results of IOL conducted during November to December 2015 indicated and this house must be removed out of the ROW as Decree No.14/2014. This house is classified as Grade IV structure (i.e. made of brick wall and tile roofs) with an aggregate of 85 m² of floor area and there are no temporary structures (ie. bamboo materials and thatched roof).

Table 8. Number and Area of Affected Houses

District/Commune	Grade IV		Temporary house	
	No. of house	Floor Area (m ²)	No. of house	Floor Area (m ²)
Chon Thanh				
Minh Thanh	1	85	0	0
Total	1	85	0	0

Source: IOL data, November-December, 2015.

2. Affected structures

45. The following privately-owned secondary structures in the province will be adversely affected by the Subproject, namely, fence (one structure with an aggregate of 25 m²), and yard (1 unit with an aggregate of 30 m²). There is also one well and one electric meter that will be affected. These secondary structures will be compensated at replacement cost.

Table 9. Affected Secondary Structures

District/Commune	Other Structures				
	Dug well	Electric meters	Animal shelters (m ²)	Yard (m ²)	Fence (m ²)
Chon Thanh					
Minh Thanh	1	1	0	30	25
Total	1	1	0	30	25

Source: IOL data, November-December, 2015.

D. Affected Trees, Crops, and Aquatic Products

46. Trees and crops in the project area will be affected by land acquisition for the construction of tower foundations. A total of 166 rubber trees on the permanently affected land will be removed and those trees will be compensated at market prices.

47. With regard to trees in ROW of the TLs, a total of 2,280 rubber trees inside the ROW will also be removed according to Decree No. 14/2014/ND-CP.

48. Besides the APs can still use the land area under the ROW to plant the crops or trees with vertical distance between the treetop and the sag of the power cable is not less than 6.0 m for a 500 kV TL.

Table 10. Summary of impacts on trees and crops

District/ Commune	Permanent land acquisition	Impacts under ROW
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	Paddy land (m ²)	Rubber trees	Paddy land (m ²)	Rubber trees
Chon Thanh				
Minh Thanh	0	166	0	2,280
Total	0	166	0	2,280

Source: IOL data, November-December, 2015.

E. Impacts on Business Shops

49. The Subproject will not affect any business shops and will not cause economic displacement to any APs or institutions.

F. Impacts on Public Structures

50. None of public structures and monuments is affected by the subproject.

G. Vulnerable Groups

51. As per results of the IOL, one (1) household out of the 50 AHs is considered as a vulnerable group. This household is headed by a female.

IV. SOCIOECONOMIC PROFILE

52. The socioeconomic survey (SES) conducted by PECC3 in November and December 2015 covered 16 (34%) of the 50 AHs. A questionnaire was used in the SES and can be found in **Appendix 1**. Basic socioeconomic information on the subproject area was obtained from government sources.

A. Provincial Context

1. Provincial Population

53. Binh Phuoc province is located in the Southeast region of the country, and created from Song Be Province on January 1, 1997. Binh Phuoc province is the gateway to Ho Chi Minh City and is the economic center - the culture of the country, with the national highway running through 13, Highway 14, Ho Chi minh, Tran Asia. It is favorable for economic development. In recent years, the economic growth rate is high and the GDP grew by an average of 11.5% / year.

54. Binh Phuoc province is subdivided into 11 district-level sub-divisions with a total population is 1,234,000 people and total natural area is 6,871.5 km². Chon Thanh district has a population of 115,794 people and natural area of 113.567 km² and the population density is 1,019 persons/km².

Table IV11. Area and population of districts in the project area, 2015

Province/ District	Area (km ²)	Population (person)	Population density (person/km ²)
Binh Phuoc Province			
Chon Thanh District	113.567	115,794	1,019

55. The table below describes the information of population by the affected commune in Chon Thanh district of Binh Phuoc province.

Table 12. Population Structure of Subproject Commune

Province	District	Communes	No, of HHs	Population
Binh Phuoc	Chon Thanh	Minh Thanh	1,428	6,018

2. Income sources and poverty incidence

56. The main occupation of the households in the subproject communes are involved in cultivation and livestock farming. In addition, some households are doing small business to supplement their income.

Table 13. Poverty household in the Subproject Communes

Province	District	Communes	No, of HHs	Poverty households
Binh Phuoc	Chon Thanh	Minh Thanh	1,428	25

3. Access to social services

57. There are three (3) schools, including one (1) kindergarten, one (1) primary school, and one (1) secondary school in the affected commune, there is no high school, and there is a community health centers.

58. Most (99%) of the households in the affected commune had electricity connections. About 11 % of the households in the affected commune had access to piped water, while 49 % drew water from deep wells and 40 % from dug wells.

B. Socio-economic Information on the AHs

1. Gender and age of AH heads and members of the AHs

59. Amongst the 16 AHs households that had the socioeconomic survey (SES), 15 HHs (94%) were headed by males while 1 HH (6%) was headed by a woman.

Table 14. Age of male AH heads

District/ Commune	Age of male AH heads				Total
	<20	20 -49	50 – 60	>60	
Chon Thanh					
Minh Thanh		2	10	3	15

Source: SES data, November-December, 2015.

Table 15. Age of female AH heads

District/ Commune	Age of male AH heads				Total
	<20	20 -49	50 – 60	>60	
Chon Thanh					
Minh Thanh			1		1

Source: SES data, November-December, 2015.

2. Educational attainment of AH heads

60. Of the total 15 surveyed households headed by male, 7 persons or 46.66 % of the heads of AHs surveyed finished secondary school and 8 persons or 53.34% finished high school program. One surveyed household headed by a female had finished secondary school.

Table 16. Level of education of the surveyed household heads by Male

District/ Commune	No. male AH heads						Total
	Illiterate	Primary school	Secondary school	High school	Vocational training	University	
Chon Thanh							
Minh Thanh			7	8			15

Source: SES data, November-December, 2015.

Table 17. Level of education of the surveyed household heads

District/ Commune	No. female AH heads						Total
	Illiterate	Primary school	Secondary school	High school	Vocational training	University	
Chon Thanh							
Minh Thanh			1				1

Source: SES data, November-December, 2015.

3. Main occupation of AH heads

61. 94% (or 15 AHs) of the AH heads were engaged in farming as their primary occupation, while 6% (1 HH) were engaged in small business, mainly selling groceries and beverages.

4. Monthly incomes

62. The poverty and pro-poor thresholds applied by the province and used in the SES are in accordance with Decision No. 59/2015/QĐ-TTg, dated November 19, 2015, by the Prime Minister on the poverty line and pro-poor threshold for the period 2016-2020. Accordingly, poor households were those with a monthly per capita income of less than VND 700,000, while pro-poor households were those with a monthly per capita income of VND 701,000 to VND 1,000,000. The results of the SES show that among AHs, none of them have monthly per capita income below the poverty line.

5. Water and sanitation

63. Among AHs, 66% got their water from dug wells, while 34 % had piped water connections.

6. Energy for lighting and cooking

64. 100% of the AHs used electricity for lighting and operating appliances.

65. For cooking, 31% of the surveyed AHs used liquid petroleum gas for cooking, 27 % AHs used electricity, while 42 % used firewood, for cooking.

7. Common ailments

66. Two most common ailments that afflicted members of the AHs were respiratory tract infections and cold. The AHs go to the Commune Health Centre for treatment of non-serious ailments, otherwise they go to district or provincial hospital for treatment.

C. Gender Issues

67. Under the Project, there is no differentiation between the males and the females who head their families since the impacts of land restrictions and land acquisition are equally felt by them. According to the survey results, the level of equality of women and men is relatively high. Women are involved not only in domestic works but also in income generation and local association's activities. Moreover, in the survey interviews, respondents said that men also share the domestic work with women in addition to earn the family's living. Both men and women are involved in making family's important decisions. In general, it is found that there are no negative issues on gender of affected households.

68. During the updating RP, the SPMB will comply with ADB's Policy on Gender and Development (2006) as a key strategy to promoting equity. As a Project policy in the REMDF, the affected properties of households headed by females will be valued the same as that of the households headed by males, i.e. compensation based on replacement cost, at pre-project level, and receive allowances and assistance, where appropriate.

V. CONSULTATION, PARTICIPATION AND DISCLOSURE

69. In compliance with the 2013 Land Law (Article 48, Article 67, and Article 69) and the PTIP resettlement policy (embodied in the Resettlement and Ethnic Minority Development Framework, November 2011), the views and suggestions of AHs and local authorities have been incorporated in this RP. The SPMB, as representative of NPT in Southern Vietnam, will promote the active participation of the Project-based stakeholders. They were identified during the series of disclosure and public consultations in one (01) subproject commune including: (i) local authorities; (ii) local mass organizations; (iii) non-affected residents; and (iii) APs.

70. Public consultation is an important stage of the subproject with the aims to (i) allay the fears of APs about what may happen to them once the Project is implemented, (ii) formulate relocation options on affected structures that balance the APs' needs and capabilities with the technical requirements of civil works; and (iii) reduce potential conflicts and avoid unnecessary and costly project development delay. With these objectives, the SPMB will carry out the participatory consultations in every stage of the Project cycle relevant to the requirements in RP.

71. Following the completion of the IOL, SES, and RCS, a round of public meetings and consultations with AHs was carried out in October 2015 for the purposes of (i) presenting the results of the surveys and the RCS; (ii) discussing the PTIP Resettlement Policy, particularly its objectives, principles, entitlements, and the policy on cut-off date for eligibility to project entitlements; and (iii) soliciting their views and suggestions regarding the PTIP Resettlement Policy, especially with regard to compensation, cash assistance, income restoration measures, and relocation preference. A total of 5 persons (4 men and 1 women) participated in those meetings and consultations held in one (01) commune.

Table 18. Dates of Public Meetings and Consultations before IOL/SES

District/Commune	Time	Total	No. of Participants	
			Male	Female
Chon Thanh				
Minh Thanh	October, 2015	5	4	1
Total		5	4	1

72. Key points raised and suggestions put forward by the participants in those meetings concerned the need for the executing agency were as follows: (i) Affected households need to be fully informed in advance regarding the project implementation schedule so that they can have a plan for cultivation; (ii) compensation should be done prior to civil works; (iii) compensation should be adequate as per the government's and Binh Phuoc's prevailing regulations; (iv) the project should closely cooperate with the local authorities during DMS, land acquisition, and compensation payments; (v) temporarily affected area should be compensated, supported and then restored to the original conditions; and (vi) impacts emerged during construction should be compensated. Representatives of SPMB and PECC3 responded to the aforementioned concerns by (i) explaining relevant provisions of the PTIP Resettlement Policy, particularly on compensation and the need to minimize adverse social impacts by exploring all viable project design options; (ii) explaining the environmental management plan of the project; and (iii) pointing out that the project is committed to help households affected by safety restrictions imposed on the continued use of land in the ROW of the TL as well as those who have to relocate from the ROW. (See **Appendix 3** for the highlights and list of participants in the post-IOL meetings-consultations).

Table 19. Dates of Public Meetings and Consultations after the IOL/SES

District/Commune	Time	Total	No. of Participants
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			Male	Female
Chon Thanh				
Minh Thanh	December, 2015	20	14	6
Total		20	14	6

73. Consultations and discussions will continue to be carried out with the AHs during RP updating and implementation. The table below lists the activities that have been carried out and those that have yet to be done to ensure that APs/AHs are always updated about the project, particularly project construction related activities, such as any civil work that might impact their day-to-day life, and that their opinions and suggestions are taken into consideration. AHs and local communities also need to be informed and consulted in possible project implementation related benefits such as any employment opportunity.

Table 20. Roles of Key Stakeholders in RP Preparation and Implementation

Project Process Stage	Participatory Activities and Participants	Responsible Institution	Date/Additional Notes
Preparation			
<u>During subproject processing</u>	Consultation with government stakeholders (PPC, DPC, CPC, LFDC) and local population about PTIP and the subproject, preliminary design of the transmission line alignment, and the activities (surveys and consultations) to be carried out in connection with the preparation of the RP as a requirement of subproject processing	SPMB, with PECC3	December 2014
	Conduct of surveys (IOL/SES) and RCS	PECC3 with assistance from cadastral offices	November-December 2015
	Consultation with AHs to discuss the results of the surveys and RCS, including project resettlement policy and suggestions of AHs regarding compensation; cash assistance; relocation options; and measures to mitigate adverse impacts of safety restrictions imposed on the continued use of land inside the TL ROW	SPMB, with PECC3 and local officials	January 2016
	Drafting of RP and project information brochure (PIB) for preliminary review of ADB resettlement specialist	PECC3	September 2015 - March 2016
	Review by ADB resettlement specialist of the draft RP	ADB	April 2016
	Revision of draft RP and submission to NPT	PECC3	May 2016
	Endorsement of RP to ADB for concurrence	NPT	July 2016

Project Process Stage	Participatory Activities and Participants	Responsible Institution	Date/Additional Notes
	Distribution of PIB to the AHs and posting of summary RP at District and Commune PC offices, posting of draft RP on ADB website	SPMB and NPT	June 2016
Updating and Implementation			
<u>Updating of RP</u>	Demarcation of the alignment of the TL	SPMB, assisted by Project Implementation Consultants (PIC)	Quarter 4 2016
	Holding of public consultation before commencement of detailed measurement survey (DMS)	SPMB, with assistance from PIC	Quarter 4 2016
	Mobilization of the District Compensation, Assistance and Resettlement Board and the Land Fund Development Center in each district	DPC, with assistance by SPMB and PIC	Quarter 4 2016
	Conduct of DMS	LFDC and DMS Task Force, with the participation of the APs	Quarter 4 2016-Quarter 1 2017
	Updating of the RP and submission to PPC for approval	NPT and SPMB	May 2017
	Endorsement of the updated RP to ADB for concurrence	NPT	June 2017
	Posting of the summary updated RP at District and Commune PC offices, posting of final updated RP on ADB website	NPT	June 2017
<u>RP implementation</u>	Implementation of the RP (i.e., payment of compensation, handing-over of acquired properties, etc.)	DCARB with LFDC	April 2017
	Receipt and resolution of grievances of APs/AHs	CPC, DPC, PPC, with assistance by SPMB and PIC	April 2017-until completion of subproject
<u>Monitoring and evaluation</u>	Monitoring of the implementation of land acquisition	SPMB and external monitoring agency	Starting in April 2017

74. Copies of the draft RP in Vietnamese language endorsed by NPT to ADB have been made available at District PC and Commune PC offices in June 2016. In accordance with Decree 47/2014/ND-CP Article 67 and 69 the posting has been recorded in official minutes and

confirmed by the District PC and Commune PC. The draft RP will be uploaded on the ADB website. Likewise, copies of the project information brochure (PIB), also in Vietnamese language, have been distributed to the APs/AHs following NPT 's submission of the draft RP to ADB in May 2016, NPT and SPMB will ensure that the PIBs are distributed to the APs/AHs, The PIB will include the following information: (i) description of the subproject; (ii) adverse social impacts of the subproject; (iii) measures to avoid impacts, including entitlements of APs/AHs; (iii) consultation and grievance redress procedures; (iv) schedule of land acquisition and clearing of the ROW; and (v) names officials to contact for any queries, (see **Appendix 4** for a copy of the PIB).

75. Copies of the updated RP in Vietnamese language will be made available at District PC and Commune PC offices. The updated RP will be uploaded on the ADB website. Social monitoring reports on RP implementation will also be made available at the Commune PC offices and will be uploaded on the ADB website.

VI. GRIEVANCE REDRESS MECHANISM

76. In order to ensure that all grievances and complaints of APs/AHs on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner and that all possible avenues are available to APs/AHs to air their grievances, this grievance redress mechanism applies to the subproject. All APs/AHs can send any questions to NPT and/or SPMB about their rights in relation to entitlements, compensation policy, rates, land acquisition and grievance redress. APs/AHs are not required to pay any fee during any of the procedures associated with seeking grievance redress, including if resolution requires legal action to be undertaken in a court of law. Complaints will pass through four (04) stages described below. The complainant can, if necessary, take the matter to a court of law. It is noted that this grievance redress mechanism does not impede access to the country's legal system, meaning that an aggrieved person is free to access a court of law even at the initial stage of his/her grievances.

77. Moreover, an aggrieved AP may also bring his/her complaint directly to the ADB's Energy Division, Southeast Asia Department, through the Viet Nam Resident Mission. If the AP is not satisfied with the response of the Resident Mission, he/she can directly file their complaints to the ADB's Complaint Receiving Officer⁴, Accountability Mechanism. ADB's Accountability Mechanism⁵ provides a forum where people adversely affected by ADB-assisted projects can voice and seek solutions to their problems and report alleged noncompliance with ADB's operational policies and procedures. The Accountability Mechanism has two separate offices, the Office of the Special Project Facilitator (OSPF) and the Office of the Compliance Review Panel (OCRCP), which support the CRP. The OSPF and OCRCP work jointly in conducting outreach activities aimed at making the mechanism better known and understood both within and outside ADB. They support the SPF and CRP in carrying out the separate functions of problem solving and compliance review.

78. A grievance redress mechanism is established based on Complaint Law No. 2/2011/QH13 and Decree No.75/2011/ND-CP guiding implementation the complaint law with reference to ADB's Accountability Mechanism as follows:

- a. **First Stage: Commune Peoples' Committee (CPC)** - An aggrieved AP may lodge his/her complaint to any member of the CPC, either through the Chairperson or directly to the CPC, in writing or verbally. It is incumbent upon the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days and maximum of 45 days following the lodging of the complaint, depending on complicated case or distance, to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- b. **Second Stage: District/Town People's Committee (DPC)** - If after thirty (30) days or 45 days (depending on complicated cases) the aggrieved AP affected household does not hear from the CPC, or if the affected household is not satisfied with the

⁴ Complaints received by other ADB departments should be forwarded to the complaint-receiving officer. The complaint-receiving officer ensures the confidentiality of complainants' identities if requested. Complaints can be filed at the ADB's website: <http://www.adb.org/site/accountability-mechanism/how-file-complaint>.

⁵ 2012 Accountability Mechanism Policy: <http://www.adb.org/vi/documents/accountability-mechanism-policy-2012>

decision taken on his/her complaint, the affected household may bring the case, either written in writing or verbally, to any member of DPC or the DRC. The DPC in turn will have thirty (30) days or maximum of 70 days following the lodging of the complaint, depending on complicated case, to resolve the case. The DPC is responsible for documenting and keeping files of all complaints that it handles and will inform the DCARB of any determination made and the DCARB is responsible for supporting DPC to resolve AH's complaint. The DPC must ensure their decision is notified to the complainant.

- c. **Third Stage: Provincial People's Committee (PPC)** - If after thirty (30) days to 45 days the aggrieved AP does not hear from the DPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the PPC. The PPC has 30 days or maximum of 70 days, depending on complicated case, to resolve the complaint to the satisfaction of all concerned. The PPC secretariat is also responsible for documenting and keeping file of all complaints that it handles.
- d. **Final Stage: People's Court** - If after 30 days following the lodging of the complaint with the PPC, the aggrieved AP does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the complainant can appeal again to the PPC. If the complainant is not satisfied with the second decision of the PPC, the case may be brought to a court of law for adjudication. If the court rules in favor of the complainant, then PPC will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, then the complainant will receive compensation approved by PPC.

79. The above grievance redress mechanism will be disclosed and discussed again with the APs prior to loan appraisal by ADB and during the updating of this RP to ensure their understanding of the process. The CPMB and the DCARBs are responsible for following-up the grievance process of the APs. Any expenses related to the GRM including ADB's Accountability Mechanism will be borne by the project.

VII. LEGAL AND POLICY FRAMEWORK

80. The NPT has reconciled the provisions from SR2 and SR3 of the 2009 SPS and other cross-cutting policy themes of ADB, and the relevant laws of the GOV, from where the legal and policy framework for the compensation, resettlement and rehabilitation of APs were formulated. The framework is consistent with the governing policies of the REMDF concurred by ADB and NPT that will be applied in all TL projects of the PTIP.

A. ADB Policies

81. The ADB Safeguard Policy Statement (SPS) of 2009 consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment.⁶ The objectives of the IR policy are to (i) avoid involuntary resettlement, (ii) explore alternatives to avoid, (iii) restore livelihoods and (iv) improve living standards of poor and vulnerable households. The IP policy objectives are to (i) design and implement projects that fosters full respect for IP's identity, dignity, human rights, livelihoods systems, and cultural uniqueness as defined by the IP themselves and (ii) ensure that IPs receive culturally appropriate social and economic benefits, do not suffer adverse impacts as a result of projects, and can participate actively in projects that affect them,

82. The ADB Policy on Gender and Development (2006) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in, and that their needs are explicitly addressed in the decision-making process for, development activities. The new safeguard policy also reiterates the importance of including gender issues in the preparation of safeguards documents at all stages to ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights and restoration/improvement of their living standards; and to ensure that women will receive project benefits. Other policies of the ADB that have bearing on resettlement planning and implementation are the (i) Public Communications Policy (2011), and (ii) Accountability Mechanism (2012),

B. Compensation and Resettlement Policy of the Government of Viet Nam

83. The Constitution of the Socialist Republic of Vietnam (2013) confirms that ownership and protection of ownership of citizens of their houses. However, because land in Vietnam belongs to the population as a whole, and is administered by the state on the public's behalf, citizens and organizations rely upon land-use rights, but do not own land.

84. Tenure rights in Vietnam are essentially usufruct rights, meaning that right holders may use land, but cannot own it. Use rights include the right to a state-issued land-use right certificate (LURC), which entitles holders to sell, rent, exchange, mortgage and bequeath their use rights, and to exclude others from the land. The state may grant use rights, and users may also legally acquire use rights through lease, inheritance or grant from a family member and purchase. LURCs are necessary for formal state recognition of a user's rights and for secured

⁶ The policy on environment is discussed in a separate environment report.

tenure, formal land transactions, access to formal credit and legal protection of land-use rights. The law allows the state to acquire land used by citizens for a wide range of purposes, including national defense and security, national interest, public interest and economic development.

85. Several categories of legal entities may acquire land-use rights. The state can grant use rights either through allocation or lease, and some rights may require the user to pay fees or rent. By law, categories of “land users” include: (1) domestic organizations (e.g., political organizations and units of the People’s Armed Forces), which are allocated land by, lease land from or have land-use rights recognized by the state; (2) economic organizations that receive land-use rights by transfer; (3) communities of citizens whose use rights are allocated or recognized by the state; (4) domestic households and individuals, who are allocated land by the state, lease land from the state, have land-use rights recognized by the state or receive a transfer of such rights; (5) religious establishments, which receive land-use rights through state allocation or recognition; (6) foreign organizations with diplomatic functions, to which the state may lease land; (7) certain Vietnamese residing overseas, to whom the state may allocate or lease land; and (8) foreign organizations and individuals investing in Vietnam, to whom the state may lease land.

86. Besides, the Government has issued a number of laws, decrees, and regulations to form the legal framework for land acquisition, assistance, compensation, and resettlement, Primary documents include:

a. Laws

- Land Law (2013) No. 45/2013/QH13 approved by the National Assembly, dated November 29, 2013.
- Electricity Law (2004) No. 28/2004/QH11 approved by the National Assembly, dated December 3, 2004 and Law No. 24/2012/QH13 dated November 20, 2012 of the National Assembly amending and supplementing a number of articles of the Electricity Law.
- Complaint Law (2011) No. 02/2011/QH13 approved by the National Assembly, dated November 11, 2011.

b. Government’s decrees

- Decree No. 43/2014/ND-CP, dated May 15, 2014 guiding the implementation of Land Law 2013.
- Decree No. 44/2014/ND-CP, dated May 15, 2014 by the Government on land prices.
- Decree No. 45/2014/ND-CP dated May 15, 2014 by the Government providing the collection of land use levies.
- Decree No. 46/2014/ND-CP, dated May 15, 2014 by the Government providing the collection levies on land lease, water surface lease.
- Decree No. 47/2014/ND-CP, dated May 15, 2014 by the Government on compensation, assistance, and resettlement in the event of land recovery by the State.
- Decree No. 38/2013/ND-CP, dated April 23, 2013 on the management and use of Official Development Assistance (ODA) and concessional loans of donors.

- Decree No. 14/2014/ND-CP, dated February 26, 2014 by the Government detailing the implementation of the Electricity Law regarding electricity safety.
- Decree No 75/2012/ND-CP dated October 03 2012, by the Government provision detail some articles of the Complaint Law.,

c. Decisions

- Decision No, 1956/2009/QD-TTg, dated November 17, 2009 by the Prime Minister approving the Master Plan on vocational training for rural workers to 2020,
- Decision No. 63/2015/QD-TTg dated December 10, 2015 of the Prime Minister on policy on assistance in vocational training and job search for workers whose land is withdrawn by the State,

d. Circulars

- Circular No. 23/2014/TT-BTNMT, dated May 19, 2014 by MONRE regulating Land Use Right Certificate (LURC), right to ownership of housing and other assets attached to land.
- Circular No. 24/2014/BTNMT, dated May 19, 2014 by MONRE regulating cadastral dossiers.
- Circular No. 25/2014/BTNMT, dated May 19, 2014 by MONRE, regulating cadastral maps.
- Circular No. 28/2014/BTNMT, dated June 2, 2014 by MONRE regulating land statistic and inventory and development of current land use map.
- Circular No. 29/2014/BTNMT, dated June 2, 2014 by MONRE regulating details of making and amending land use planning.
- Circular No. 30/2014/BTNMT, dated June 2, 2014 by MONRE regulating dossiers of handing over land, leasing land, converting land use purpose, and land acquisition.
- Circular No. 36/2014/TT-BTNMT, dated June 30, 2014 on land pricing method; compilation of and adjustment to land prices; determination of specific land prices and consultancy on land pricing.
- Circular No. 37/2014/TT-BTNMT, dated June 30. 2014 on compensation, assistance and resettlement in the event of land recovery by the State.
- Circular No. 76 dated June 16, 2014 by MoF guiding some articles of Decree No. 45/2014/ND-CP on land use levy collection.
- Circular No. 77 dated June 16, 2014 by MoF guiding Decree No. 46/2014/ND-CP on collection of land rental water surface. Circular No. 02/2015/TT-BTNMT, dated January 27, 2015 by MONRE detailing a number of articles of Decree No. 43/2014/ND-CP and Decree No.44/2014/ND-CP dated May 15, 2014 by the Government,

e. Binh Phuoc PPC's Decisions

- Decision No, 32/2014/QD-UBND, dated December 19, 2014 by Binh Phuoc PPC on compensation, assistance, and resettlement upon land recovery by the state in the territory of Binh Phuoc Province,

- Decision No, 68/2011/QĐ-UBND, dated December 21, 2011 issuing unit prices of construction of new housing, structures and graves in the territory of Binh Phuoc Province,

C. Gaps Analysis and Project Principles

87. Since 1 July 2014, the Land Law of 2013 and its implementing decrees and circulars provide the overall framework for involuntary resettlement in Viet Nam.⁷ There are several aspects of the 2013 Land Law that are similar to the policy objectives and principles of the ADB safeguard policy on involuntary resettlement as provided by the 2009 Safeguard Policy Statement (SPS). There is basic congruence between Viet Nam's laws and the SPS especially with regard to the entitlement of persons with legal rights/titles. Existing legislation provides guidance for the following: (i) determining market/replacement rates and payment of compensation, assistance for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition period; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance for livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms. However, the following differences remain:

- SPS requires that displaced persons without titles (legal rights) to land be provided with resettlement assistance and compensated for loss of non-land assets (constructed before the cut-off date). On the other hand, the Land Law does not allow compensation of land-attached assets that are illegally established⁸ (Article 92, LL). Moreover, structures (land-attached assets) are not compensated based on the value of a new structure, except for structures used for residential purposes (Article 89.2, LL).
- SPS requires exploring additional revenues and services through benefit sharing schemes where possible. This is not required under the Land Law.
- SPS requires conducting social impact assessment to identify poor and other vulnerable groups who may be disadvantaged and disproportionately affected by land acquisition for the purpose of implementing measures to assist them. The Land Law does not clearly require projects to identify displaced poor and other vulnerable groups that are impacted by a development project and to implement measures to assist them. However, in case the amount of compensation and support is not enough to buy the minimum plot in a resettlement site, the State will shoulder the balance.
- The level of detail and information required for resettlement planning under SPS differs from what is required by the Land Law. The Land Law does not require the preparation of a resettlement plan or general compensation plan prior to the conduct of DMS.
- SPS requires payment of compensation and other applicable entitlements to affected persons before displacement. This requirement is not explicitly stated as a condition under the Land Law. The Land Law does require payment of compensation within 30

⁷ The Land Law of 2013 replaces the Land Law of 2003. Decrees 43, 44 and 47 supersede previously issued decrees related to land acquisition including Decrees 181/2004, 188/2004, 197/2004, 17/2006, 84/2007, 123/2007, 69/2009, 88/2009, 59/2011, and 189/2013.

⁸ There are 3 types of illegally established land-attached assets: (i) those constructed on illegal land, (ii) illegally constructed structures (not based on the approved land use purpose) on legal land, and (iii) structures constructed after land acquisition announcement.

days since the effective date of a land acquisition decision and to subsequently adjust amount in case of delay in payment (Article 93, LL).

- f. SPS requires compensation to include interest accrued. However, under the Land Law the amount is kept in an escrow account in State Treasury without interest in case the AP refuses the proffered compensation.
- g. SPS requires the conduct and disclosure of monitoring and evaluation of resettlement activities. For projects with significant involuntary resettlement impacts, the project is required to hire an independent external monitoring agency. In the Land Law, monitoring and evaluation is required in a more general term and includes all aspects of the implementation of the Land Law (Article 200, LL). There is also no requirement for independent monitoring for projects with significant involuntary resettlement impacts.

Table 21. Gaps between Government Policies and 2009 ADB SPS and Policy for the Project

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
Objectives			
<u>To avoid</u> involuntary resettlement whenever possible; <u>to minimize</u> involuntary resettlement by exploring project and design alternatives	Land Law requires the project owner to arrange the project reasonably to save the land and the Government issued Decree 42/2012/ND-CP on the protection of paddy land;	While there is no explicit policy, land recovery in Viet Nam in practice avoids or minimize involuntary resettlement	Since the Project shall be financed by ADB loan, it will adopt the objectives of the Bank's 2009 SPS ⁹ .
<u>To enhance</u> , or <u>at least restore</u> , the livelihoods of <u>all displaced persons</u> ¹⁰ in <u>real terms</u> relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups ¹¹ .	Compensates land users that fulfill the conditions for compensation as prescribed by Article 75, legitimate owners of land-attached assets (Article 88.1), persons/entities that plant/grow forests funded by state budget (Article 90.1.d). - All land users (defined in Article 5) whose land is recovered (including affected workers) are considered for receiving State support (Article 83.1 Land Law 2013 and Article 19 Decree 47/2014/ND-CP). State support is defined as assistance to those whose land is recovered in order to stabilize their livelihoods, production and development.	The 2013 Land Law does not provide compensation to land users who violate land legislation (Article 64), and owners of illegally established land-attached assets (Article 92.2), and unregistered land users of agricultural land after 1 July 2004 (Article 77.2). There is also no regulation to compensate unregistered business for income losses due to business disruption and support in re-establishing their business elsewhere.	APs without legal or recognisable legal claims to land acquired, will be equally entitled to participate in consultations and project benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before the cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore

⁹ In line with Item 2, Article 87, 2013 Land Law, which stipulates “For projects using loans from international or foreign organizations for which Vietnam has committed to a policy framework for compensation, support and resettlement, that framework policy shall apply”.

¹⁰ Displaced persons include persons who lost the land they occupy in its entirety or in part who (i) have formal legal rights to the land lost, (ii) have claims to such lands that are recognized or recognizable under national laws, or (iii) have neither formal legal rights nor recognized or recognizable claims to such land

¹¹ Vulnerable groups are those who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status.

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
			their pre-project living standards and income levels. For unregistration business: Cash assistance for loss of income based on the minimum wage in the respective province for period of 3 months; and cash compensation for affected structures at replacement cost, and cash assistance for relocation
	(For displaced poor and other vulnerable groups) -In case the amount of compensation/support is not enough for resettled people to buy the minimum resettlement plot, requires the State to support the balance (Article 86.4 Land Law 2013 and Article 27 Decree 47) -Requires to compensate, support, and resettle to stabilize livelihoods of people whose recovered land is located in areas that pose risk to human life (Article 87.3 of Land Law 2013 and Articles 19, 20, and 21 Decree 47).	Not conflict with SPS 2009 although there is small gap in identifying vulnerable group.	Vulnerable group includes (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, (v) landless households, and (vi) indigenous people or ethnic minorities.
Scope and Triggers			
Physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on	The policy principles are not limited to the DPs but: - Have policies to create favorable conditions for people who are directly engaged in agricultural production, forestry, aquaculture, and salt-making and do not have productive land due to the	Although there are no similar principles as in the SPS 2009, this provision is consistent with the overall objective of the Bank on poverty reduction. The 2013 Land Law is short in matching the coverage of 2009 SPS	Applying the objectives of the 2009 ADB SPS.

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.	restructuring of land use and economic restructuring (Article 26.4). These households/ individuals will be granted with LURCs, ownership of housing and other assets attached to land and do not have to pay land use fee (Article 101.1). - Covers both physical and economic displacement due to land recovery (involuntary acquisition of land) -Considers impacts from change of land use structure and economic structures (Article 26.4) -Covers both temporary and permanent land recovery -Covers remaining investment costs on land (Article 76). -Covers compensation for the damage caused by limited land use (Articles 94 and 157).	since Article 94 and Article 157 only provide compensation for legally recognized land users.	
Policy Principles			
1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. The involuntary resettlement impacts of a subproject funded by ADB is considered as significant if 200 people or more are greatly affected, defined as (i) relocating houses or (ii) losing 10% or more of their productive assets (income-generating).	-Requires that in the preparation of the district annual land use plan, the area and location of the land to be recovered to implement socioeconomic development projects should be assessed (Article 40.4.c). As for severely affected households when the DPs lose at least 30% of their agricultural landholdings.	-The Land Law does not require for screening of projects in terms of significance of involuntary resettlement impacts, with corresponding requirements for degree of preparation, implementation and monitoring. -Land Law 2013 (Article 87.3) and Decree No. 47/2014/ND-CP require that depending on the degree impacts, separating compensation, assistance, and resettlement activities into a stand-alone project	All subprojects shall be screened and categorized according to the degree of their involuntary resettlement impacts, physical and social.

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
<p>2. Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. <u>Inform all displaced persons</u> of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Establish a grievance redress mechanism¹² to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population.</p>	<ul style="list-style-type: none"> - Starts the conduct of public consultation (including affected land users) with the preparation of the district-level land use plan (Article 43). - Between 90-180 days before issuing decision on land recovery, State agencies are required to notify the affected land users about the land recovery (including recovery plan, investigation, survey, measurement and inventory) (Article 67). - Requires that once the plan for compensation has been approved, each person whose land is recovered (<u>and meets the conditions for compensation</u>) should be notified of the decision on compensation. Requires the decision to clearly show the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house and time of hand over, and site clearance. The organization in charge of compensation/resettlement conducts consultations with affected land users and record opinions/ comments raised during the consultations. In case of disagreement, the Fatherland Association will attempt to persuade those who disagree 	<p>will be decided.</p> <p>Most of the provisions on consultation in the Land Law are consistent with 2009 SPS. What is missing is the provisions are the consultation with host communities and support for social and cultural institutions.</p>	<p>Participatory consultations will include non-government organizations, host communities and civic organizations will be provided with project information booklets or brochures written in language largely understand by affected persons.</p>

¹² The grievance redress mechanism should address affected persons concerns and complaints promptly using an understandable and transparent process that is gender responsive, culturally appropriate and readily accessible to the affected persons at no cost and without retribution. The mechanism should not impede access to the country's judicial or administrative remedies. It should also pay particular attention to the impacts on vulnerable groups.

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
<p>3. Improve, or at least restore, the livelihoods of <u>all displaced persons</u> through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at <u>replacement value</u> for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at <u>full replacement cost for assets</u>¹³ that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</p>	<p>(Article 69).</p> <p>-Requires that compensation be made by allocating new land with the same land use purpose with the recovered land. If there is no land available for compensation, the land users will receive cash compensation calculated on the specific land price. Requires that compensation must be democratic, objective, equal, public, timely and legally compliant. (Article 74.2)</p> <p>-Requires that specific price of the affected plot should be determined and independent/licensed valuers should be engaged in establishing cash compensation rates (Articles 114.4, 115, and 116 of Land Law 2013 and Decree 44/2014/ND-CP). However, the requirement of engaging independent/licensed valuers is still vague: article 114, provision 3 says that the province-level land administration agency is entitled to (instead of “must”) hire organizations having consultancy functions for advising on the determination of specific land prices).</p> <p>-Includes the cost for moving due to land recovery in the compensation (Article 91).</p>	<p>There are inconsistencies noted on these provisions in Land Law that do not meet this Bank policy. It does not prescribe for consulting land users on land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information where market conditions are absent or in a formative stage in determining replacement value of affected assets.</p>	<p>Livelihoods and socio cultural systems of all displaced persons shall be restored, improved and culturally appropriate from pre-Project level. Affected livelihoods based on land shall be restored through: (i) land-based resettlement strategies, or cash compensation at replacement value for land when the loss of land does not undermine their livelihoods; (ii) prompt replacement of assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, (iv) employment in construction works; and (v) restoration of social networks of displaced persons.</p>

¹³ The calculation of full replacement cost will be based on the following elements: (i) fair market value, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower will consult with the displaced persons and host populations to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. Baseline data on housing, house types, and construction materials should be collected. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account (ADB SPS 2009, Appendix 2).

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
	-Requires the payment of additional compensation in case of late payment (after 30 days from decision on the land recovery) (Article 93).		
4. Provide physically and economically displaced persons with needed assistance, including the following: (i) secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.	-Entitles affected land users to also receive State support, including support for stabilizing livelihoods and production, support for training and career change and facilitating search for jobs, support for resettlement and other support (Article 83). -Requires resettlement sites to have uniformly developed infrastructure, ensuring construction standards, codes in accordance with the conditions, customs, practices of the specific regions, areas (Article 85.2).	The Land Law does not include compensation of unregistered owners of commercial structures/businesses for (i) the cost of re-establishing their business/commercial activities elsewhere; (ii) net income loss during the transition period, and (iii) cost of transferring and reinstalling plant, machinery, or other equipment.	Physically and/or economically displaced persons shall be provided with: (i) land use right certificates in relocation land, better housing at resettlement sites with comparable access to employment, forest resources, and/or production opportunities; (ii) transportation for transfer to resettlement sites and food subsidies to APs during transition and development assistance, such as land development, training, or employment opportunities; and (iii) access to social infrastructure and community services, as required.
5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.	-In case the amount of compensation/support is not enough to buy the minimum resettlement plot (as normally the case for poor households), requires the State to support the balance (Article 86.4) -Entitles people whose recovered land is located in areas that pose risk to human life (defined in Article 65.1) to receive compensation, support, resettlement to stabilize livelihoods (Article 87.3) -State guarantees to develop policies to	While the 2009 SPS considered them as such, women, households headed by a woman with young dependents, people with disabilities, the poor, and ethnic minority people are not automatically considered as vulnerable under the Land Law. Moreover, the Land Law has no explicit requirement to identify the poor and other vulnerable groups and to propose and implement targeted	Ward PC/ CPC shall issue certificates confirming their poor social status. Other vulnerable groups as defined by ADB will be provided with assistance according to the regulations of the project.

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
	facilitate those who are directly involved in agricultural, forestry, aquaculture, salt production and who are lacking the land for production due to change of land use structure and economic structure (Article 26.4). Such households/ individuals shall be granted certificate of land use right, houses and other land-attached assets without having to pay land use fee (Article 101.1).	measures to assist them in the cases of land recovery.	
6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	-Article 73 of the Land Law covers negotiated settlement for land transfer for projects, facilities for project and business purposes – not in the event of land recovery by the state.	Land Law 2013 and Decrees 43/2014/ND-CP, 44/2014/ND-CP and 47/2014/ND-CP have neither a provision for procedure nor regulation on negotiated settlement.	Per 2009 SPS ¹⁴ , the borrower/client will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. The borrower/client will agree with ADB on consultation processes, policies, and laws applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements.
7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for full resettlement assistance and compensation for loss of non-land assets	-For relocating households who are not eligible for compensation with residential land, but have no other place to live, the State sells, leases, provides rent-to-own houses or allocates land with land use fee	The Land Law is inadequate in meeting this 2009 SPS policy. Articles 88 and 92 do not provide compensation to non-legitimate owners of land-attached assets for	The absence of legal rights of affected persons on the acquired land is not a hindrance to receiving compensation for other assets

¹⁴Appendix 2, Paragraph 25

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
at 100% (as long as they settled in the project area before the cut-off date)	(Article 79.2). -Not compensating for the assets which are (i) illegally created; (ii) created after the notice of land recovery; and (iii) social infrastructure and other construction facilities which are no longer in use (Article 92) of the Land Law.	non-land assets.	and for rehabilitation assistance.
8. Prepare a <u>resettlement plan</u> ¹⁵ elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. Incorporating into the plan all of the resettlement costs when presenting the cost and benefits of the project.	The Land Law requires for a compensation plan that shows the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house (if any) and time to hand over the recovered land to the organization in charge of compensation. As for the projects that have significant impacts on involuntary resettlement, it is necessary to consider the implementation of the involuntary resettlement component of the project as a stand-alone project; Resettlement cost is included in the total investment.	At the level required under the 2009 SPS, there is no requirement for preparing a resettlement plan or Ethnic Minority Development Plan. Compensation plan is prepared only after the detailed measurement survey (DMS), and there is no requirement for preparing a draft resettlement/compensation plan.	Resettlement plan shall be prepared in case of land acquisition, complete with necessary information.
9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s)	-Requires that the compensation plan is disclosed to the affected land user and the community where land recovery will be made.	This provision in the Land Law is somewhat similar with 2009 SPS. However, the contents of compensation plan may not be comparable with the level of detail in	Disclose a draft RP including documentation of the consultation process in a timely manner, before project appraisal, in an accessible

¹⁵ SPS (2009) requires that a resettlement plan should basically include the following (i) project description, (ii) scope of land acquisition and resettlement, (iii) socioeconomic information and profile, (iv) information disclosure, consultation and participation, (v) grievance redress mechanisms, (vi) legal framework, (vii) entitlements, assistance and benefits, (viii) relocation of housing and settlements, (ix) income restoration and rehabilitation, (x) resettlement budget and financing plan, (xi) institutional arrangements, (xii) implementation schedule and (xiii) monitoring and reporting

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.		2009 SPS since the Land Law provides the general guidelines on land recovery for projects assisted by multilateral development institutions and/or projects financed by the government.	place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final RP and its updates to affected persons, and other stakeholders.
10. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation	<p>-Requires that land recovery be conducted only after the construction of houses or infrastructure in the resettlement area is completed (Article 85).</p> <p>-Requires affected land users to handover the land within 30 days <u>after agreeing</u> to the compensation/allowances offered. Agencies making the compensation are required to pay compensation within 30 days. In case of delay, additional compensation for delayed payment should be made.</p>	Matched against the 2009 SPS, the Land Law has no explicit condition that the affected land user should have received the compensation/allowance before handing over the affected land/asset.	<p>RP shall be prepared as part of the Project or it may be a stand-alone document for implementation, showing the full cost of execution if the impacts shall displace persons.</p> <p>Compensation/allowances shall be received by the APs, before the handing over of their land or removal of their affected assets.</p>
11. Grievance redress mechanism	<p>- Citizens have the right to supervise land management including land recovery, compensation, assistance and resettlement. The competent state agencies upon receiving opinions from citizens have to examine, settle and respond to the opinions of the reporting organizations or individuals (Article 199).</p> <p>- Allowing the DPs whose land is acquired to send petition according to the mechanism and procedures of the Law on Complaints and Denunciations. For violations committed by civil servants or public employees working at a land administration agency</p>	SPS 2009 defines a grievance redress mechanism in accordance with the National Law and easily accessed by the DPs.	<p>A four-step grievance redress mechanism in compliant with the Complaint Law will be established and disseminated to the stakeholders.</p> <p>Complaint fees are the responsibilities of the project owner.</p>

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
	(including land acquisition), the petition shall be sent to the competent agencies depending on the nature of the petition and concerned civil servants or public employees (Article 209).		
12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved. Monitoring indicators are defined for internal monitoring and external monitoring; Disclosing monitoring reports.	-Empowers citizens to supervise and report on breaches in land management and land use including land recovery, compensation, support and resettlement (Article 199). -Mandates the government to develop a system for monitoring and evaluation on land management and land use including land pricing, land recovery, settlement of disputes, etc. to be sent periodically to the government and the National Assembly (Article 200). Monitoring indicators are not specified.	Article 199 of the Land Law is consistent with the requirement of 2009 SPS. However, Article 200 does not require for the monitoring and evaluation of the resettlement outcomes and the impacts on standards of living on displaced persons. Likewise, it has requirement to engage an external expert to monitor for projects with significant involuntary resettlement/land recovery impacts.	Mechanism for resettlement monitoring and evaluation shall be established. An internal monitoring mechanism and/or an external monitoring agency/expert will be recruited to implement monitoring activities of the project (if necessary).

D. Resettlement Policy and Principles of the Subproject

88. The 2011 Resettlement and Ethnic Minority Development Framework spells out the resettlement policy and principles that will guide land acquisition and resettlement in subprojects of the Power Transmission Investment Program (PTIP). Provisions and principles adopted in the PTIP will supplement the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with Decree No.38/20B/ND-CP which provides that in case of “*discrepancy between any provision in an international treaty on ODA, to which the Socialist Republic of Viet Nam is a signatory, and the Vietnamese Law, the provision in the international treaty on ODA shall take precedence*” (Article 46, Item 1). This resettlement policy and principles have been designed to address the discrepancies between ADB SPS and relevant GOV regulations as described in the gaps analysis above, thus:

- a. Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options.
- b. Compensation and assistance will be based on the principle of replacement cost at the time of implementation.
- c. Severely affected household (SAH) is considered when they are losing 10% or more of the household’s assets shall be considered as threshold.
- d. Displaced persons without title or any recognizable legal rights to land are eligible for compensation for non-land assets at replacement cost.
- e. Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to displaced persons.
- f. Meaningful consultation will be carried out with the displaced persons and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the DPs and communities will be taken into account.
- g. The RP or REMDP will be disclosed to DPs in a form and language(s) understandable to them.
- h. Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- i. Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- j. Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- k. Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the subproject.
- l. Resettlement transition stage should be minimized. Restoration measures will be provided to displaced persons before the expected starting date of construction in the specific location.
- m. Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during subproject implementation and by the provinces.

- n. Reporting and independent monitoring should be defined clearly as part of the management system of resettlement, Independent assessment of the duration and results of the land recovery should be carried out.
- o. The NPT will not issue notice of possession to contractors until the NPT are officially confirmed in writing that (i) payment has been fully disbursed to the displaced persons and rehabilitation measures are in place (ii) already- compensated, assisted displaced persons have cleared the area in a timely manner; and (iii) the area is free from any encumbrances. The satisfactory resettlement to be ascertained by the independent monitor before start of the civil works.
- p. Cut-off date is the date of completing DMS for which land and/or assets affected by the Subproject are inventoried.

E. Subproject Entitlements

1. Eligibility

89. Eligibility will be determined with regard to the cut-off date, which is taken to be the date of commencement of the DMS for which land and/or assets affected by the subprojects are identified and measured. The APs will be informed of the cut-off date for each subproject component, and any people who settle in the subproject area after the cut-off date will not be entitled to compensation and/or assistance under the subproject.

90. In addition, legal rights to the land concerned determine the extent of eligibility for compensation with regard to land, There are three types of APs: i) persons with Land Use Rights Certificates (LURCs) to land lost in entirety or partially, ii) persons who lost land they occupy in its entirety or partially who do not currently possess a LURC but have a claim that is recognizable under national laws, or, iii) persons who lost land they occupy in its entirety or partially who do not have any recognizable claim to that land. APs included under i) and ii) above shall be compensated for the affected land and assets upon land. APs included under iii) shall not be compensated for the affected land but for the affected assets upon land and are entitled to assistance if they have to relocate.

2. Entitlements

91. Households or individuals with sufficient basis for compensation will be compensated for land and structure losses equivalent to 100% of the price of such assets. Those without sufficient legal rights are also assisted as described in the entitlement matrix below.

92. The unit rates or amount for allowances indicated in the entitlement matrix can be adjusted during RP updating to reflect actual situation at the time of implementation. However, the adjusted amounts and unit rates cannot be lower than the provisions in the entitlement matrix presented in the **Table 22** below. This matrix provides detailed information on categories and types of entitlements under this RP. The below entitlement matrix is based on and in compliance with the REMDF prepared in 2011 but has been customized to Binh Phuoc Province.

Table 22. Entitlement Matrix

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
A. Agricultural Land			
A.1: Temporarily Affected Agricultural Land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC AND public organizations	Loss of use of the land for a period less than 1 year	No compensation for land; however, the Subproject will: (a) Pay the rent in cash, which will be no less than the net income that would have been derived from the affected property during disruption. (b) Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land	Subproject is responsible to restore the borrowed land within 1 month after use of land or negotiates with DPs to restore and pay for them. PPMBs and EMA are in charge of monitoring on restoration of the affected land. Full payment for AHs at least 03 months before site clearance
	Loss of use of land exceeds 1 year.	No compensation for land; however, the Subproject will: a/ Pay the rent in cash, which will be no less than the net income that would have been derived from the affected property during disruption., b/ Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land. Or DP can ask the Subproject to acquire permanently that land affected at replacement cost	
User with lease or temporary right	Loss of use of the land for a period less than 1 year	No compensation for land; however, the Subproject will: a/ Pay the rent in cash, which will be no less than the net income that would have been derived from the affected property during disruption. , b/ Restore of land within 1 month after using to its previous or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land	Subproject is responsible to restore the borrowed land within 1 month after use of land or negotiates with DPs to restore and pay for them. PPMBs and External monitoring agency (EMA) is in charge of monitoring on restoration of the affected land. Full payment for AHs at least 03 months before site clearance
	Loss of use of land exceeds 1 year	No compensation for land if returned to original user; however, the Subproject will: (a) Pay the rent in cash which will be no less than the net income that would have been derived from the affected property during disruption. (b) Restore of land within 1 month after using to its previous	

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		<p>or better quality OR pay full replacement cost to the land owner if it fails to restore the affected land within 1 month after use of land.</p> <p>Or</p> <p>DP entitled to compensation for the remaining value of the lease contract</p>	
Non-titled user		No compensation for land; however, the Subproject will pay cash compensation for loss of standing crops and trees at market prices (see D, below).	Compensation will be at least equivalent to income lost as a result of the temporary acquisitions of the land.
A.2: Permanently Affected Agricultural Land			
<p>Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC</p> <p>AND public lands</p>	More than 10 percent or more of total productive landholding affected	<p>(a) As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) of same category (or productive capacity); (iii) at a location satisfactory to DP; (iv) with full title in the names of both the household head and his/her spouse; and (v) without charge for taxes, registration and land transfer charges; and</p> <p>(b) Economic rehabilitation package (see G, below);</p> <p>Or, if DP opts,</p> <p>(a) Cash compensation at replacement cost); and,</p> <p>(b) Economic rehabilitation package (see G, below).</p>	<p>If remaining land holding is not economically viable i.e. is too small to be economically cultivated, the Subproject will acquire the entire land holding and not just the affected portion. The size of the entire holding will be the basis for providing replacement land or cash compensation. The economically remaining land area will be identified by DCARB for each case.</p> <p>DCARBs will determine whether the remaining holding can be viable or not and take care of this issue during DMS implementation.</p> <p>Full payment for AHs at least 01 months before site clearance</p>
	Less than 10 percent of total	Cash compensation at replacement cost for affected portion	Implemented by DCARBs

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
	productive landholding affected; OR No suitable replacement land available (6 AHs)	if remaining holding is viable; OR Cash compensation at replacement cost for entire landholding, if remaining holding is not viable.	Decided by DPCs
	Affected land lying intermixed with residential areas but un- certified as residential land; pond and garden land lying the same area containing residential houses along canals and along transportation lines.	(a) Cash compensation at replacement cost for actual affected land. b) Cash compensation replacement cost for all of affected crops or trees.	Implemented by DCARBs Decided by DPCs
	Affected landholding is under dispute.	Compensation (for land and all non-land affected assets on the affected land) held in escrow account until land dispute is resolved.	Implemented by DCARBs Decided by DPCs
User with lease or temporary rights	Any impacted items	Cash compensation equivalent to 30 percent of replacement cost for affected land; OR, Cash compensation for loss of net income for the remaining leased or assigned period, whichever is higher.	Preceding note on viability of remaining (unaffected) portion of plot also applies Implemented by DCARBs
Non-titled user	Any impacted items	No compensation for affected land; however, (a) Non-titled DP entitled to compensate for any development they have made to the land (b) Non-titled DP entitled to compensation for affected structures or trees and crops on land (see C, below), and (c) Package of rehabilitation allowances (see G below)	For non-titled DPs with no other productive landholdings, local authorities will allocate replacement land with temporary or lease land rights
Public land	Any impacted items	(a) No compensation for affected land but support equivalent with 100% of compensation value of the affected land; and (b) Cash compensation at replacement cost for all non-land affected assets on the affected land and allowance for transfer assets, If any.	The compensation amount must be paid to account of affected commune and used for infrastructure improvement of the commune
A.3 Impact on productive land in ROW			

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
All AHs have trees/fruit trees in ROW	Partially impact or totally impact (50 AHs)	(a) No compensation for land, but (b) Cash assistance equal to 30% of compensation rate will be provided to perennial tree land and forest land. (c) Compensation for fruit trees and others at market price.	Affected land in ROW will be rehabilitated by contractors after the subproject construction and land in ROW could be used with the restricted purposes. (Described in Decree No.14/2014, article 19) AHs can be required to cut affected trees, subproject will pay for this work.
B. Residential and/or non-agricultural land			
B.1. Temporarily Affected Residential and/or Non-Agricultural Land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Temporary loss of use of land	No compensation for land; however, (a) The Subproject will pay rent to DPs during temporary use; and (b) Compensation for any demolished structures at replacement cost; and (c) Restore land within 1 month after use to its previous or better.	Rent will be determined so as to be not less than the amount of income foregone due to the temporary loss of this land PPMBs and EMA are in charge of monitoring contractors on restoration of the affected land.
User with lease or temporary right	Temporary loss of use of land	No compensation for land; however, (a) The Subproject will pay rent to DPs during the temporary use or compensation for the remaining value of the contract; and (b) Compensation for any demolished structures at replacement cost; and (c) Restore land within 1 month after use of land to its previous or better quality. OR, if DP opts: (a) Compensation for any demolished structures at replacement cost; and (b) Compensation for the remaining value of the contract. c/ Restore land within 1 month after use of land to its previous or better quality.	Rent will be determined so as to be not less than the amount of income foregone due to the temporary loss of this land PPMBs and EMA are in charge of monitoring contractors on restoration of the affected land.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
B.2. Permanently Affected Residential and/or Non-Agricultural Land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of residential and/or non-agricultural landholding without houses and structures built thereon	As a priority, allocation of replacement land: (i) equal to area of affected land up to a maximum of land quota in province of subproject; (ii) of same type (e.g., residential, commercial); (iii) at a location satisfactory to DP; (v) with full title in the names of both the household head and his/her spouse; and (vi) without charge for taxes, registration and land transfer charges; OR, if DP opts, Cash compensation at replacement cost for the affected land. The compensated area does not exceed the residential land quota in the locality	(a) The DPC will determine availability of replacement land (b) Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved. (c) Full payment for AHs at least 03 months before site clearance
	Loss of residential land/or non-agricultural landholding with houses and structures built thereon.	DP will be entitled to one of the following options: (i) Stay and rebuild their houses/structures on the remaining land if viable and out of the ROW and earth corridor according to circular No.36 issued by Ministry of Industrial and Commercial, and cash compensation at replacement cost for the affected land area and the affected house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (see G); OR (ii) Moving to resettlement site with cash compensation at replacement cost for the affected house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (See G). If amount of compensation is lower than value of a standard plot or apartment in resettlement site, the difference payment is not required; OR (iii) Self-relocation with cash compensation at replacement cost for affected land and house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (see G); and relocation household is entitled to support by cash for preparation of housing foundation equal to the average investment value in	(a) Infrastructure in relocation site will be constructed by subproject. The resettlement sites are all close to the affected area and with completed infrastructures. (b)LURC of land plot in resettlement site will be awarded to both names of household head and spouse (b) Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		infrastructure of a standard plot in resettlement site.	
User with lease or temporary rights	Loss of residential land/or non-agricultural land	(a) Cash compensation for the remaining value of contract, and (b) Cash compensation at replacement cost for house/structures on affected land, and (c) Package of rehabilitation assistance (see G below).	Local authorities assist DP to find alternative land.
Non-titled user	Loss of residential land or non-agriculture land	No compensation for affected land; however, (a) Non-titled DP entitled to compensate for any development they have made to the land (b) Non-titled DP entitled to compensation for affected structures or trees and crops on land (see C, below), and (c) Package of rehabilitation allowances (see G below)	(a) In case of non-titled DP has no other residential land/or non-agriculture land: Local authorities should consider to allocate replacement residential land or house with full title and plus package of rehabilitation allowances (b) In case of non-titled DP has no other non-agriculture land: Local authorities should consider to allocate replacement non-agriculture land with temporary of lease land right.
Eligible organizations	Loss of non-agricultural land	(a) No compensation for land if land use fee is unpaid or paid by state funds, otherwise cash compensation for land at replacement cost; and (b) Cash compensation for affected structures and allowance of relocation if any.	
B3. Impact on residential land in ROW			
Restrictions on residential land within ROW that cause change in land use purpose	Loss of residential and/or non-agricultural landholding without houses and structures built thereon	Cash compensation at replacement cost for the affected land. The compensated area does not exceed the residential land quota in the locality	(a) Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved. (b) Full payment for AHs at least 03 months before site clearance
	Loss of residential land/or non-agricultural landholding with houses and structures built	DP will be entitled to one of the following options: (i) Stay and rebuild their houses/structures on the remaining land if viable and out of the ROW and earth corridor	

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
	thereon. (1 HH)	<p>according to circular No.36 issued by Ministry of Industrial and Commercial, and cash compensation at replacement cost for the affected land area and the affected house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (see G); OR</p> <p>(ii) Moving to resettlement site with cash compensation at replacement cost for the affected house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (See G). If amount of compensation is lower than value of a standard plot or apartment in resettlement site, the difference payment is not required; OR</p> <p>(iii) Self-relocation with cash compensation at replacement cost for affected land and house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (see G); and relocation household is entitled to support by cash for preparation of housing foundation equal to the average investment value in infrastructure of a standard plot in resettlement site</p>	(c) Infrastructure in relocation site will be constructed by subproject. The resettlement sites are all close to the affected area and with completed infrastructures.
C. MAIN HOUSES AND/OR SHOPS AND OTHER STRUCTURES OR PROPERTY			
C.1. Main Structures (Houses and/or Shops)			
Owners of houses/ structures	House/Structure partially affected and remaining portion can be used	<p>(a) Cash compensation at replacement cost for materials and labor for affected portion with no deduction for depreciation or salvageable materials; and</p> <p>(b) Repair allowance (see G, below).</p>	
Owners of house or combined house/shop structures	<p>Structure totally affected OR Structure partially affected and remaining portion no longer viable</p> <p>(1 AH)</p>	<p>(a) Cash compensation at replacement cost for materials and labor for whole affected structure with no deduction for depreciation or salvageable materials; and</p> <p>(b) Relocation and subsistence allowances (see G, below).</p>	
Owners of shop	Structure totally affected OR Structure partially affected and	(a) Cash compensation at replacement cost for whole affected structure for materials and labor with no deduction	

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
	remaining portion no longer viable	for depreciation or salvageable materials; and (b) Relocation allowance (see G, below).	
Tenant	Structure partially affected and remaining portion viable	(a) Cash compensation to the structure owner for the whole affected structure at replacement cost with no deduction for depreciation or salvageable materials; and (b) Repair allowance to the structure owner (see G, below). (c) Tenant may remain with owner's agreement.	Notice to tenants by owner at least two (2) months in advance
	Remaining structure no longer viable, OR Tenant opts to move	(a) Cash compensation to the structure owner for the whole affected structure at replacement cost with no deduction for depreciation or salvageable materials; and (b) Rent allowance equivalent to 6 months' rent or the remaining value of the rental contract (whichever is higher); and, (c) Assistance to find new, affordable rental accommodation; and (d) Relocation allowance (see G, below)	
C.2. Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.			
Owners of structures	Partially or totally affected structures or other property (1 AH)	Cash compensation at full replacement cost for materials and labor and with no deduction for depreciation or salvageable materials; OR Cash or in-kind assistance to relocate affected structures or property; OR Cash assistance to repair of property to original or better condition (see G, below).	Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) Construction permits for the structures
	Graves / tombs-yard/cemetery	All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family as prescribed in PPC's regulation. If the tombs-yard is required, the place and layout of the yard shall be decided by the affected households and the costs	Compensation to be paid directly to DPs. For ownerless affected graves / tombs, compensation will be given to Commune PC to relocate them

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		for the yard constructions shall be made by the Subproject.	to new site. Graves to be exhumed and relocated in culturally sensitive and appropriate ways according to Customary rights. The place and layout of the yard shall be consulted with communities and affected peoples
D. Annual and perennial crops, fruit and timber trees and tree/plant fences			
Owners of crops and/or trees	Loss of annual crops	If standing crops are ripening and cannot be harvested, cash compensation of un-harvested crops at market values based on the average production over past 3 years.	A minimum of 2 months' notice to harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights
	Loss of perennial crops, (50 AHs)	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	Compensation must equal in value to crops that would be harvested had acquisition not occurred. A market survey shall be carried out when updating the RP
E. COMMUNITY AND PUBLIC RESOURCES/ASSETS			
Village, Ward, Government Unit	Loss of community buildings and infrastructure (School building, Hospital, offices buildings, religious infrastructures etc.)	Repair or restoration to original or better conditions of affected community buildings and infrastructures at no cost to community; OR Replacement, if necessary, at locations identified in consultation with affected communities and relevant authorities, at no cost to community; OR Cash compensation at replacement cost based on current market prices for affected community assets.	If income loss is expected (e.g. irrigation, community forest, community grazing land, income from fishpond), the village, commune or district authority is entitled to compensation for the total production loss (over 3 years); this compensation should be used collectively for income restoration measures and/or new

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
			infrastructure.
	Publicly owned utilities	Relocation and/or rehabilitation to original or better conditions of affected public utilities, at no cost to public utility; OR Cash compensation at replacement cost based on current market prices for affected public utilities.	Relocation or reconstruction of public facilities will be done with minimal disruption to public service
F. LOSS OF BUSINESSES AND INCOME SOURCES (NON-LAND BASED)			
F.1. Businesses that relocate and/or rebuild structures			
Households with businesses without tax declarations, e.g., small shops (Including un- registered business owners)	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt.	(a)/ Cash assistance for loss of income based on the minimum wage in the respective province for the period of 3 months; and (b) Cash compensation for affected structures at replacement costs; and (c) Cash assistance for relocation (see G1), if any	Affected businesses will be notified 2 months in advance to relocate and/or rebuild new structures, so as to be able to continue to operate businesses while resettling.
Registered business owners	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt.	(a) Cash assistance for loss of income equal to 30% of taxable revenues of one year. Average annual taxable revenues determined on basis of financial statements for the past 3 years; and (b)Cash compensation for affected structures at replacement costs; and (c) Cash assistance for relocation (see G1), if any	
F.2 Employees and Hired Laborers			
Employees and hired laborers	Temporary loss of employment/work while employers re-organize, relocate and/or rebuild.	Cash compensation for lost wages or salary equal to basic wages or salary for each day (or month) they cannot work.	
	Permanent loss of employment/work due to land acquisition or relocation of employer.	(a) Cash assistance equal to six months' wages or salary or the value of a remaining contract, whichever is higher; and (b) Assistance to secure new employment including relevant	

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		skills training expenses if required.	
G. REHABILITATION ASSISTANCE			
G.1. Relocation Allowance			
All DPs have to relocate	Relocation of household and/or business effects and salvaged and new building materials. (1 AH)	(a) Cash assistance is minimum of VND 3,000,000 for DPs that relocate within the same district/town; VND 4,000,000 for DPs relocate to another Districts/town but within province; OR Cash assistance up to VND 5,000,000 for DPs that relocate to another province. (b) Temporary Relocation Assistance for renting temporary resettlement house: The period of assistance and administration of this provision will be as per the Provincial People's Committee regulations NB. Not applicable for AHs rebuilding on same plot	Eligible DPs include owners of residential structures that are totally or partially affected and remaining portion is not viable; non-titled DPs allocated alternative residential land or housing; tenants; and, businesses and eligible land use/management organizations that relocate. At the time of compensation, the level of allowance will be re-evaluated to ensure the DPs have enough assistance to relocate. The resettlement sites are all close to the affected area and with completed infrastructure
G.2. Transition Subsistence Allowance			
Owners of residential structures that must rebuild.	Loss of income during period to rebuild. (1 AH)	Cash assistance is equal to 30 kg of rice per month per household member for 12 months valued at market price; If relocation in hard living condition area, assistance is for 24 months. Assistance is equal to 30 kg of rice per month per household member for 03 months if partial rebuilding only is required.	At time of compensation, allowance will be adjusted for inflation to ensure that DPs have sufficient resources to meet basic food and non-food expenditures.
G.3 Repair Allowance			
Owners of partially affected principal structures; AND Owners of other affected structures.	Damage due to dismantling of part of principal structure, or part or all of other structure	Cash assistance based on actual costs to repair the remaining part and will be calculated by DCARB following to PPC's regulations	

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
G.4 Infrastructure Development Allowance			
Owners of structures that relocate themselves	Provision of basic infrastructure, e.g., water supply, toilet, access, drainage, ground leveling	Cash assistance equal to the basic cost of investment unit in infrastructure including preparation of housing foundation of a standard plot in resettlement site according to Decree No.47/2014/ND-CP.	
G.5 Economic Rehabilitation Package			
Severely affected DPs, displaced from housing or losing 10 percent or more of their productive, income generating irrespective of tenure status.	Assistance to restore livelihoods and incomes following acquisition of agricultural land or other productive assets (None AH)	<p>AHs directly cultivate on the affected land to be entitled:</p> <p>(a) Losing from 10 to 30% of agricultural land holding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a hard living condition area;</p> <p>(b) Losing more than 30% to 70% of total agriculture landholding. Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area;</p> <p>(c) Losing more than 70% of total agriculture landholding Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND</p> <p>(d) In-kind assistance to be decided in consultation with eligible DPs. Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. And</p>	<p>Value of in kind assistance to be determined during RP implementation.</p> <p>Income Restoration Programs will be designed during subproject implementation with the assistance of an agency specialized in livelihoods/labor or vocational assistance and with the active involvement of the AHs.</p>
	Assistance for job changing and creation. (6 HHs)	<p>Cash assistance not exceeds 1.5 times of compensation value for affected for acquired land area and not exceeds of land quota in locality.</p> <p>If DP has demand for training, he/she will be entitled to a free</p>	Eligibility will be confirmed during DMS.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		training course.	
G.6. Special allowance for social and economically vulnerable households			
Vulnerable DPs (the poor, EM, woman headed household, disable HH, the elderly)	Assistance to the poor and vulnerable households to improve their social and economic conditions. (1 AH)	For the poor households, cash assistance equal to 30 kg of rice (at market price) per each family member per month for at least 6 months. For other vulnerable AHs, assistance of VND 2,000,000 per household to improve their social and economic conditions.	Eligible households are those who are classed as vulnerable under MOLISA definition and also in compliance with the ADB's SPS definition of vulnerable peoples including various categories identified under the SRIL. .
G.7 Bonus to DPs that relocate on time			
All DPs that relocate		Bonus Allowance if land is handed over in a timely manner according to PPC's regulation.	

F. Strategy to Address Gender Issues

93. The subproject includes the following specific actions to address gender issues during resettlement planning and implementation:

- a. During the updating and implementation of this RP, both men and women will participate in public meetings and in the DMS, Women from the affected households will be consulted with regard to compensation, assistance, and resettlement,
- b. For married APs, both husband and wife will be present to receive the couple's compensation and allowances for their affected assets and income sources,
- c. Women will be given equal chance in getting hired for unskilled labor and to receive equal remuneration for the same work as the men,
- d. Special measures will be adopted to help elderly-, disabled-, and women-headed households relocate or reconstruct their affected structures,

G. Strategy to Assist Vulnerable Households and Severely Affected Households

94. Vulnerable APs include the following: (i) households headed by women with dependents, (ii) household heads with disabilities, (iii) poor households, (iv) elderly households with no other means of support, and (v) landless APs. Severely affected households refer to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject.

95. For vulnerable AHs and severely AHs, livelihood assistance will be provided by the SPMB. The following procedure for identification and provision of livelihood assistance will be followed:

- a) Identification of vulnerable and severely affected households by the External Monitoring Agency (EMA). In case the households are identified to be unable to restore their living standards at least to the pre-project level, an income restoration program that is adapted to the needs and situation of the APs will be designed and provided.
- b) For entitled households under (a), they will be provided with (i) agricultural extension assistance; (ii) assistance to restore or replace affected tree plantations, provision of seedlings and technical assistance to help severely affected APs to restore income from cash-crop tree plantations; (iii) support for income-generating activities including appropriate technical support, assistance in vocational planning, small business planning, financial planning and to access and utilize credit, and other measures to promote existing or new income-generating activities; and (iv) subproject-related employment whereby priority will be given to severely affected and vulnerable APs for work on construction.

H. Unforeseen Impacts

96. New APs/AHs that will emerge due to changes in project design or alignment prior to or even during construction works are entitled to the same entitlements as those of the other APs/AHs. Project entitlements will not apply to new occupants of the ROW after the cut-off date.

VIII. RESETTLEMENT STRATEGY

A. Compensation and Allowances of AHs

97. Compensation for affected fixed assets, including cash allowances, have been computed based on the results of the replacement cost study (RCS) that was conducted in December 2015. The RCS determines the prevailing market rates of lands, structures, crops, and trees in the subproject area (See **Appendix 5** for results of the RCS).

98. Methodology: Compensation is based on the principle of replacement cost. Replacement cost is the amount calculated before displacement which is needed to replace an affected asset without deduction for taxes and/or costs of transaction as follows:

- i. Productive Land (agricultural, aquaculture, garden and forest) based on market prices that reflect recent land sales, and in the absence of such recent sales, based on productive value;
- ii. Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
- iii. Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;
- iv. Annual crops equivalent to current market value of crops at the time of compensation;
- v. For perennial crops and trees, cash compensation at replacement cost is equivalent to current market value given the type, age and productive value (future production) at the time of compensation. Timber trees based on diameter at breast height at current market value.

99. The evaluation of replacement costs was carried out based on information collected from both desk research and field work including surveys and data collection from people in the affected and adjacent areas, both those affected and those not affected. Desk research focused on relevant publications, decisions of Government authorities at national, provincial, city and district levels. However, these materials play the supporting role only. As the work is aimed at obtaining reasonable replacement costs for different types of affected assets, market evidences are the factors, which most strongly base the formulation of these costs. Surveys with people in the affected area, both those, whose assets are affected by the subproject, and those whose assets are not, produce reliable data for assessing the real market value of the assets affected.

100. The amounts of compensation for affected assets are estimated using the unit costs suggested by the RCS and multiplying these unit costs with quantities of the affected assets. Computation of various types of allowances follows the same principle.

1. Compensation for permanently affected (acquired) land

101. Of the total 50 AHs, compensation for 6 AHs affected by the permanent acquisition of their landholdings is estimated at VND 752,700,000, of which VND 475,500,000 is compensated to perennial tree land where will be acquired for construction of tower foundations of the TL and VND 277,200,000 is paid to residential land under the ROW of TL as Decree No.14/2014.

Table 23. Compensation for permanently acquired land

District/Commune	Land acquired for foundations		Land in ROW		Total(VND)
	Perennial Tree Land(m2)	Amount (VND)	Residential Land (m2)	Amount (VND)	
Chon Thanh					

Minh Thanh	4,755	475,500,000	231	277,200,000	752,700,000
Total	4,755	475,500,000	231	277,200,000	752,700,000

2. Cash assistance for change of job due to loss productive lands

102. All six AHs affected by the loss of productive land are entitled to get a total of cash assistance of VND 713,250,000.

3. Cash assistance for restricted use of land in TL ROW

103. As above mentioned, a total of 65,377 m² of land belonging to 50 AHs is adversely affected by restriction on land use, of which 231 m² are classified as residential land which must to be permanent acquired as decree No.14/2014, while the remaining 65,146 m² landholdings in the ROW of the TL will be provided assistance in cash equivalent of 30% of the replacement cost (i.e., at market rate) of their affected landholdings in the ROW. Based on the results of Replacement Cost Survey, a total cash assistance is VND 1,954,380,000 has been costed.

Table 24. Cash Assistance for Restricted Use of Land in TL ROW

District/Commune	Unit	Impacted Perennial Tree land Area	Amount (VND)
Chon Thanh			
Minh Thanh	m ²	65,146	1,954,380,000
Total	m²	65,146	1,954,380,000

4. Compensation for affected Houses

104. As mentioned in the previous section, only one (1) household under the ROW of the 500kV TLs will be affected totally due to safety consideration as decree No. 14/2014 and this house with an aggregate of 85 m² of floor area will be compensated at replacement cost which is estimated about VND 212,500,000.

Table 25. Compensation for affected Houses

District/Communes	Affected Floor Area (m ²)	Unit Price (VND/m ²)	Amount (VND)
Chon Thanh			
Minh Thanh	85	2,500,000	212,500,000
Total	85	2,500,000	212,500,000

5. Compensation for affected structures

105. In addition, an amount of VND 32,800,000 will be paid to secondary structures which are separate from affected houses and are also affected by the subproject.

Table 26. Compensation for affected structures

No.	Cost Items	Unit	Affected Quantity	Amount (VND)
1	Well	no.	1	3,300,000
2	Electric meters	no.	1	2,000,000
3	Animal shelters	m ²	0	0
4	Yard	m ²	30	15,000,000
5	Fence	m ²	25	12,500,000
	Total			32,800,000

6. Relocation and transition subsistence allowance

106. One relocating household will receive a relocation allowance of VND 3,000,000 due to relocation within district, plus a transition subsistence allowance of VND 3,600,000/household member. The household is not entitled to rental allowance because this household will rebuild on their adjoining un-affected lands. Hence, the total cost of relocation and transition subsistence for this household is VND 21,000,000.

7. Compensation for trees

107. It is the policy of this Project to allow as much as practical the harvesting of standing annual crops on any affected lands. For example, permanently acquired lands in the TL ROW) would be harvested prior to the start of civil works by informing AHs at least six months in advance of the schedule for handing-over of project-recovered lands. For budget purposes in this RP, the compensation for the 2,446 rubber trees is VND 1,223,000,000.

8. Cash assistance to vulnerable AHs

108. The IOL identified one household as vulnerable. This is female headed household and by project policy as indicated in the entitlement matrix this household is entitled to get in cash a total of VND2,000,000.

9. Income restoration measures

109. None of the AHs is severely affected and HHs are not losing 10% or more of their productive assets. As mentioned above, a total of 713,250,000 VND in cash will be provided for the 6 households who lose productive land for the subproject as assistances for their change of job.

110. In addition, given the objective of this RP which is to restore, or preferably improve, pre-project living standards and productive incomes of APs, additional assistance will be made available to these AHs by some kind assistance including some or all of the following to AHs: (i) Agricultural extension to strengthen existing cultivation practices with sustainable production techniques to be provided through government programs; (ii) Improved access to agricultural and investment credit; and (iii) Priority for employment on subproject construction.

10. Mitigating temporary impacts on land and incomes

111. During subproject implementation, the civil works contractor and the PIC will identify the specific locations and the dimensions of lands that will be affected temporarily as access road and work place during the construction and stringing of the transmission line towers. The civil works contractor will pay for any damaged crops or income loss arising from the inability of AHs to plant their crops during the temporary use of their lands, in addition to restoring those temporarily affected lands to their original condition before the same are returned to the AHs. NTP will ensure that this condition is stipulated in the contract of the civil works contractors.

B. RP updating and implementation

112. SPMB will be responsible for updating the RP, with assistance from the Project Implementation Consultants (PIC), NPT and SPMB will make representation with the PPC and DPCs for the mobilization of DCARB and the LFDC in each district for the conduct of the Detailed Measurement Survey (DMS). Prior to the starting of the DMS, the SPMB and DCARB/LFDC will hold public meetings-consultations with the AHs to discuss the approved subproject and the DMS activities that will be carried out. Binh Phuoc PPC will hire an independent expert that will carry out replacement cost study (RCS). Following the conduct of the DMS, SPBM, with assistance from the PIC and DCARB/LFDC will hold disclosure meetings-consultations with the AHs to discuss the results of the DMS, the subproject resettlement policy

and entitlements, and to solicit the views and suggestions of the AHs regarding their resettlement.

113. Only after ADB gives its concurrence to the updated RP could RP implementation commence. SPMB is responsible for the day-to-day implementation of the subproject and in the preparation of technical, safeguards, and financial reports. SPMB, PIC, and civil works contractor(s) will convene a meeting with the AHs in each commune specifically to discuss the schedule of civil works that includes the clearing of the locations of the substation and foundations of towers, and the construction of access roads.

IX. RESETTLEMENT COSTS

114. Funds for land acquisition and implementation of resettlement are part of the subproject budget. Costs have been estimated based on the results of the IOL and the RCS done in November to December 2015.

A. Procedures for flow of funds

115. NPT will bear the full cost of resettlement. It is responsible for ensuring that funds for resettlement are sufficient and are available on a timely manner. NPT will disburse funds for resettlement to the imprest account of the DCARB. With assistance of the LFDC, DCARB will deliver compensation and allowance of the AHs at Commune PC Office. AHs will be notified in advance on the date of payment of compensation and allowance. AHs will likewise be advised to bring with them their copy of their compensation plan.

B. Cost estimates and inflation adjustment

116. NPT and SPMB, in collaboration with the PPC will ensure that adjustments are made to compensation rates and to other cash entitlements to reflect current market rates when payment of compensation and allowance is not done within the year of the conduct of the RCS.

C. Implementation, administration and contingency costs

117. Implementation costs cover payment of allowances and per diem of concerned DCARB and LFDC staff members involved in the updating and implementation of the RP. Administrative costs and contingencies amounting to 10% and 15% respectively have been added on top of the cost of resettlement. Likewise, an indicative amount equivalent to 2% of the direct cost of resettlement is set aside to cover the cost of external monitoring.

D. Estimated cost of resettlement

118. The cost of implementing resettlement of the 500 KV Duc Hoa – Chon Thanh Binh Phuoc province segment is estimated at **VND 6,264,440,100** (equivalent to **USD 281,422**) The table below gives a breakdown of resettlement costs.

Table 27. Resettlement Budget – Binh Phuoc Province

No.	Cost Items	Unit	Quantity	Price Unit	Amount (VND)
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				(VND)	
A	Compensation for permanent acquired land				752,700,000
1	Perennial cropland	m ²	4,755	100,000	475,500,000
2	Residential land in ROW as Decree No.14/2014	m ²	231	1,200,000	277,200,000
B	Compensation for houses				212,500,000
1	Compensation for Grade IV houses	m ²	85	2,500,000	212,500,000
C	Compensation for secondary structures				32,800,000
1	Well	no.	1	3,300,000	3,300,000
2	Electric meters	No.	1	2,000,000	2,000,000
3	Animal shelters	m ²		0	0
4	Yard	m ²	30	500,000	15,000,000
5	Fence	m ²	25	500,000	12,500,000
D	Compensation for rubber trees				1,223,000,000
1	Rubber Tree on permanent acquired land	Tree	166	500,000	83,000,000
2	Rubber Tree in the ROW of TLs	Tree	2,280	500,000	1,140,000,000
E	Cash assistance for changing job	m ²			713,250,000
1	Perennial land	m ²	4,755	150,000	713,250,000
F	Cash assistance for land in ROW				1,954,380,000
1	Perennial cropland	m ²	65,146	30,000	1,954,380,000
G	Relocation and transition allowance				21,000,000
	Relocation allowance	HH	1	3,000,000	3,000,000
	Transition subsistence allowance	Pers.	5	3,600,000	18,000,000
H	Allowances for severely affected AHs due to lose of 10% or more productive land				0
I	Cash assistance to vulnerable AHs				2,000,000
1	Women-headed AHs	HH	1	2,000,000	2,000,000
K	Bonus	HH	7	3,000,000	21,000,000
	SUB - Total				4,932,630,000
	Cost contingencies (15% of direct costs)				739,894,500
	Administrative costs (10% of direct costs)				493,263,000
	External Monitoring (2%)				98,652,600
	Grand TOTAL in VND				6,264,440,100
	Grand TOTAL in USD				281,422

X. INSTITUTIONAL ARRANGEMENTS

119. Implementation of the RP requires the participation of relevant agencies from the central to province, district, and commune level. NPT has the the overall responsibility for implementation of the RP. The respective DCARB of Chon Thanh district will be mobilized consistent with Decree No. 47/2014/ND-CP.

A. Central Level

120. The NPT is the executing agency and is mandated to:

- a. Provide overall management and coordination of PTIP Tranche 4 (PTIP4);
- b. Liaise with SPMB to carry out PTIP4;
- c. Coordinate with ADB in providing resettlement consultant services for PTIP4;
- d. Support SPMB for updating RPs of PTIP4;
- e. Consolidate project progress reports on land acquisition and resettlement submitted by the SPMB for relevant ministries and ADB;
- f. Recruit a consulting agency consisting of international specialist and national specialist to support project implementation; and
- g. Recruit or authorize SPMB to recruit a qualified external monitoring agency to conduct independent monitoring of RP implementation,

121. The SPMB is the implementing agency and is mandated to:

- a. Actively participate in RP updating and implementation activities in collaboration with the concerned organization at the Province, District and Commune levels;
- b. Liaise with the PPC to facilitate the establishment of the CARB at the provincial and district/city levels;
- c. Provide an orientation to the concerned People's Committees of the province, districts, and communes, the District/City CARB and related groups on the project, its resettlement policy, process flow, and on the specific tasks of these groups relative to the updating and implementation of the RP;
- d. Take the lead in the public disclosure of subproject RP in coordination with concerned People's Committees, and participate in project information

dissemination and holding of consultation meetings with AHs and other stakeholders;

- e. Monitor grievances related to the project and calls the attention of concerned government offices where complaints have remained outstanding beyond prescribed action periods; and
- f. Design and implement an internal monitoring system that will capture the overall progress in RP updating and implementation; and prepare quarterly progress reports for submission to NPT and ADB.

B. Provincial Level

122. The main responsibilities of the PPC include: (i) establishment and mobilization of PCARB and DCARB; (ii) organization and mobilization of all organizations and individuals concerning compensation, support and resettlement policies and ground clearance according to the land recovery decisions of competent State bodies; (iii) recruitment of consultant to determine replacement unit cost of affected private and public assets; (iv) planning resettlement arrangements, job change training plans according to their assigned competence; (v) authorizing the DPC to approve compensation, assistance support to APs/AHs; (vi) providing guidance to concerned agencies on the impartial settlement of citizens' complaints, complaints related to compensation, support and resettlement; and (vii) authorizing the DPC to apply legal measures to cases of deliberately failing to abide by the State's land recovery decisions.

C. District and Commune Levels

123. **District People's Committee (DPC)** is responsible for the following: (i) extension of support for updating and preparation as well as implementation of the RP; (ii) issue land acquisition decisions and/or represent PPC to issue land acquisition decisions (if authorized) for the affected households and organizations; (iii) review and submit the RP to PPC as endorsed by CARBs; (iv) review the accuracy of and validate the cost estimates for compensation and assistance; (v) acquisition of Land Use Rights Certificates (LURCs) for households and individuals who have lands and/or houses entirely-recovered; (vi) adjustment of LURCs for households and individuals whose lands and houses have been partially affected; (vii) assist in the redress of complaints and grievance of APs/AHs; (viii) concurrence with the schedule of RP implementation and monitor the progress thereon; (ix) mobilization of the CARB that will appraise the compensation and assistance to APs/AHs; as well as (x) the provisions of lands to APs, as needed.

124. **District/City Compensation, Assistance and Resettlement Board (DCARB)**, The responsibilities of the DCARB are the following: (i) organize and carry out resettlement activities in the district/city on behalf of the DPC; (ii) assist in the DMS, public consultations and disclosure activities; (iii) review and submit to DPC the proposed compensation, assistance and resettlement alternatives; (iv) assist in the identification and allocation of land for the APs/AHs, as needed; (v) along with the CPC, assist SPMB in the timely delivery of compensation payment and other entitlements to APs; and (vi) assist in the resolution of complaints and grievances.

125. **Commune People's Committee (CPC)** will assist the SPMB and the DCARB in the following tasks: (i) inform the APs about the compensation plan and the process of delivery, income restoration plans, relocation strategies and land clearance requirements based on the approved RP; (ii) maintain a list of eligible APs after the DMS has been conducted; (iii) assign commune officials to extend assistance in the updating and/or preparation, as well as the implementation, of the RP; (iv) identify replacement lands for the APs, as needed; (v) sign the Agreement Compensation Forms along with the APs; and (vi) assist in the resolution of grievances and in other related-resettlement activities and concerns.

D. Project Implementation Consultants

126. The Project Implementation Consultant (PIC) will include one international resettlement consultant and a national resettlement consultant to assist in the updating and implementation of the RP,

E. Implementation Schedule of Resettlement

127. The Table below is a tentative schedule of RP planning and implementation.

Table 28. RP Implementation Schedule

Activities	Time frame
Final draft RP to be submitted to NPT for public dissemination	May 2016
Dissemination process of final draft RP	June 2016
Distribution of PIB to AHs and posting of RP in relevant government offices and on ADB website	June 2016
NTP to endorse the RP to ADB for concurrence	July 1-15, 2016
ADB no-objection to RP and approval of subproject	July 1-15, 2016
ADB uploading to ADB website	July 2016
Conduct of DMS, replacement cost study (RCS) and RP updating	Q4 2016-Q1 2017
NPT to submit the draft updated RP to PPC for approval	May 2017
NPT to endorse the updated RP to ADB for concurrence	May 2017
Internal monitoring (requires submission of quarterly reports)	April 2017
ADB no-objection to updated RP and posting of updated RP	June 2017
Start of RP implementation	April 2017
Post-resettlement implementation evaluation (6 months after completion of RP implementation)	2019

XI.MONITORING AND REPORTING

128. The implementation of resettlement will be monitored regularly to help ensure that the RP is implemented as planned and that mitigating measures designed to address adverse social impacts are adequate and effective. Towards this end, resettlement monitoring will be done by an internal body and by an external organization.

A. Monitoring and Reporting

129. The objectives of monitoring and evaluation are to (i) ensure that the standards of living of APs are restored or improved; (ii) monitor whether the time lines are being met; (iii) assess if compensation and rehabilitation measures are sufficient; (iv) identify problems or potential problems; and (v) identify methods of responding immediately to mitigate problems.

B. Internal Monitoring

130. SPMB will conduct internal monitoring of RP updating and implementation and will include its findings in the quarterly project progress report it submits to NPT and ADB, Internal monitoring will cover the following concerns:

- a. Payment of compensation, relocation to new sites, and rehabilitation assistance being in place before the awarding of civil works contract.
- b. Payment of compensation to all APs in various categories, according to the compensation policy described in the RP.
- c. Delivery of technical assistance, relocation, payment of subsistence and other allowances.
- d. Delivery of income restoration and social support entitlements.
- e. Public information dissemination and consultation procedures.
- f. Adherence to grievance procedures and outstanding issues requiring management's attention.
- g. Coordination and completion of resettlement activities and award of civil works contract.

C. External Monitoring

131. The key objectives of external monitoring and evaluation are to: (i) assess whether or not resettlement objectives have been met, specifically the restoration of livelihoods and the enhancement of affected persons' living standards; (ii) assess resettlement efficiency,

effectiveness, impact and sustainability; and (iii) identify further mitigation measures as needed, External monitoring will be carried every 6 months, The external monitoring agency (EMA) will submit it monitoring report directly to NPT and ADB, The EMA will look into the following concerns:

- a. Capacity of affected persons to restore livelihoods and living standards. This will include assessment on the effectiveness and/or inadequacy of technical assistance, allowances and other measures, and to what extent the affected persons have maintained their livelihoods and living standards to pre-project levels.
- b. Public consultation and awareness of resettlement plan policies, EMA will validate if the affected persons have been fully informed and consulted about land acquisition and relocation activities. It will also inquire the affected persons and other stakeholders if they were aware of the compensation and entitlements policies and various options available to affected persons. Included in EMA's validation is the process on how the public consultations were conducted, the problems and issues raised during the meeting and the solutions proposed either by the affected persons and stakeholders or from the side of NPT/SPMB.
- c. Level of affected persons' satisfaction. EMA will assess the APs' level of satisfaction on compensation, allowances and assistance received as well as on resettlement plan implementation, and the degree of efficiency and equity in handling grievances and resolution of complaints.
- d. Change in living standards. Some indicators in the performance evaluation of resettlement plan implementation are very useful in assessing the living standards of the affected persons. From the indicators, EMA will compare and assess the progress of affected persons in coping with the restoration of their livelihoods that define their living standards. Special attention to disparities between their pre-project and post-resettlement social conditions will be analyzed, and disaggregated by gender and per capita income levels. Any factors or issues relevant to restoration of the affected persons' living standards will be disclosed in the social impact evaluation report. The EMA will discuss its findings with the ADB and advise follow-up actions, where appropriate, to bring to closure the social issues arising from land acquisition and resettlement.

132. The EMA will likewise conduct an assessment of resettlement 6 to 12 months after completion of RP implementation.

Appendices

Appendix 1: IOL and SES questionnaires

Appendix 2: Master list of the AHs

Appendix 3: Highlights and List of participants in the public consultations

Appendix 4: Project Information Booklet

Appendix 5: Results of the RCS

Appendix 1 IOL and SES Questionnaire Used

Socioeconomic Survey and Inventory of Losses Questionnaire Project:

Questionnaire code: ____/____/____; Survey date: ____/____/2015

A-BACKGROUND INFO

1. Name of head of household:Age....., Gender: [] (Male=1; female=2)

- a) Ethnicity: [] (1=Kinh; 2=Kho Me; 3=Cham; 4=Hoa; 5=Others)
- b) Education Level: [] (1=Illiterate; 2=Primary school; 3=Secondary school; 4= Yet graduated from high school; 5=High school; 6=Vocational training; 7=University and post graduate; 8=Others)
- c) Main occupation: [] (1= Agriculture; 2=Livestock husbandry; 3=Business; 4=Factory worker; 5=official; 6=private company; 7=Retired; 8= season employee 9=driver 10= receive economic support from relatives; 11=receive economic support from state ; 12=housewife; 13=Others)
- d) Secondary jobs: [] (1=Livestock husbandry; 2=perennial crops; 3=aquaculture; 4=handicraft; 5=forestry; 6=small business; 7=mechanic)

2. Home address: Village: Commune:
District: Province:

3. Vulnerable group: [] (Woman headed=1; Ethnic minority=2; Disabled=3; Poor household=4; Social policy household=5)

B, SOCIO-ECONOMIC SURVEY

4. Household component (including head of household)

No,	Name	Gen der	Relation to the household head	Age	Ethnicit y	Main Occupation	Education level (7 and above)
		1=M ale 2=F emale	0=head 1=Husban d/wife 2=Father/ mother 3=Son/da ughter 4=Son-in-law/ Daughter-in-law 5=Grand child 6=Others		1=Kinh; 2=Kho Me; 3=Cha m; 4=Hoa; 5=Othe rs	1= Agriculture; 2=Livestock husbandry; 3=Business; 4=Factory worker; 5=official; 6=private company; 7=Retired; 8= season employee 9=driver 10= receive economic support from relatives; 11=receive economic support from state ; 12=housewife;	1=Illiterate; 2=Primary school; 3=Secondary school; 4= Yet graduated from high school; 5=High school; 6=Vocational training; 7=University and post graduate; 8=Others
1							
2							
3							
4							
5							
6							

7							
8							
9							

6, Access to public facilities

Facilities/Social service	1,Yes	2,No	1= under 1 km	2= from 1 to 2 km	3= from 2 to 5 km	4= over 5 km
a, Health service						
1, Communal health center						
2, Hospital/General Clinic						
3, Private medical center						
4, Pharmacy						
b, Market						
c, Kindergarten and school						
5, Kindergarten						
6, Primary school						
7, Secondary school						
8, High school						
9, Community college/Vocational training						
d, Other community facilities						
10, Cultural communal house						
11, Pagodas, temples, churches						
12, Sport center, stadium						

7. Water use: water sources for domestic use (tick the corresponding bracket)

- | | | | |
|------------------------------|--------------------------|-----------------|--------------------------|
| 1) Dug well | <input type="checkbox"/> | 2) Village well | <input type="checkbox"/> |
| 3) Tap water | <input type="checkbox"/> | 4) Rain water | <input type="checkbox"/> |
| 5) River, stream, pond, lake | <input type="checkbox"/> | 6) Buy water | <input type="checkbox"/> |
| 7) Creek | <input type="checkbox"/> | 8) Others | <input type="checkbox"/> |

8. Main energy for lighting for household?

- | | | | |
|---------------------|--------------------------|-------------------------------|--------------------------|
| 1) Grid electricity | <input type="checkbox"/> | 2) Power generator/hydropower | <input type="checkbox"/> |
| 3) Battery | <input type="checkbox"/> | 4) Kerosene lamp | <input type="checkbox"/> |
| 5) Wood/coal | <input type="checkbox"/> | 6) Others | <input type="checkbox"/> |

9. Main energy for cooking of the household? (Can select more than 1)

- | | | | |
|--------------------|--------------------------|--------------|--------------------------|
| 1) Electricity | <input type="checkbox"/> | 2) Biogas | <input type="checkbox"/> |
| 3) Power generator | <input type="checkbox"/> | 4) Others | <input type="checkbox"/> |
| 5) Gas/oil | <input type="checkbox"/> | 6) No answer | <input type="checkbox"/> |
| 7) Wood | <input type="checkbox"/> | | |

10. Common diseases among the community (specify)

- | | | | |
|-----------------|--------------------------|--------------|--------------------------|
| 1. Catch a cold | <input type="checkbox"/> | 2. Dysentery | <input type="checkbox"/> |
| 3. Influenza | <input type="checkbox"/> | 4. Hepatitis | <input type="checkbox"/> |

- | | | | |
|-------------------------|-----|----------------|-----|
| 1) Respiratory diseases | [] | 2) Intoxicated | [] |
| 3) Malaria | [] | 4) Others | [] |
| 5) Cholera | [] | 6) No answer | [] |

11. Annual household income:, VND

Main household income sources are from:

Agricultural production activities	Amount	_____	VND
Business	Amount	_____	VND
Salary	Amount	_____	VND
Other sources (for example, overseas remittances)	Amount	_____	VND

12. Annual household expense:, VND

For food	Amount	_____	VND
For health	Amount	_____	VND
For education	Amount	_____	VND
For housing and living facilities	Amount	_____	VND
Other (detail)	Amount	_____	VND

13. Has the living condition of the household changed during the last 3 years?

- 1) Remain the same []; Reason _____
- 2) Better []; Reason: _____
- 3) Worse []; Reason: _____

C, INVENTORY OF LOSSES

1. Land use situation of the household (affected land is in the scope of acquisition for the project)

Types of land		Impact degree		Land tenure	Legal title	Impacts caused by
1= Residential land 2=Land for growing rice 3=Garden land 4=Aquaculture land 5=Forestry land 6=Non-agricultural land 7=Others	Land within and beyond the project area (m ²)		(1) Partially affected	1=Owner 2=Lease	1=LURC 2=Without LURC but are eligible for granting LURC 3= Ineligible for granting LURC 4= Land is in the planning area of the state 5=Long-term lease of government land 6=Lease of private land	1= Tower 2= ROW 3= substation 4= access road
			(2) Fully affected			
	Within	Beyond				
Plot 1						
Plot 2						
Plot 3						
Plot 4						
Plot 5						
Plot 6						
Plot 7						
Plot 8						

Total							
--------------	--	--	--	--	--	--	--

2. Affected houses

Types of houses		Legal title	Impact degree		Project area	
1, Villa 2, Grade 1 3, Grade 2 4, Grade 3 5, Grade 4 6, Temporary 7, Shop separated from house	Total floor area (m ²)	1, With certificate 2, Without certificate 3, Build on agricultural land 4, Rented house	Affected floor area (m ²)	(Partially affected =1; Fully affected =2)	1= Main canal 2= Northern Canal 3= Southern Canal 4= Management house 5= Borrow pit 6= Disposal area 7= Others	Notes (if there is home business, except for No, 7)

NB: A household can be impacted on several houses, thus it is necessary to fill full information of all affected houses,

3. Information related to houses out of the project area (if any):

- No. of houses: []
- Area of houses out of the project area (m²):, m²

4. Other affected structures and facilities

(List auxiliary structures separated from affected houses listed above and facilities)

Structures/ Facilities	Types of structures	Unit	Quantity	Location 1= Tower 2= ROW 3= substation 4= access road
1. Kitchen separated from the main house	1, Temporary 2, Equal to grade 4 house	m ²		
2. Livestock sheds	1, Temporary 2, Equal to grade 4 house	m ²		
3. Electricity meter		Electricity meter		
4. Water meter and estimate of water pipeline length		Water meter		
5. Telephone				
6. Fence	1, Brick 2, Steel, wire or wood	Fence		

7. Gate	1, Brick 2, Iron, steel 2, Wood, Bamboo	m ²		
8. Latrine, bathroom (separated from the main house)	1, Brick, concrete 2, Bamboo, thatch	m ²		
9. Earth grave a) In cemetery b) Individual		Grave		
10. Built grave				
11. Well	1 Drilled 2, Dug	m		
12. Water container	1. Brick/ concrete 2. Inox 3. Plastic	m ³		
13. Yard (only cement or tiled)		m ²		
14. Fish pond (excavated amount)		m ³		
15. Others (Name and affected area)				

5. Affected trees and crops

(Only list affected perennial crops and fruit trees)

Trees and crops	Name	Unit	Amount	Location 1= Tower 2= ROW 3= substation 4= access road
a) Fruit tree (main)		Tree		
1) Pomelo				
2)				
3)				
4)				
5)				
b) Timber tree (main)		Tree		
1)				
2)				
3)				
4)				
5)				

c) Pot plant (main)				
d) Crops (main)		Tree		
1) Maize				
2) Potato				
3) Earthnut				
4) Bean				
5)				
e) Surface water area for aquaculture		m2		

D, CONSULTATION

1, Only for households losing productive and agricultural land

If agricultural or other productive lands are affected (acquired), which compensation option does your family chooses?

- a) Land-for-land (if land fund in the commune is available) with equal type of land and area/nature ☐
- b) Compensation in cash ☐
- c) Not yet decided ☐

2. Only for households losing residential land

Is the remaining residential land area out of the project area enough for the household to rebuild house?

- 1- Yes ☐ 2- No ☐

3. Only for households losing residential land

If the remaining residential land area is not viable to rebuild house (the remaining area is smaller than 40m2 in the urban area or 100m2 in the rural area), which relocation option does the household choose?

- a) Self relocate to another land plot of the household ☐
- b) Self relocate to another place decided by the household ☐
- c) Project's resettlement site ☐
- d) Move to the resettlement site arranged by the local authorities ☐
- e) Not yet decided ☐

4. What is your plan to use compensation cash?

- a) Build or repair house ☐
- b) Buy new land ☐
- c) Buy other properties ☐ ; Specify _____

- d) Invest in small business ☐
- e) Bank saving ☐
- f) Spend on children's study ☐
- g) Others ☐ Describe_____

5. At present does the family have plan to replace production/income from agricultural land and/or restore business?

1, No ☐

2, Yes: ☐

If yes, what is the plan:

- a) Buy new agricultural land for production ☐
- b) Reestablish business in the new place ☐
- c) Business ☐
- d) Open small shop ☐
- e) Handicraft ☐
- f) Look for new job ☐
- g) Others ☐ Describe_____

Surveyor

On behalf of the household

Appendix 2 Master List of Affected Households

No	Name of commune	Name of head household	Permanent Acquisition Land		Rate (%)	Land in ROW		Affected Trees and crops by acquisition		Affected Trees and crops by ROW		Affected house		Remove Households	Affected secondary structures
			Residential Land (m2)	Agriculture Land (m2)		Residential Land (m2)	Agriculture Land (m2)	Trees	Crops (m2)	Trees	Crops (m2)	House in acquisition Land	House in ROW Land		
1	Minh Thành	Lê Văn Thanh		800	4		1,312	Yes	No	Yes	No	No	No	No	No
2	Minh Thành	Nguyễn Thanh Long		800	3		1,446	Yes	No	Yes	No	No	No	No	No
3	Minh Thành	Nguyễn Thị Chân		755	5		1,226	Yes	No	Yes	No	No	No	No	No
4	Minh Thành	Đỗ Văn Chung		800	3		1,176	Yes	No	Yes	No	No	No	No	No
5	Minh Thành	Đỗ Văn Chính		800	2		1,532	Yes	No	Yes	No	No	No	No	No
6	Minh Thành	Trần Ngọc Huy		800	2		1,243	Yes	No	Yes	No	No	No	No	No
7	Minh Thành	Nguyễn Văn Nhân				231	1,126	No	No	Yes	No	No	Yes	Yes	Yes
8	Minh Thành	Trần Văn Phát					1,126	No	No	Yes	No	No	No	No	No
9	Minh Thành	Trương Thị Út					1,186	No	No	Yes	No	No	No	No	No
10	Minh Thành	Nguyễn Thị Bình					1,126	No	No	Yes	No	No	No	No	No
11	Minh Thành	Nguyễn Thị Liên					1,176	No	No	Yes	No	No	No	No	No
12	Minh Thành	Nguyễn Văn Khương					1,476	No	No	Yes	No	No	No	No	No
13	Minh Thành	Phạm Văn Danh					1,532	No	No	Yes	No	No	No	No	No
14	Minh Thành	Trần Công Sanh					1,126	No	No	Yes	No	No	No	No	No
15	Minh Thành	Lữ Văn Điền					1,458	No	No	Yes	No	No	No	No	No
16	Minh Thành	Phan Văn Lâm					1,186	No	No	Yes	No	No	No	No	No
17	Minh Thành	Nguyễn Văn					1,126	No	No	Yes	No	No	No	No	No
18	Minh Thành	Lê Văn Hiên					1,176	No	No	Yes	No	No	No	No	No
19	Minh Thành	Đặng Hữu Thuận					1,765	No	No	Yes	No	No	No	No	No
20	Minh Thành	Lê Thành Nhứt					1,376	No	No	Yes	No	No	No	No	No
21	Minh Thành	Lưu Xuân Tuấn					1,535	No	No	Yes	No	No	No	No	No

No	Name of commune	Name of head household	Permanent Acquisition Land		Rate (%)	Land in ROW		Affected Trees and crops by acquisition		Affected Trees and crops by ROW		Affected house		Remove d Househ olds	Affected secondar y structure s
			Resident ial Land (m2)	Ag riculture Land (m2)		Reside ntial Land (m2)	Ag riculture Land (m2)	Trees	Crop s (m2)	Trees	Crop s (m2)	House in acquisition Land	House in ROW Land		
22	Minh Thành	Ph ^h m H ^o ng Qu ^o n					1,765	No	No	Yes	No	No	No	No	No
23	Minh Thành	Lâm Yên Chi					1,126	No	No	Yes	No	No	No	No	No
24	Minh Thành	Ph ^h m V ^h n ót					1,186	No	No	Yes	No	No	No	No	No
25	Minh Thành	L ^a Th ^h Dung					1,126	No	No	Yes	No	No	No	No	No
26	Minh Thành	L ^h ng Th ^h Th ^h					1,176	No	No	Yes	No	No	No	No	No
27	Minh Thành	Tr ^h n Ng ^h c Tr ^h ng					1,143	No	No	Yes	No	No	No	No	No
28	Minh Thành	Di ^h p Thanh Sang					1,476	No	No	Yes	No	No	No	No	No
29	Minh Thành	Vò S ^h c T ^h nh					1,532	No	No	Yes	No	No	No	No	No
30	Minh Thành	Mai V ^h n ót					1,186	No	No	Yes	No	No	No	No	No
31	Minh Thành	Ng ^h V ^h n An					1,126	No	No	Yes	No	No	No	No	No
32	Minh Thành	Ph ^h m V ^h n Trang					1,176	No	No	Yes	No	No	No	No	No
33	Minh Thành	L ^a Th ^h nh Nh ^h t					1,476	No	No	Yes	No	No	No	No	No
34	Minh Thành	Ph ^h m Th ^h Thanh					1,532	No	No	Yes	No	No	No	No	No
35	Minh Thành	D ^h ng V ^h n Oanh					1,126	No	No	Yes	No	No	No	No	No
36	Minh Thành	L ^a V ^h n S ^h					1,458	No	No	Yes	No	No	No	No	No
37	Minh Thành	S ^h c V ^h n Phong					1,186	No	No	Yes	No	No	No	No	No
38	Minh Thành	Tr ^h n V ^h n T ^h ng					1,126	No	No	Yes	No	No	No	No	No
39	Minh Thành	Ph ^h m V ^h n Trang					1,176	No	No	Yes	No	No	No	No	No
40	Minh Thành	Hu ^h nh H ^o ng Thi ^h n					1,532	No	No	Yes	No	No	No	No	No
41	Minh Thành	Ph ^h m Th ^h Ba					1,643	No	No	Yes	No	No	No	No	No
42	Minh Thành	L ^a V ^h n Ngh ^h a					1,186	No	No	Yes	No	No	No	No	No
43	Minh Thành	D ^h ng Th ^h Hu ^h					1,126	No	No	Yes	No	No	No	No	No
44	Minh Thành	L ^a Th ^h					1,176	No	No	Yes	No	No	No	No	No

No	Name of commune	Name of head household	Permanent Acquisition Land		Rate (%)	Land in ROW		Affected Trees and crops by acquisition		Affected Trees and crops by ROW		Affected house		Remove d Househ olds	Affected secondar y structure s
			Resident ial Land (m2)	Ag riculture Land (m2)		Reside ntial Land (m2)	Ag riculture Land (m2)	Trees	Crop s (m2)	Trees	Crop s (m2)	House in acquisition Land	House in ROW Land		
		Nguyễn Hộ													
45	Minh Thành	T ¹ Ngãc Bých					1,458	No	No	Yes	No	No	No	No	No
46	Minh Thành	L ^a V ^õ n Ngng					1,476	No	No	Yes	No	No	No	No	No
47	Minh Thành	TrĐnh ThĐ Âu					1,186	No	No	Yes	No	No	No	No	No
48	Minh Thành	Ph ¹ m V ^õ n Th _i					1,126	No	No	Yes	No	No	No	No	No
49	Minh Thành	Huúnh V ^õ n MỄn					1,176	No	No	Yes	No	No	No	No	No
50	Minh Thành	T« Thanh Tíng					1,532	No	No	Yes	No	No	No	No	No

Appendix 3 Highlights of 2015 Public Consultations and Minute of Meetings

Highlights and List of Participants in Pre-IOL Consultations

Province	District/Commune	Time	Summary of Consultations
Binh Phuoc	Chon Thanh		<p>The local authorities and representatives of the local people agree with and support the project.</p> <p>The project owner should cooperate closely with the local authorities in site clearance and compensation payment activities.</p> <p>Compensation for affected people should be adequate according to laws and regulations. The project owner should also consider sufficient allowances for the affected people to ensure that their living conditions shall not be worse off.</p> <p>The local communities are concerned about the impacts of electromagnetic field from the transmission line on people's health.</p>
	Minh Thanh	October, 2015	

LIST OF PARTICIPANTS

No	Name	Male	Female	Position	Commune
1	Phạm Đình Tùng	x		CPC Deputy Chairman	Minh Thanh
2	Lê Văn Khoa	x		Officer Staff	Minh Thanh
3	Hoàng Quốc Cường	x		Officer Staff	Minh Thanh
4	Phạm Thị Loan		x	Officer Staff	Minh Thanh
5	Lê Ngọc Quang	x		Chairman of Fatherland Front	Minh Thanh

Highlights and List of Participants in Post-IOL Consultations

Province	District/Commune	Time	Content of meetings
Binh Phuoc	Chon Thanh		<i>1.Environmental safeguards</i>
	Minh Thanh	December, 2015	<ul style="list-style-type: none"> - Suggest the project owner implements the regulations of the State on the environmental protection. - Suggest the project owner arranges the implementation schedule to avoid impact on sowing new rice variety and harvest of the local people, - Suggest the project owner regularly checks the electromagnetic field will not affect the health of the local people working under the transmission line. <i>2.Social safeguards</i> <ul style="list-style-type: none"> - Appropriate allowance for the APs in relocation. <i>3. Conclusion</i> <ul style="list-style-type: none"> - Agree with the implementation of project.

LIST OF PARTICIPANTS

Name	Male	Female	Position	Commune
Phạm Đình Tùng	x		CPC Deputy Chairman	Minh Thanh
Lê Văn Khoa	x		Officer Staff	Minh Thanh
Hoàng Quốc Cường	x		Officer Staff	Minh Thanh
Phạm Thị Loan		x	Officer Staff	Minh Thanh
Lê Ngọc Quang	x		Chairman of Fatherland Front	Minh Thanh
Lê Văn Thanh	x		AH	Minh Thanh
Nguyễn Thanh Long	x		AH	Minh Thanh
Nguyễn Thị Chấn		x	AH	Minh Thanh
Đỗ Văn Chung	x		AH	Minh Thanh
Đỗ Văn Chính	x		AH	Minh Thanh
Trần Ngọc Huy	x		AH	Minh Thanh
Nguyễn Văn Nhân	x		AH	Minh Thanh
Trần Văn Phát	x		AH	Minh Thanh
Trương Thị Út		x	AH	Minh Thanh
Nguyễn Thị Bình		x	AH	Minh Thanh
Nguyễn Thị Liên		x	AH	Minh Thanh
Nguyễn Văn Khương	x		AH	Minh Thanh
Phạm Văn Danh	x		AH	Minh Thanh
Trần Công Sở	x		AH	Minh Thanh
Lữ Văn Điền	x		AH	Minh Thanh

MINUTES OF CONSULTATION MEETINGS

TA-7742 VIE: Power Transmission Investment Program (MFF)
CHƯƠNG TRÌNH ĐƯỜNG DÂY TRUYỀN TẢI ĐIỆN (MFF)

CỘNG HOÀ XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự Do - Hạnh phúc

Mình Thành, Ngày 24 tháng 2 năm 2016

BIÊN BẢN HỌP THAM VẤN CỘNG ĐỒNG VỀ ĐÁNH GIÁ MÔI TRƯỜNG, TÁI ĐỊNH CƯ VÀ PHÁT TRIỂN DÂN TỘC THIỂU SỐ

Tiểu dự án: Dự án 500KV Điện Hòa - Chơn Thành
Phường/Xã: Minh Thành, Quận/Huyện: Chơn Thành, Thành phố: Thủ Đức, Bình Phước

I. Thành phần tham dự

- Ông/Bà: Phạm Đình Tiến Chức vụ: PCT UBND
- Ông/Bà: Lê Ngọc Anan Chức vụ: UBND TA
- Ông/Bà: Huỳnh Thị Tuyết Hoa Chức vụ: Hải quân
- Ông/Bà: Vũ Khắc Trường Chức vụ: CB XD
- Ông/Bà: Chức vụ:
- Ông/Bà: Chức vụ:
- Đại diện những người bị ảnh hưởng: người (chi tiết xem danh sách đính kèm)

II. Nội dung tham vấn

- **Tư vấn thiết kế giới thiệu dự án:** Vị trí trạm, tuyến đường; vị trí và chiều dài tuyến trên địa bàn phường, xã.
- **Tư vấn môi trường trình bày về:** Chính sách môi trường của ADB; Các quy định về môi trường trong ngành điện của chính phủ Việt Nam; Các tác động về môi trường và các biện pháp giảm thiểu tương ứng (như trong IEE); Cơ chế khiếu nại khi có các vấn đề môi trường xảy ra
- **Tư vấn xã hội/tái định cư trình bày về:** Kế hoạch tái định cư của ADB; Những tác động khi thu hồi đất và các tài sản trên đất; Những chính sách của Chính phủ nước Cộng hòa xã hội chủ nghĩa Việt Nam và địa phương, chính sách của dự án trong vấn đề bồi thường thiệt hại khi Nhà nước thu hồi đất đai và các tài sản trên đất; Các tác động thu hồi đất/tái định cư dự kiến trên địa bàn; Các phương án bồi thường đề xuất (theo Khung chính sách của dự án đã được phê duyệt); Tổ chức thực hiện, kế hoạch thực hiện kế hoạch tái định cư.

III. Ý kiến thảo luận

III.1 Về các tác động môi trường tiêu cực và biện pháp giảm thiểu

TA-7742 VIE: Power Transmission Investment Program (MFF)
CHƯƠNG TRÌNH ĐƯỜNG DÂY TRUYỀN TẢI ĐIỆN (MFF)

Kiểm nghị chủ dự án trong quá trình xây dựng dự án phải quản lý tốt các loại chất thải.
Cần quản lý tốt các thiết bị thi công khi thi công tại khu vực có người dân sinh sống.

III.2 Về các vấn đề thu hồi đất và các tài sản trên đất và các chính sách

Quá trình thu hồi đất phải phối hợp với chính quyền địa phương.
Đảm bảo thực hiện đầy đủ các chính sách an sinh xã hội.

IV. Kết luận

UBND và người dân thống nhất triển khai dự án.

Đại diện Chủ đầu tư

Đại diện cộng đồng

Đại diện tư vấn

Đại diện UBND xã

Đỗ Ngọc Anh Dũng



Phạm Đình Cường

PICTURES OF PUBLIC CONSULTATIONS MEETING



Appendix 4 Project Information Brochure

- 1, Name of the Project:** 500 kV Duc Hoa- Chon Thanh Transmission Line
- 2, Executing agency:** National Power Transmission Corporation (NPT)
- 3, Representative of the executing agency:** Southern Vietnam Power Project Management Board (SPMB)
-

Question 1: What is the 500 kV Duc Hoa- Chon Thanh Transmission Line Project?

Answer: The 500 kV Duc Hoa- Chon Thanh Transmission Line Project is for Tranche 4 of the Power Transmission Investment Program of the Government of Vietnam, The Projects shall be financed through the Multi-Financing Facility (MFF) of Asian Development Bank (ADB), The Project "500kV Duc Hoa-Chon Thanh transmission line " is built to link the source of the southwest region (through My Tho 500kV substation) with the source of the nuclear power plant cluster (through the 500kV Chon Thanh substation), which frees up capacity of electric power cluster, ensuring safe and reliable power supply for 500kV Cu Chi, Tay Ninh and Chon Thanh substation and strengthen the regional 500 kV grid in order ensure stable operation system - reliable, preventing overload for regional transmission grid normal operation, especially in the case of incidents, while minimizing damage the electrical system.

Question 2: How will 500 kV Duc Hoa -Chon Thanh Transmission Line Project affect local communities?

Answer: According to the Decree No, 14/2014/ND-CP dated 26/02/2014 on the safety protection of high voltage power grid, the Project will cause the following impacts:

- Permanent acquisitions of lands for the construction of the substation and tower foundations;
- Restrictions on land use activities under the ROWs;
- Permanently cut down trees on the affected land area;
- Relocation of houses and structures under the ROW of the 500 kV TL,

Question 3: What is the main objective of resettlement plan?

Answer: The main objective of the Resettlement Plan is to ensure that all APs will be at least as well-off, if not better-off, than they would have been in the absence of the Project,

Question 4: What if my land is affected by the project?

Answer: (i) In case the subproject acquires more land of the households, you will be offered a choice of replacement land as priority of equal area and productive capacity at a location acceptable to you OR cash compensation at replacement value at current market prices,

(ii) In case the affected land is leased land, the value of land shall not be compensated but the investment costs in land will be compensated.

Question 5: Do we need to have a land title in the order to be compensated?

Answer: No, lack of formal legal rights to land does not prevent any APs from receiving compensation, allowances and rehabilitation assistance, Those APs who possess a land use rights certificate (LURC) or any other form of written agreement to utilize the land are entitled to compensation for the lost land as well as assets on the land, Those APs who do not have legal/legalisable or temporary/lease rights for affected land will be compensated for the assets on affected land,

Question 6: Is the compensation applied for affected houses and structures?

Answer: Yes, Compensation will be applied for all affected assets including houses, stores, wells, and fences as well as other fixed assets at replacement value at current market prices without any deductions for building depreciation or salvageable building materials, This will ensure that the Affected Persons are able to reconstruct houses and other structures of better or at least the same quality as before,

Question 7: What about affected crops and trees?

Answer: (i) Permanently affected crops and trees will be compensated in cash at current market prices,

(ii) As for trees and crops temporarily affected during construction period:

- Compensation for non-harvested crops will be based on the time of impacts and the average production in the past 3 years,
- Trees and crops will be compensated at market prices at the time of land acquisition,

Question 8: Besides the compensation, how can the project help?

Answer: In addition to compensation for loss of land and other assets, the Project will provide rehabilitation assistance to eligible APs to ensure that their standard of living is maintained or improved after the Project, Eligible APs for rehabilitation assistance include:

- **Some affected households:** these households losing more than 10% of their productive landholdings will receive the following assistances: (i) life stabilization allowances; (ii) income restoration allowances and provision of technical assistance and agricultural extension techniques to improve output in the remaining area, existing credit programs or employments related to the project;
- **Households that relocate** shall receive (i) relocation allowances; (ii) assistances to mobilize life during transition period; (iii) rental allowances at market prices, Assistance levels are identified clearly in the project policies,
- **Business owners that lose income** while they relocate or rebuild their shops/businesses: Households with small, unregistered businesses will receive cash compensation equal to the provincial minimum wage for three months, Owners of registered businesses will receive cash compensation equal to 30% of their taxed income of one year, The annual taxed income is determined in the financial reports of the previous three years,
- **Employees and hired labors who lose their jobs:** will receive cash compensation for lost salary/wages for each month they cannot work, if the loss is temporary; or, if the loss

is permanent, cash compensation equivalent to the provincial minimum wage for six months or cash compensation for remaining contract period whichever is higher,

- **Job changing allowances:** As for the affected households who have or have not registered for LURC after resettlement and do not have job, if you are in the working age, you can participate in a vocational training in the area without tuition fee,

Question 9: Does that mean that anybody in our community can claim for compensation?

Answer: No, Entitled APs are those persons or households that will lose land or property based on the detailed measurement survey (DMS) that will be conducted following completion of the final designs for the subproject, Affected communes and local authorities will be informed of the cut-off date (the date of DMS) for the subproject,

Question 10: If there are any disagreements or problems about land acquisition, compensation or other general disputes during project implementation, do APs have the right to voice their complaints?

Answer: Yes, APs can voice their complaints (in verbal or written form) to responsible local authorities and resettlement committees, Their complaints can be filed first at the ward or commune level, and can be elevated to the district and provincial level and taken to provincial court if the APs are not satisfied with the decision of lower levels, APs will be exempted from all taxes, administrative and legal fees,

Question 11: How will APs be consulted and informed?

Answer: A consultation and public information program will be organized in your commune to ensure that APs receive complete and timely information about the Project, APs will be provided information on project components, impacts, their rights and entitlements, grievance mechanism, rights of participation and consultation, resettlement activities, responsibilities of institutions and implementation schedule, APs will participate in resettlement planning and implementation and they will also be consulted on the following issues: a) resettlement options according to their entitlement, b) training and training preferences in current or new occupations, c) other project aspects,

Question 12: As a resident in the project area, how can I help?

Answer: We would like you to participate in all consultation meetings and other subproject related activities in order to ensure that you are fully informed and consulted, Your active participation during the detailed measurement survey (DMS) and implementation will allow us to determine measures to mitigate impacts, to identify problems or potentials problems and to identify ways of responding immediately to solve these problems.

Question 13: How will you know if the objectives of this project are met?

Answer: NPT through SPMB will ensure internal monitoring all Project activities, In addition, SPMB will engage an independent external monitoring agency to conduct external monitoring of resettlement activities during Project implementation, Every 6 months, the independent monitoring agency will submit a report to SPMB and ADB on resettlement implementation progress, A post-resettlement impact evaluation will assess whether negative impacts have

been mitigated adequately and pre-project standards of living of APs have been restored as a result of resettlement and the Project.

FOR FURTHER INFORMATION AND SUGGESTIONS – *Please contact the DCARCs, LFDCs where you live:*

1, District Compensation, Assistance Resettlement Committee (DCARC) of ... District;

Address:.....

Person in charge:Tel.....

2. Land Fund Development Center of the district

Address:.....

Person in charge:Tel:

Appendix 5 Replacement Cost Study

I, PROJECT DESCRIPTION

1. The Duc Hoa – Chon Thanh 500 kV Transmission Line Project is for Tranche 4 of the Power Transmission Investment Program of the Government of Vietnam (GOV), The Project "500kV Duc Hoa-Chon Thanh transmission line " is built to link the source of the southwest region (through My Tho 500kV substation) with the source of the nuclear power plant cluster (through the 500kV Chon Thanh substation), which frees up capacity of electric power cluster, ensuring safe and reliable power supply for 500kV Cu Chi, Tay Ninh and Chon Thanh substation and strengthen the regional 500 kV grid in order ensure stable operation system - reliable, preventing overload for regional transmission grid normal operation, especially in the case of incidents, while minimizing damage the electrical system.

2. The Duc Hoa – Chon Thanh 500 kV Transmission Line will be newly constructed 103.8 km in length passes by the 25 communes of 8 districts of 4 provinces of Long An and Tay Ninh, Binh Duong and Binh Phuoc.

Table 1 : Location of points of the Duc Hoa – Chon Thanh 500KV Transmission line

Province	District	Commune	Length (m)
Long An	Duc Hoa	Hoa Khanh Dong	381.25
		Hoa Khanh Nam	4717.17
		Hoa Khanh Tay	3777.26
		Tan Phu	4112.68
		Hiep Hoa	3552.24
		An Ninh Tay	6134.23
	Duc Hue	My Thanh Bac	2177.55
		My Quy Dong	1118.55
Tay Ninh	Trang Bang	Phuoc Chi	6962.48
		An Hoa	6066.14
		Gia Binh	3634.52
		Gia Loc	1388.83
		Loc Hung	6684.79
		Hung Thuan	4117.87
		Don Thuan	1442.71
	Go Dau	Thanh Phuoc	168.62
Binh Duong	Dau Tieng	Thanh An	9163.36

Province	District	Commune	Length (m)
		An Lap	3784.65
		Long Tan	7014.35
		Long Hoa	3161.87
	Bau Bang	Cay Truong 2	4713.63
		Tru Van Tho	9355.35
	Phu Giao	Tan Long	2176.57
		An Long	6605.87
Binh Phuoc	Chon Thanh	Minh Thanh	2314.77

3. The Transmission Line has a total length of 103.8 km in which technical requirements are itemized in the table below,

Table 2: Transmission Line Components

Starting point	At the 500kV Duc Hoa SS
Ending point	At the 500kV Chon Thanh SS
Length	103.8 km
ROW	34 m
Earth grounding width	60 m
Voltage	500 kV
Number of circuit	2
Conductor	4xACSR 330
Earthwire	PHLOX75.5
Fibre optical cable	OPGW-70
Insulator	Glass, ceramic or polymer
Towers	253
Foundation	Site preformed steel reinforced
Houses to be removed from within the RoW	314 houses

II, OBJECTIVE OF THE REPLACEMENT COST STUDY

4. The Land Law 2013 prescribed that the valuation of land prices for compensation must ensure the principles that they are close to the actual prices of land use right transfer on the market under normal conditions, The Decree No,44/2014/NĐ-CP regulated land price evaluation methods and compensation for affected assets shall be applied based on the price frame (controlled by ceiling and floor costs),

5. The ADB's SPS 2009 stated that the borrower/client will provide adequate and appropriate replacement land and structures or cash compensation at full replacement cost for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance for the APs,

6. The Replacement Cost Study is carried out aiming to determine and establish the compensation rates for various types of lands, crops and trees, structures and non-land sources in order to ensure that the APs are compensated at replacement costs, In the implementation phase of the RP, further detailed survey for different affected assets and further steps need to be done in order to get the replacement costs updated and approved by the provincial authorities and then to be used for calculating the compensation package for every affected households,

7. The main tasks of the studied team are to carry out the replacement cost survey for the affected land and non-land assets, including (i) costs for the different land types (residential land, agricultural land, forestry land, fishpond land etc); (ii) Costs for buildings and other popular substructures; (iii) costs for trees, annual crops; and (iv) cost for labour, construction materials in the project localities etc,

8. The RCS was carried out during December 2015 in at district and commune levels by in-the-field investigation and various consultations and interviews with stakeholders (including representatives from DCARBs, communes' cadastral officers, etc., suppliers, construction material kiosks, land broker, etc., and the APs),

III, PRINCIPLES OF REPLACEMENT COSTS

9. In order to carry out the RCS, it should ensure that (i) compensation for affected land and assets on land by replacement cost so replacement cost survey should be done; and (ii) RCS should be carried out with the participation of the APs, affected community and relevant authorized agencies at province/district/commune levels, The results of the RCS must be publicly informed to affected community and APs,

10. Market price of an asset is the price in the market at a time determined between a willing buyer and a willing to seller in a commercial transaction in the normal condition objectively and independently, The replacement cost of an asset is the market price of the asset plus transaction cost and other administrative costs (if any) to replace the affected asset and as follows:

- Productive land (agricultural, aquaculture, garden and forestry) based on current market prices that reflect recent land sales in the project area or, in the absence of such recent

sales, based on recent sales in adjacent or other locations with comparable attributes, or in the absence of such sales, based on productive value;

- Residential land based on current market prices that reflect recent land sales or, in the absence of such recent land sales, based on prices of recent sales in other locations with comparable attributes;
- Houses and other fixed structures based on current market prices of materials and labor without depreciation nor deduction for salvaged building materials;
- Annual crops equivalent to the prevailing market value of crops at the time of compensation;
- Perennial crops, cash compensation equivalent to their current market value given the type, age and productive value (future production) at the time of compensation;
- Timber trees based on the type and breast height at current market prices,

IV, STUDY METHODOLOGY AND ARRANGEMENT

11. The legal basis for the replacement cost study includes:

- The Land Law 2013 No,45/2013/QH13 dated November 29th, 2013; Decree No,43/2014/ND-CP dated May 15th, 2014 guiding the implementation of the Land Law 2013; Decree No,44/2014/ND-CP dated May 15th, 2014 regulating land price; Decree No,45/2014/ND-CP dated May 15th, 2014 regulating collection of land use levy; Decree No,47/2014/ND-CP dated May 15th, 2014 on compensation, assistance, rehabilitation and resettlement in the event of land recovery by the State; Decree No,120/2010/ND-CP dated December 30th, 2010 supplementing and amending some articles of the Decree No,198/2004/ND-CP on land use levy; Decree No,198/2004/ND-CP dated December 3rd, 2004 on land use levy;

12. *Survey Arrangement:* The survey team composed of members from SPMB (Dept, of Compensation), cadastral officers of the affected communes, and ADB Consultant, Before conducting the survey, the team had discussed about replacement cost, methods, tools; reviewed current laws/policies/regulations on land acquisition and compensation at national and provincial levels; and identified stakeholders from province to village levels to engage in consultation and interview of replacement cost,

13. *Survey Process and Methods:* To do the survey for the replacement costs and to give comparison between the results of survey and the compensation unit costs which enacted by 4 Province, the survey teams used the methodology and carried out for the following works at the project localities and at the project sites,

- (i) Reviewed various decrees/circulars and decisions promulgated on compensation, assistances and resettlement in case land recovered by the State;
- (ii) Worked with District's Divisions of Finance, Natural Resources and Environment, and Construction to study and determine legal framework, principles, methods and procedures applied for valuation of land prices and other assets, The team also discussed with and listened to explanation of relevant offices at district level about the compensation rates to be applied for the affected people by the Project in the district;
- (iii) Interviewed local staff (district and commune levels) and local people about the current market rates around project area and studied the latest land transaction profiles;
- (iv) Interviewed local suppliers, construction material kiosks, local contractors to study more details about material prices, current labour cost and construction price unit for house and other structures;
- (v) Interviewed land brokers, agricultural specialists to determine prices of annual crops and perennial crops and trees; and
- (vi) Determined compensation prices for assets (land, structures, crops and trees) affected by the Project, Price units for reference to determine the compensation rates were discussed with local people, local suppliers, land brokers and other stakeholders for appraisal and decision of prices to be applied which whether or not reflect market prices and be accepted by affected people,

14. The study results and price comparison are presented in the below tables,

Table 3: Price unit for Lands

No,	Type of land	Unit	Price unit of Province	Proposed price unit (Replacement cost)
A	Binh Phuoc province		Decision 32/2014/QĐ-UBND	
	Chon Thanh District			
	Minh Thanh Commune			
1	Residential land	VND/m ²	650,000	1,200,000
2	Perennial tree land	VND/m ²	35,000	200,000

Table 4: Price unit for Crops and Trees

No ,	Type of trees	Unit	Unit price of Province	Proposed unit price (Market price)
A	Binh Phuoc Province		Decision: 05/2015/QĐ-UBND	
1	Rubber tree	VND/Tre e	400,00	500,000

Table 5: Price unit for Houses and Other Structures

No,	Type of structure	Unit	Unit price issued by Province	Proposed price unit (Replacement cost)
	Binh Phuoc Province		Decision: 68/2012/QĐ-UBND	
	Unit price for main houses			
1	Temporary (poor wood, wattle, leaf roof, earthen floor), Grade 5	m ²	450,000	1,500,000
2	Semi- permanent house (Brick pile and foundation, wood girder, brick wall, metal roof , cement floor), Grade 4	m ²	1,050,000	2,500,000
B	Unit price for other structures and works			
1	Well	No	2,200,000	3,300,000
2	Electric meters	No.	1,400,000	2,000,000
3	Animal shelters	m ²	355,000	500,000
4	Yard	m ²	415,000	500,000
5	Fence	m ²	430,000	500,000

V, CONCLUSIONS AND RECOMMENDATIONS

15. The study results on replacement costs based on actual survey from affected households, non affected households and relevant agencies such as real state company, construction materials shops in comparison with the ones issued by the PPCs showed that there are some differences, The proposed unit price will be applied for calculating compensation prices for affected lands and assets of the Project.