

# Resettlement Plan

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December 2013

Loan 2517-VIE: Renewable energy development and network expansion and rehabilitation for remote communes sector project

Rural distribution network expansion and rehabilitation in Quang Tri province subproject – Additional fund

Prepared by Central Power Corporation for the Asian Development Bank.

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## CURRENCY EQUIVALENTS

Currency unit: Vietnam Dong (VND) and US dollar (\$)  
Exchange rate on Dec, 2013: \$1 = VND 21,000 VND

## ABBREVIATIONS

ADB	Asian Development Bank
CPC	Commune People's Committee
	Central Power Corporation
Quang Tri	Quang Tri Subproject
DCC	The District Compensation Committee
DIB	the District Indemnity Board
DMS	Detailed measurement survey
DPC	District People's Committee
EA	Environmental Assessment
EVN	VietNam Electricity
GWh	Gigawatt hour
ha	Hectare
kV	Kilo Volt
kVA	Kilo Volt - Ampe
kWh	Kilo Walt hour
LURC	Land Use Rights Certificate
m2	Square metre
MW	Megawatt
NGO	Non-governmental organization
CPC	Central Power Company
ODA	Official development assistance
PMU	Project Management Unit
PPC	Provincial People's Committee
PPMU	Provincial project management unit
RP	Resettlement Plan
SES	Social Economic Survey
TA	Technical Assistance
USD	United States dollar
VND	Vietnam Dong
ROW	Right of way
APs	Affected People's

## TABLE OF CONTENTS

CURRENCY EQUIVALENTS .....	ii
ABBREVIATIONS .....	ii
TABLE OF CONTENTS.....	iii
1. Project Description. ....	vii
2. Scope of Resettlement Impacts. ....	vii
3. Information disclosure and public consultation. ....	viii
4. Policy Framework, Entitlement Matrix and Grievance Redress Mechanism and Income Restoration Measures.....	viii
5. Cost Estimate, Implementation Schedule, Institutional Arrangements and Monitoring. ....	ix
I. INTRODUCTION .....	10
1.1. Project Background.....	10
1.2. Location and Components of the Subproject .....	10
1.3. Affected Land and People .....	<b>Error! Bookmark not defined.</b>
1.4. Mitigation Measures.....	11
1.5. Objectives of the Resettlement Plan .....	11
1.6. Basis of Project Description and Arrangement for Updating the Resettlement Plan .....	11
II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT .....	12
2.1. Affected on Land.....	12
2.1.1. Permanent impacts .....	12
2.1.2. Temporary impacts .....	12
2.2. Impacts on trees and crops.....	15
2.3. Impacts on on-land assets .....	15
2.4. Impacts on public assets .....	15
2.5. Affected on livelihood and income.....	15
III. SOCIO-ECONOMIC CONDITIONS OF THE AFFECTED COMMUNITY AND HOUSEHOLDS.....	15
III.1. Population characteristics .....	16
III.2. Literacy and Education. ....	17
III.3. Economic Conditions.....	17
III.4. Housing.....	19
III.5. Access to Household Utilities and Conveniences.....	19
III.6. Social Services .....	20

III.7.	Farming Operation .....	21
III.8.	Gender Consideration .....	21
III.9.	Ethnic Minority Groups in the Project Area .....	22
III.10.	Vulnerability and Risk Analysis .....	23
IV.	INFORMATION DISSEMINATION, PUBLIC CONSULTATION.....	24
4.1.	PUBLIC CONSULTATION .....	24
4.2.	Information Dissemination and Local People’s Participation.....	28
V.	GRIEVANCE REDRESS MECHANISM .....	28
VI.	POLICY AND LEGAL FRAMEWORK.....	31
6.1.	Relevant Policies of Vietnam .....	31
6.2.	ADB Policies .....	33
6.3.	Reconciliation of Vietnam Government and ADB Policies .....	34
6.4.	Quang Tri subproject Principles.....	38
VII.	ENTITLEMENTS.....	40
VIII.	INCOME RESTORATION STRATEGY .....	42
IX.	RESETTLEMENT BUDGET AND FINANCING .....	42
X.	IMPLEMENTATION SCHEDULE .....	45
XI.	INSTITUTIONAL ARRANGEMENT FOR RP IMPLEMENTATION.....	47
XII.	MONITORING AND EVALUATION.....	48
	APPENDICIES .....	52
	Appendix 1. Map of subproject location (file attachments).....	52
	APPENDIX 2 - Participants of public consultation meetings (file attachments). ....	53

## DEFINITION OF TERMS

Affected People	All the people affected by a project through land acquisition, loss of income and restriction of access either temporarily or permanently and partly or entirely. The effect could be on the following: (i) standard of living; (ii) right, title or interest in all or any part of a house, land, water resources or any other moveable or fixed assets; and (iii) business, occupation, place of work or residence, or habitat with or without displacement. They include; i) persons affected directly by the right-of-way or construction work area; (ii) persons whose agricultural land or other productive assets such as trees, standing crops are affected; (iii) persons whose businesses are affected and who might experience loss of income; (iv) persons who lose work/employment as a result of project impact; and (v) people who lose access to community resources/property
Census	The pre-appraisal population record of potentially affected people, which is prepared through a count based on village or other local population data
Compensation	Payment in cash or kind for an asset to be acquired or affected by a project at replacement cost
Cut-off-date	This refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorized as AP, regardless of tenure status. In this Project, the cut-off date will be the final day of the census of APs and the detailed measurement survey (DMS) of APs' land and/or non-land assets.
Detailed Measurement Survey	The detailed inventory of losses that is completed after detailed design and marking of project boundaries on the ground
Encroachers	Those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.
Entitlement	The range of measures comprising cash or in-kind compensation, relocation cost, and various assistance due to affected person depending on the type and degree of losses, to restore their social and economic base.
Ethnic Minority	The people with social or cultural identities distinct from that of the dominant or mainstream society
Income Restoration	The measures required to ensure that APs have the resources to at least restore, if not improve, their livelihoods. After resettlement, all of

	the affected persons should have incomes that are at least equivalent to their pre-project income levels or otherwise improvement.
Land acquisition	The process whereby a person is compelled by a public agency to alienate all or part of the land possessed to the agency for public purposes, in return for fair compensation
Legalizable	Those who do not have formal legal rights to land, but could claim rights to such land. Such claims may result from recognition of prescriptive rights from continued possession of public lands without eviction, through eligibility for a government land titling process, or from customary or traditional usage.
Non-titled APs	The people who have no recognizable rights or claims to land or structures that they are using and that are affected by the project
Replacement cost	The method of valuing assets to replace the loss at market value, or its nearest equivalent, and means the amount of cash or kind needed to replace an asset in its existing condition, at current market price without deduction of the costs of any transaction (administrative charges, taxes, registration or titling costs) or for any material salvaged
Resettlement	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
Resettlement Plan	The time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation
Significant	200 people or more will experience major impacts, which are defined as; (i) being physically displaced from housing, or (ii) losing ten per cent or more of their productive assets (income generating)
Vulnerable	Any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e; (i) female-headed households with dependents; (ii) disabled household heads; (iii) poor households; (iv) landless elderly households with no means of support; (v) households without security of tenure; and (vi) ethnic minorities.

## EXECUTIVE SUMMARY

### 1. Project Description.

1. The Renewable energy development and network expansion and rehabilitation for remote communes sector project consists of two investment components. Component 1 is construction of small hydropower plants in the areas with hydropower potential in Quang Nam, Thua Thien Hue, Dien Bien, Lai Chau provinces to provide additional electric power for the national grid and for households in communes and neighboring areas. Component 2 (for CPC) includes both new construction and rehabilitation of rural grid in Quang Tri, Thua Thien Hue, Quang Nam, Quang Ngai, Gia Lai provinces to provide electricity for communes and households who have not been provided with electricity from national grid and to improve the quality of electricity supply for households who are using electricity.
2. After the Component 2 (for CPC) of project has been procured in 2012, a residual fund from ADB has not been used, and ADB approved for CPC to use the remaining fund, which consist of some subproject, including Rural distribution network expansion and rehabilitation in Quang Tri province subproject – additional fund.
3. The Quang Tri Rehabilitation and Expansion of Rural Networks – Additional fund is a subproject of the Renewable Energy Development and Network Expansion and Rehabilitation for Remote Communes Sector Project. It will provide and improve electricity of 27,676 households in Quang Tri Province, part of them are poor and ethnic minorities, and increase their percentage of household connection from 85.6 to 96.2 percent. The subproject will entail the installation of 53.65 kilometres of medium voltage (MV) distribution line; (ii) installation of 490.31 kilometres of low voltage (LV); (iii) construction 43 substations with total capacity of 4,365 kVA. The subproject will cover 46 communes in 7 districts, 1 town of Quang Tri Province. The districts are as follows: Huong Hoa (01 communes), Cam Lo (07 communes), Gio Linh (06 communes), Vinh Linh (05 communes), Hai Lang (08 communes), Dakrong (08 communes), Trieu Phong (11 communes), Quang Tri town (01 communes).

### 2. Scope of Resettlement Impacts.

4. The subproject will acquire about 291,959 square meter of land in total for developing physical infrastructure, including substations, tower foundations, and access roads and/or for temporary use during project construction. Of which, 24,729 square meter (6.94%) will be permanently acquired while 267,230 square meters (93.06%) will be for temporary use. Of 24,729 square meters acquired, 7,252 square meters of rice land, 2,971 square meters of dry-land crops, 3,247 square meters of rice and shrimp, 3,135 square meters of garden, 3,869 square meters of tree crops, 1,129 square meters of pond, 3,126 square meters of public

forest. There are about 3,772 permanently affected households, however, no households will lose more than 10% of their total land holding or have to relocate.

5. The income loss from land acquisition can be derived from the average permanently land loss, which is only 6.56 m<sup>2</sup> per household. If this is planted to rice within two harvests a year, and with the yield of paddy is 0.47kg/m<sup>2</sup>/harvest, the average income loss would be 24,650 VND per year (6.56m<sup>2</sup> x 0.47kg/ m<sup>2</sup> x 4,000 VND/kg x 2 harvests). All affected households do not have to be relocated, and no households are affected by over than 10% of the total agricultural land. Sub-projects do not affect buildings or properties when building community facilities.

### **3. Information disclosure and public consultation.**

6. The objectives of the information disclosure and public consultation are to (i) Share adequate information on the subproject for the community and people affected by the subproject and the related agencies; (ii) collect suggestions and opinions of local authorities, the affected community and people on the issues such as the scale of land acquisition; the mitigation measures of land acquisition; the compensation, assistance, resettlement policies; the income restoration activities and the grievance redress mechanism; (iii) attract the co-operation and participation of the affected community, people and the related agencies in the preparation and implementation of the resettlement plan; (iv) in order to ensure the transparency of the subproject information; all related activities such as land acquisition; compensation, support, resettlement, and income restoration are closely discussed, consultations on these matters are held with the affected community, people, and related agencies and Project Information Booklets are delivered directly to them through consultation meetings. Public consultation and information disclosure have been done in March to July, 2013. There were 3 consultation meetings held in affected communes. The consultation meetings attracted 273 participants, of which 47.25% is female. Through the consultation meetings, local people have understood the scope of land acquisition and agreed with the compensation policies as well as the compensation, assistance and resettlement plan.

### **4. Policy Framework, Entitlement Matrix and Grievance Redress Mechanism and Income Restoration Measures.**

7. The main objective of the Resettlement Plan is to ensure fairness and maximize the benefits to the APs regardless of land tenure; special assistance for poor households, families in preferential social policy and severely affected households to stabilize their life to a level that is at least equal to or better than pre-project level. There are some differences between the policies of Vietnam and ADB on resettlement such as: compensation of non-titled users, compensation based on replacement cost and entitlement to rehabilitation assistance, etc. These



differences are resolved in favour of ADB policy by granting compensation to all affected people regardless of tenure at replacement cost and rehabilitation assistance to those losing more than 10 percent of their land and/or those physically displaced. The resolution is reflected in the entitlement matrix.

**5. Cost Estimate, Implementation Schedule, Institutional Arrangements and Monitoring.**

8. RP implementation will cost 7,141,000,000 VND; equal to US\$ 340,048. Around 89.13 percent of this amount will go to compensation, assistance and income restoration measures. The funds will be from EVN-CPC and will be transferred to the District Compensation Board to pay the compensation and give assistance to the affected households with the commune and village providing the necessary support. The implementation will start on October, 2013 and is projected to be completed by January, 2014. As the Executing Agency, EVNCPC will establish a project management unit to supervise the overall implementation of the project. But it is the provincial, district and commune People's Committee who will implement the resettlement activities. An internal monitoring system will be installed within the PMU to track the progress and result of implementation.

## **I. INTRODUCTION**

### **1.1. Project Background**

9. The Renewable energy development and network expansion and rehabilitation for remote communes sector project (or the “Project”) consists of two investment components:
- The Renewable energy development and network expansion and rehabilitation for remote communes sector project consists of two investment components. Component 1 is construction of small hydropower plants in the areas with hydropower potential in Quang Nam, Thua Thien Hue, Dien Bien, Lai Chau provinces to provide additional electric power for the national grid and for households in communes and neighbouring areas. Component 2 (for CPC) includes both new construction and rehabilitation of rural grid in Quang Tri, Thua Thien Hue, Quang Nam, Quang Ngai, Gia Lai provinces to provide electricity for communes and households who have not been provided with electricity from national grid and to improve the quality of electricity supply for households who are using electricity.
  - After the Component 2 (for CPC) of project has been procured in 2012, a residual fund from ADB has not been used, and ADB approved for CPC to use the remaining fund, which consist of some subproject, including Rural distribution network expansion and rehabilitation in Quang Tri province subproject – additional fund.
10. The subproject aims to promote pro-poor and balanced economic development of remote mountainous communes and poor communes in other parts of the sustainable use of electricity in an affordable manner. The outcomes of the sector Project are to (i) provide reliable and affordable supply of electricity to remote mountainous communes, (ii) improve living conditions and income

### **1.2. Location and Components of the Subproject**

11. Quang Tri province rural distribution power network rehabilitation and expansion subproject will perform on 46 communes of 7 districts, 1 town , scope of subproject as follows:
- |                                                          |            |
|----------------------------------------------------------|------------|
| + Medium voltage networks length:                        | 53.67 km.  |
| + Total transformers: 53 substations with total capacity | 4,365 kVA. |
| + Low voltage network length:                            | 490.31 km. |
| + Watthourmeter:                                         | 27,676 pcs |
12. Subproject when put into operation will improve power supply for 46 communes and 01 town in the project area.
13. Total estimated post-tax investment of subproject (including loan interest during the construction phase) is 364.541.000.000VND. Total construction duration of the

subproject is estimated to be 12 months. The construction of Quang Tri subproject will be started in the first quarter of 2014 if it is approved.

### **1.3. Mitigation Measures**

14. Measures to minimize the impacts of the sub-project have been comprehensively calculated by the Owner, design consultants and local authorities. Furthermore, during the public consultations, the affected community proposed measures to minimize impact on land acquisition and on-land assets. The mitigation measures for land acquisition and on-land assets include:
- (i) Unused land will be made use of to build workers 'camp, construction machinery and materials gathering and storage area in order to avoid impacts on land and assets of households.
  - (ii) Existing access road will be used to make the construction road and access road into power lines.
  - (iii) The construction process will be strictly monitored to minimize spillage of rock and soil which affects fields, areas planted with fruit trees, and the road system of households within the subproject area.

### **1.5. Objectives of the Resettlement Plan**

15. This Resettlement Plan (RP) is prepared to mitigate the adverse social impact of the project and ensure that the mitigation and compensation measures will enable the affected people to at least restore, if not enhance the living standards that they have before the project. To attain this, the resettlement plan will attain the following objectives:
- Identify the area to be affected by the project and the adverse impact on the people and the extent of losses on their economic and cultural assets;
  - Determine the entitlement of the affected people for compensation and assistance based on the principle of replacement cost and the requirements of the national laws and ADB policies;
  - Describe the procedures of delivering the compensation and assistance in accordance with project principles including the mechanism to address grievances; and
  - Describe the institutional arrangement and financial requirements to implement the plan and to monitor its implementation and impact.

### **1.6. Basis for Updating the Resettlement Plan**

16. The RP will be updated after the detailed engineering design approved, based on results of DMS, public consultations and replacement cost surveys. The uRP will be submitted to ADB for endorsement and uploaded on the ADB website and disclosed to AHs.

## II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

### 2.1 Affected households

IOL results show that the project will affect about 6,362 households both permanently and temporarily. Of which 3,772 households will be permanently affected but the impact is very minor. There is no household to be severely affected by the project (Table 2 and 3).

### 2.2 Affected Land

#### 2.1.1. Permanent impacts

17. According to the IOL results, Quang Tri subproject will acquire temporarily and permanently 356,125 m<sup>2</sup> (35,61 ha) of different types of land in 46 communes: The subproject acquires permanently 24,729 m<sup>2</sup> of land for pole foundations, including: 7,252m<sup>2</sup> of agricultural-land belonging to 1090 households, 2,971m<sup>2</sup> of paddy-land of 473 households, 3,247m<sup>2</sup> of shrimp - rice combination land of 494 households, 3,135m<sup>2</sup> of gardens of 382 households and 3,869 m<sup>2</sup> of tree-land belonging to 595 households, 1,129m<sup>2</sup> of pond land of 198 household, 3,126m<sup>2</sup> of forest land of 540 households.

#### 2.1.2. Temporary impacts

18. The Subproject will require the temporary use of 331,396 m<sup>2</sup> of land for infrastructure, temporary road, ROW,..etc. This impact include 68,351m<sup>2</sup> of agricultural land affecting 853 households, 26,520 m<sup>2</sup> of paddy-land impacting 266 households, 51,245m<sup>2</sup> of shrim-rice combination impacting 421 households, 99,743m<sup>2</sup> of gardens belonging to of 567 households, and 2,566m<sup>2</sup> of land in the sample of 29 households, 33,405 m<sup>2</sup> of land ponds of 329 households, 49,566m<sup>2</sup> of forest land belonging to 125 households.

*Table 1: Total area of affected land by land use and type of impact*

Land Use	Permanently Affected (in square meters)	Temporarily Affected (in square meters)	Total (in square meters)	Percent
Residential	0	0	0	0
Agricultural				
Rice land	7,252	68,351	75,630	21.2
Dry-land crops	2,971	26,520	29,491	8.3
Rice + Shrimp	3,247	51,245	54,492	15.3
Garden	3,135	99,743	102,870	28.9
Tree crops	3,869	2,566	6,435	1.8
Pond	1,129	33,405	34,534	9.7
Public Forest	3,126	49,566	55,692	14.8
Total	<b>24,729</b>	<b>331,396</b>	<b>356,125</b>	<b>100.00</b>

*Table 2: Scope of impacts of households*

Type of impact	No. of AHs	Percent (%)
Households who will lose agricultural land	3,772	100,00

Household who will lose less than 10 percent of their land	3,772	100.00
Household who will lose more than 10 percent of their land	0	0

(Source: Result survey of Consulting Co., other consultant and PMU organized the meeting in all project area communes, Local authorities are inventorying all affected households and volume compensation).)

*Table3: Area of land affected (including temporary and permanently)*

No .	DISTRICT/COMMUNE	Number of households affected	Area of land affected (m2)	Rate of acquired land
<b>I</b>	<b>Dakrong District</b>	<b>251</b>	<b>29,149</b>	
1	A Vao commune	84	7,232	under 5%
2	Huc Nghi commune	19	2,336	
3	Ba Nang commune	35	4,989	
4	Ta Long commune	22	3,186	
5	Dakrong commune	44	5,872	
6	Huong Hiep commune	9	1,264	
7	Mo O commune	29	3,135	
8	A Ngo commune	9	1,135	
<b>II</b>	<b>Vinh Linh District</b>	<b>325</b>	<b>23,973</b>	
9	Vinh Tu commune	96	7,121	under 5%
10	Vinh Ha commune	20	2,713	
11	Vinh Kim commune	29	3,713	
12	Vinh Tan commune	66	4,713	
13	Ben Quan town	114	5,713	
<b>III</b>	<b>Cam Lo District</b>	<b>1,669</b>	<b>53,511</b>	
14	Cam Tuyen commune	147	4,500	under 5%
15	Cam Hieu commune	243	7,589	
16	Cam Thuy commune	355	9,786	
17	Cam An commune	144	3,192	
18	Cam Nghia commune	268	9,103	
19	Cam Thanh commune	155	4,109	
20	Cam Chinh commune	357	15,232	

No .	DISTRICT/COMMUNE	Number of households affected	Area of land affected (m2)	Rate of acquired land
<b>IV</b>	<b>Hai Lang District</b>	<b>481</b>	<b>29,421</b>	
21	Hai Xuan commune	76	4,023	under 5%
22	Hai Phu commune	39	4,516	
23	Hai Duong commune	70	4,001	
24	Hai Tho commune	111	6,232	
25	Hai Chanh commune	100	3,897	
26	Hai Son commune	51	3,376	
27	Hai Thuong commune	34	3,376	
<b>V</b>	<b>Gio Linh District</b>	<b>871</b>	<b>33,775</b>	
28	Gio Quang commune	29	5,226	under 5%
29	Trung Giang commune	125	5,321	
30	Gio Phong commune	117	2,802	
31	Gio An commune	145	1,593	
32	Gio Thanh commune	139	5,071	
33	Hai Thai commune	316	13,762	
<b>VI</b>	<b>Huong Hoa District</b>	<b>286</b>	<b>13,342</b>	
34	Huong Phung commune	286	13,342	under 5%
<b>VII</b>	<b>Trieu Phong District</b>	<b>2,321</b>	<b>167,215</b>	
35	Trieu Thanh commune	114	5,226	under 5%
36	Trieu Hoa commune	334	32,456	
37	Trieu Do commune	478	26,523	
38	Trieu Long commune	394	32,331	
39	Trieu Trung commune	87	5,211	
40	Trieu Trach commune	49	3,416	
41	Trieu Long commune	41	4,110	
42	Trieu Tai commune	376	31,001	
43	Trieu Dai commune	144	5,316	
44	Trieu Thuan commune	304	21,625	
<b>VIII</b>	<b>Quang Tri town</b>			

No .	DISTRICT/COMMUNE	Number of households affected	Area of land affected (m2)	Rate of acquired land
		<b>159</b>	<b>5,739</b>	
45	Hai Le commune	16	523	under 5%
46	Hai Quy commune	141	5,216	
	<b>Total</b>	<b>6,362</b>	<b>356,125</b>	

### 2.3. Impacts on trees and crops

19. The subproject will not affect subsidiary crops. However, it will have impacts on 33,926 different types of trees (Jack-fruit, Acacia, Lansium domesticum, Banana) which belong to 4,365 households.

### 2.4. Impacts on non-land assets

20. Besides the impacts on trees and crops, the subproject will not affect any structures or non-land assets.

### 2.5. Impacts on public assets

21. There are no public assets affected by the implementation of the subproject.

### 2.6. Affected on livelihood and income

22. The income loss from land acquisition can be derived from the average permanently land loss, which is only 6.56 m2 per household. If this is planted to rice with two harvests a year, and with the yield of paddy is 0.47kg/m2/harvest, the average income loss would be 24,650 VND per year (6.56m2 x 0.47kg/ m2 x 4,000 VND/kg x 2 harvests). All affected households do not have to be relocated, and no households are affected by over 10% of the total agricultural land. Sub-projects do not affect buildings or properties when building community facilities
23. According to the survey, this subproject has affected 6,362 households, of which there are 105 ethnic minorities' households, 749 poor households and 4 households having disabled members. All of ethnic minorities, poor households and disabled member households are vulnerable households. (Given the poverty line set by Ministry of Labour, Invalids and Social Affair for the period of 2011-2015).

## III. SOCIO-ECONOMIC CONDITIONS OF THE AFFECTED COMMUNITY AND HOUSEHOLDS

24. Consultancy contractor survey data by means of direct dialogue to get the information society and economy recorded in the register at the local level: Commune People's Committee, cultural and other villages. The designer also about 90 households surveyed by means of the table asked. In addition to deep

consultation with the affected households and Commune People's Committee has led the project.

25. Consultation with the unions, the survey team conducted over 46 sites at 46 communes, focus group discussions with the village. Authority representatives, organizations such as farmer associations, societies the elderly, women's unions.... In addition, we also use the available statistical data at the commune and the socio-economic report every year in the locality.
26. The household survey covered all the 3,772 potentially affected households in communes in 7 districts of Quang Tri Province.

### **III.1. Population characteristics**

27. The average affected household has 3.9 members (Table 4). Most of the household heads are men accounting for 77.4 percent. But the percentage of women-headed households is considerable at 22.7 percent. Among household members, there are slightly more women comprising 51.5 percent of the total. The gender ratio is 106 women per 100 men. The entry of construction workers into project site is expected to bring in more men but due to the short-term nature of the work, it is not expected to change the gender balance.
28. The members of the affected households are quite mature with 67.7 percent of the population aged from 18 to 60 years of age. The young population who are aged below 18 years old constitute only 21.2 percent. Because the young and the old are supported by the working population or are considered dependents, the age distribution among the affected households indicates that one dependent is supported by two working adults. While the dependency burden of the affected households is not heavy, the project is not expected to affect the age distribution.

*Table 4: Selected Data on the Population Characteristics of the Affected Households*

Item	Data
Total number of affected households	6,362 households
Total number of affected people	24,811 people
Average household size	3.9 members
Gender of household head:	
Male	87.2 percent
Female	12.8 percent
Total	100.0 percent
Gender distribution:	
Male	49.53 percent



Female	50.47 percent
Total	100.0 percent
Age distribution	
Under 18 years old	25.2 percent
18-60 years old	63.7 percent
Over 60 years	11.1 percent
Total	100.0 percent

### III.2. Literacy and Education.

29. All over Quang Tri province, there are 160 kindergarten schools, of which 153 are public schools and 4 are non-public schools. The rate of repeaters and drop-out pupils all over the province has gone down every year. Up to the end of 2012, there are only 0.77% of repeaters and 0.3% of drop-out among pupils in all levels. The rest reached secondary school, high school, and some of them pass the university entrance examination every year, that is the result of local authorities efforts during many years, and can be summarized as Table below:

*Table 5: Number of schools of general education*

School in all levels	Number in the end of 2012
Primary school, of which:	160
- Public	153
- Non-public (private)	7
Secondary school, of which:	115
- Public	115
- Non-public (private)	0
High school, of which:	30
- Public	30
- Non-public (private)	0

### III.3. Economic Conditions

30. Agriculture, forestry, fishing and hired working is one of the main occupations of working members within affected households. Around 68.45 percent are employed in farming, forestry, fishing and hired working (Table 6), while non-agriculture, and others sector occupied the remaining.

31. The average income of the affected household is 4,311,060 VND per month (=1,105,400 VND/month per capita x 3.9 members/household). Given the poverty threshold of 400,000 VND/month per capita set by the Ministry of Labour, Invalids and Social Affairs, 11.76 percent of the affected households are considered as poor and 11.11 percent as near-poor. Around 11.76 percent of the households are earning less than 1,560,000 VND/month, 11.11 percent earning between 1,560,000 and 2,028,000 VND/month. Only 12 percent of the households are earning more than 5,000,000 VND/month.

*Source: Rate of poor households and pro-poor households was referred to survey data in the end of 2013 in Quang Tri province.*

*Table 6: Selected Data on the Economic Conditions of the Affected Households*

Item	Data
<b>Occupation and main source of household income</b>	
Salary and wage	40.39 percent
Agriculture, forestry and fishing	28.06 percent
Non-agriculture, forestry and fishing	19.15 percent
Others source of income	12.40 percent
Total	100 percent
<b>Average Monthly Household Income</b>	<b>4,311,060 VND</b>
<b>Household Income</b>	
Lower than 1,560,000 VND per month	11.76 percent
1,560,000 – 2,028,000 VND per month	11.11 percent
2,028,000 – 5,000,000 VND per month	65.13 percent
Over than 5,000,000 VND per month	12 percent
Total	100.0 percent
<b>Distribution of Annual Household Expenses</b>	
Food and foodstuff:	51.0 percent
Funerals, death ceremonies, wedding:	9.6 percent
Travel expense:	8.1 percent
Food when away from home	4.6 percent
Clothes and footwear	3.4 percent
House repair	1.1 percent
Telephone	1.3 percent
Health and medical care	3.8 percent
Electricity	3.5 percent
Water	1.0 percent
Education	8.9 percent
Others	3.7 percent
Total	100 percent

*(Source: Statistics Data Yearbook in 2012 of Quang Tri province)*

32. There are about 749 poor households, who mainly live in mountainous areas, due to lack of means of production, transportation difficulties, these people mainly live on open farm forests. Most poor people live in isolated circumstances - geographic, ethnic, linguistic, social and economic.

33. Farming, forestry, fishing and people who working as a hired Labor are the main sources of income of the affected households. The households who earn from

forestry, farming and fishing compose 28.06 percent, while hired labor provides income to 40.39 percent. Considerable amount are also spent on ceremonies marking life cycle passages such as funerals and weddings. Its proportion to the total expenses is 9.6 percent. The households spend 3.5 percent of their income on electricity.

34. Given the dependence of the affected households on farming, forestry and fishery, the permanent acquisition of 24,729 square meters and the temporary impact on 331,396 square meters are bound to reduce their income. The project may diversify their sources of income or even increase the amount if the members of the affected household will be employed in the project. The effect of the project on the income will in turn affect the expenditure pattern. A reduction of income means that the proportion that will go to food will increase while reducing the amount allocated for such investments as education, medical care and utilities.

#### III.4. Housing

35. The affected households have a total of 7,196 housing structures or an average of one to two structures. While they only have one structure for abode, many households retain a farm house, barn, granary, animal sheds and outhouses for various purposes. Nonetheless, 67.5 percent of these are a one storey structure with tiled roofs (Table 7). Very few have a structure with two or more storeys. About 29.48 percent has temporary houses. These houses are made of wood, bamboo with thatched roof. The house usually has a fish pond and garden. The project will not affect any housing structure.

*Table 7: Housing Structures and Accessories of the Affected Households*

Items	Types of houses	Quantity	Percent (%)
1	Tiled roof one storey house (class 4)	4,856	67.48
2	Temporary house	2,143	29.48
3	2 storey house (class 3)	9	0.13
4	3 storey house upward (class 2)	30	0.42
5	Other types of houses	158	2.2
	<b>Total</b>	<b>7,196</b>	<b>100</b>

#### III.5. Access to Household Utilities and Conveniences

36. Only 85.6 percent of the households have electricity for lighting (Table 8). The rest are mainly using oil. But only 80% of them are supplied from the national grid. The rest connects to their neighbours'. Only 6.4 percent use electricity for cooking. Around 86.2 percent still use wood. For drinking water, only 3.2 percent use tap water. Although 67.4 percent get their water from drilled wells, a substantial percentage still get their water from sources considered unsanitary (e.g., dug well, streams and ponds).

37. The ownership of electrical appliances is quite high among the affected households. About 88.9 percent have an electric fan and 82.6 percent have television. The ownership of a disk player or radio is at 21.3 percent but only 2.3 percent for refrigerator. For communication, 22.4 percent has a telephone. Bicycle and motor cycle are the main means of transport at the ownership rate of 57.1 and 34.9 percent respectively. If lost income from the loss of land will not be restored, the project may reduce the capability of the affected households to pay for electricity and maintain electrical appliances. But the greater availability of electricity may also increase the proportion of households with electrical connection and its use for water supply, cooking and operation of electrical appliances.

*Table 8: Access to Utilities and Conveniences among the Affected Households*

Item	Data
Source of lighting	
Electricity:	85.6 percent
Oil lamps:	10 percent
Battery	1.2 percent
Others	3.2 percent
Total	100.0 percent
Source of Water for Domestic Use	
Tap-water:	3.2 percent
Drilled wells	67.4 percent
Dug wells:	5.0 percent
Rain	3.9 percent
Pond, Lake and Streams	20.5 percent
Total	100 percent
Fuel for Cooking	
Electricity	6.4 percent
Gas	4.6 percent
Wood	86.2 percent
Coal	0.7 percent
Petroleum	0.6 percent
Others	7.9 Percent
Total	100 percent
Percentage of households with access to the following conveniences:	
Television	82.6 percent
Electrical fan	88.9 percent
Computer	0.4 percent
Disk player or radio	21.3 percent
Refrigerator	2.3 percent
Telephone (fix, mobile)	22.4 percent
Bicycle	57.1 percent
Motorcycle	34.9 percent
Car:	1.1 percent
Washing machine	0.1 percent
Gas stove	2.8 percent
Tractor pulled plough:	21.1 percent

### III.6. Health Services

38. On healthcare, most districts in the project area have one hospital located at the district centre and one health station in each commune. The Communal Health Station provides health check-ups, treatment of minor illness and child delivery services. The district hospital is for more serious illness. But these health facilities do not have the necessary equipment. For education, all districts in the project area have at least one High School, two or three secondary schools and three or four primary schools. The project will not adversely affect the social services or the affected people's access to these.

*Table 9: Number of health establishments in 2012 by district*

No.	District	Hospital	Regional polyclinic	Maternity houses	Medical service unit
1	Dakrong District	1	1		14
2	Vinh Linh District	2			22
3	Cam Lo District	1			9
4	Hai Lang District	1			20
5	Gio Linh District	1			21
6	Huong Hoa District	1	2		23
7	Trieu Phong District	1	1		19
8	Quang Tri town	1	1		5
<b>Total</b>		<b>9</b>	<b>4</b>	<b>0</b>	<b>133</b>

### **III.7. Farming Operation**

39. The average land holding of the affected household is 1,200 square meters. The lower area is planted to rice and the upper and drier area is devoted to industrial trees (i.e., rubber tree and eucalyptus). The average rice land is 360 square meters with a yield of 170 kilogram per harvest or equivalent to 676,800 VND. The average industrial tree farm is 100 square meters with 20 to 30 trees being tended. The remaining 740 square meters are planted to various crops or left to fallow. Manual labor is still used in farming.

### **III.8. Gender Consideration**

40. The women in the project area appears to have the same opportunities as the men in getting an education and new skills but slightly less in occupying political positions. Less women than men have no education and more women than men have been trained in the past two years (Table 10). But among village officials, there are more men than women. Although men and women generally work together in farming operation, there are tasks that are generally performed by women. These include planting and weeding (Table 11). Harvesting, drying and storing are performed more by men than women although in many instances they tend to work together. The land acquisition will not change the current gender relation among affected people and the current opportunities enjoyed by men.

*Table 10: Data on Selected Indicators of the Conditions of Affected Men and Women*

Item	Men	Women	Total
Persons without any education	57.7%	42.3%	100.0%
Village officials	58.1%	41.9%	100.0%
Persons who attended training in the past two years	47.1%	52.9%	100.0%

*Table 11: Percentage of Households by Role Undertaken by Men and Women in Rice Farming*

Rice Farming Tasks	Men Only	Women Only	Men and Women	Total
Preparing the soil	28.2%	7.3%	64.5%	100.0%
Planting	23.0%	47.8%	29.2%	100.0%
Weeding	19.8%	47.9%	32.3%	100.0%
Harvesting	34.8%	26.8%	38.4%	100.0%
Drying	35.4%	32.7%	31.9%	100.0%
Milling	39.2%	32.3%	28.5%	100.0%

### **III.9. Ethnic Minority Groups in the Project Area**

41. The project area has five ethnic minority groups: Pa co and Van Kieu. They are affiliated to four ethno-linguistic branches (Table 12). The Pa co and Van Kieu belong to the Mon-Khmer. Each group speaks the language of their ethno-linguistic branch which is distinct from the Kinh, which is the language of the dominant group. They still commonly use their own language within their households.
42. All the ethnic groups in the project area are all heavily dependent on agriculture but the degree of commercialization of production varies depending on their connection with the market and degree of acculturation. The Van Kieu has the most commercialized production with a number of products geared for the market. To produce these products, they have also adopted a number of farming technology from the dominant group. The less commercial and most subsistence in production are the Ta oi. Although they are gradually adopting sedentary farming to reduce starvation, they still largely rely on agriculture, hunting and forest product collection.
43. The cultural distinctness of the ethnic groups in the project site can be seen in their belief system. There is still widespread belief in all five groups on nature spirits. This belief is particularly strong among the Pa co and Van Kieu. Together with the Van Kieu, they also worship their ancestors.
44. The influence of the more complex religions on these groups indicates the continuing process of acculturation. This process is further hastened by public education, increasing interaction with the members of the dominant group and increasing penetration of the mass media. But the rate of acculturation is much among the groups with more simple social organization and more physically isolated as represented by the Pa co and Van Kieu. The land acquisition will slightly reduce the livelihood base of

the affected ethnic groups considering their dependence on farming and other land-based production such as forest product collection. The increased access to electricity and other social services will further exposed them to outside influences and connection with the market. According to ADB SPS 2009, an EMDP has been prepared for this subproject.

*Table 12: Selected Information on the Ethnic Minorities in the Project Site*

Ethnic Group	Ethno-linguistic Affiliation	Degree of Acculturation	Economy	Spiritual Belief
Paco	Mon-Khmer	Very gradually adapting to sedentary life and wet-rice farming. Using the barter but gradually using money as medium of exchange	Swidden plots are planted to rice as staple together with corn, sweet potato, cassava, melon and bananas using rotation cropping. While they raise animals, they also hunt	Mainly animist with the belief in the soul of the rice as the center of religion
Van Kieu	Mon-Khmer	Although basically swidden farmers, they adopted the practices of Viet and Lao and have developed trading between the highlands and lowlands	Slash and burn cultivation with rice cultivated in wet areas. Hunting and fishing supplements farming income.	Ancestor worship, Belief in deity of rice. Some have converted to Buddhism

45. Around 98% of the communes where the ethnic minorities live are connected to the main commune by road links although connections are still being developed for many villages. These communes are also served by at least a primary school and most have health centres. Members of ethnic minorities are given free education and priority in entry to universities although illiteracy among them is still high.

46. Their average income per household is also lower by half of the average in the project area. It ranges from 2,500,000 to 2,800,000 VND per month. The average in the project area is 4,311,060 VND/household/month and the poverty threshold is 1,560,000 VND/household/month (400,000,000 VND/person/month).

### **III.10. Vulnerability and Risk Analysis**

47. Due to the small area that the subproject will acquire, the risk of income loss among affected households is also correspondingly small. The average land loss from permanent and temporary land acquisition is 55.98 square meters. This subproject just compensate for affected permanent land loss (about 6.56 m<sup>2</sup>/household). As said above, the average income loss would be 24,650 VND/year per household. The land acquisition is not expected to pose a threat to the cultural integrity of the affected ethnic groups. But it may slightly threaten the food security of the poor who have very small land holding. The women-headed households may not have enough male

members to offset the slight loss by working in the project during construction while the capacity of those households with disabled members to support their members may slightly decrease.

*Table 13: Vulnerability and risk analysis for households affected by the project*

Type of Households	Number of Households	Risks Due to loss of Assets
Ethnic Minority	105	The land acquisition will not drastically change any cultural element or reduce the integrity of ethnic culture.
Poor	749	The food security of households with smaller land holding and will lose a large proportion of it will be threatened to some extent given their dependence on farming. However, subproject affected households losing agricultural and crop land is negligible
Women-headed Households	0	Due to lack of men in the household who can earn from wage through labor employment and from collection of forest products and hunting, women-headed households may disproportionately suffer from farm land reduction.
Households with Disabled Members	4	The reduction of farm income can slightly increase the difficulty in supporting disabled members

#### **IV. INFORMATION DISSEMINATION, PUBLIC CONSULTATION**

##### **4.1. PUBLIC CONSULTATION**

48. Information disclosure and consultation activities were done from 10<sup>th</sup> to 27<sup>st</sup>, May 2013. Consultation activities were done in 5 communes. These consultative meetings were conducted with participation of representatives of CPC (Commune People's Committee), mass organizations, and village leaders of 5 communes. There were a total of 153 participants, 48.9 percent of them were women. Time, locations and number of participants are shown in Table 12.
49. Through these consultations the following information were disclosed: (i) subproject description and scope of preliminary impact on households in the subproject area (ii) scope of potential impacts and mitigation measures, (iii) policy on compensation, assistance and resettlement as per framework policy of “ Renewable Energy Development and Network Expansion and Rehabilitation for Remote Communes Sector Project” and rights of affected households; (iv) Implementation schedule for compensation, assistance and resettlement activities of “Quang Tri subproject”; (v) grievance mechanism.
50. Besides the public consultative meetings, the focused group discussions and in-depth interviews were also conducted to clarify three issues: (i) Policies on compensation, assistance and resettlement of the Quang Tri subproject (ii) impacts of land acquisition on income and livelihoods of affected households, (iii) to discuss and propose activities to support the restoration of households' income.



51. The focused group discussions were implemented with commune leaders, representatives of mass organizations, village leaders and representatives of households expected to be severely affected in the event of land acquisition and with female headed households as well. During the discussions the participants were mainly concerned about the following issues:

- (i) Detailed Measurement Survey: The process of the Detailed Measurement Survey (DMS) must be correct and accurate. Results of the DMS must be listed at public place so that affected people can know their level of impact and whether it is correct or not.
- (ii) Compensation price: The local people required that the compensation price must be at market price; the sub-project owner must set up the cost study unit to provide a reasonable compensation price .
- (iii) Compensation options: The compensation must be implemented publicly and paid once to the affected people.
- (iv) Assistance policy: There must be a specific program to assist the severely affected households, women headed households and disable people.
- (v) Grievance redress mechanism: There must be a mechanism to resolve grievances and complaints quickly and efficiently, to avoid the situation of all levels warding off settlement or take longer to resolve.

52. The following public consultations will be done right after the Resettlement Plan is approved by ADB and during the implementation of the compensation, assistance, resettlement and income restoration programs.

*Table 14: Public consultation and information disclosure*

<i>Date and location</i>	<i>Male participant</i>	<i>Female participant</i>	<i>Main issues</i>
10/5/2013: Authority consultation in Mo O CPC	23	19	Schedule of compensation and land acquisition
13/05/2013: Authority consultation in Huong Phung CPC	38	25	Schedule of compensation and land acquisition. Entitlements of AHs
27/5/2013: Authority consultation in A Ngo CPC	17	31	Schedule of compensation and land acquisition
Total	78	75	

53. The meetings focussed on the agreement of the affected households and representatives of CPC on the entitlement matrix. Opinion and suggestion of the participants were in the minutes of consultative meetings. The participants agreed upon entitlements and compensation price of Quang Tri PPC. The minutes of these consultative meetings are presented in records of the consultation.

## **4.2. Information Dissemination and Local People's Participation**

54. The subproject Information Booklet will be prepared and distributed to the affected households in the second public consultation. The following information is provided in the project information booklet: (i) a brief background of subproject, especially the main works to be undertaken and the scale of land acquisition; (ii) impacts on land and on-land assets; (iii) the entitlements due to affected land and assets; (iv) detailed plan of implementation of compensation, assistance and resettlement payments; (v) grievance redress mechanism; and (vi); contact list of persons of EA and local authorities to ensure the grievances to be resolved quickly and efficiently.
55. During the preparation of resettlement plan of Quang Tri subproject, households and communities have already participated in the following activities: (i) public consultative meetings at village level on the design of the subproject; (ii) public consultative meetings at village level on the impacts of the subproject; the policies on compensation, assistance and resettlement, the detailed implementation schedule of resettlement activities and the grievance redress mechanism; (iii) the IOL for affected households; (iv) the survey process for the replacement cost of affected land and assets.
56. The affected households and communities will participate in implementing and monitoring compensation, assistance and resettlement activities, as well as income restoration and livelihood development activities for affected households.

## **V. GRIEVANCE REDRESS MECHANISM**

57. Grievances related to any aspect of the Project will be handled through negotiation aimed at achieving consensus. Complaints will pass through 3 stages before they could be elevated to a court.

### **First Stage: Commune People's Committee**

58. An aggrieved affected household may bring his/her complaint to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or 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 (or 45 days for complicated case) following the lodging of the complaint to resolve it (Note: in remote and mountainous areas or complicated case, the complaint should be resolved within 45 or 60 days, respectively). The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
59. Upon issuance of the decision of the CPC, the affected household can make an appeal within 30 days (45 days for mountainous area). If the second decision has been issued and the household is still not satisfied with the decision, the affected household can elevate his/her complaint to the DPC.

### **Second Stage: District People's Committee**

60. Upon receipt of the complaint from the household, the DPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles.
61. Upon issuance of the decision of the DPC, the affected household can make an appeal within 30 days. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the PPC.

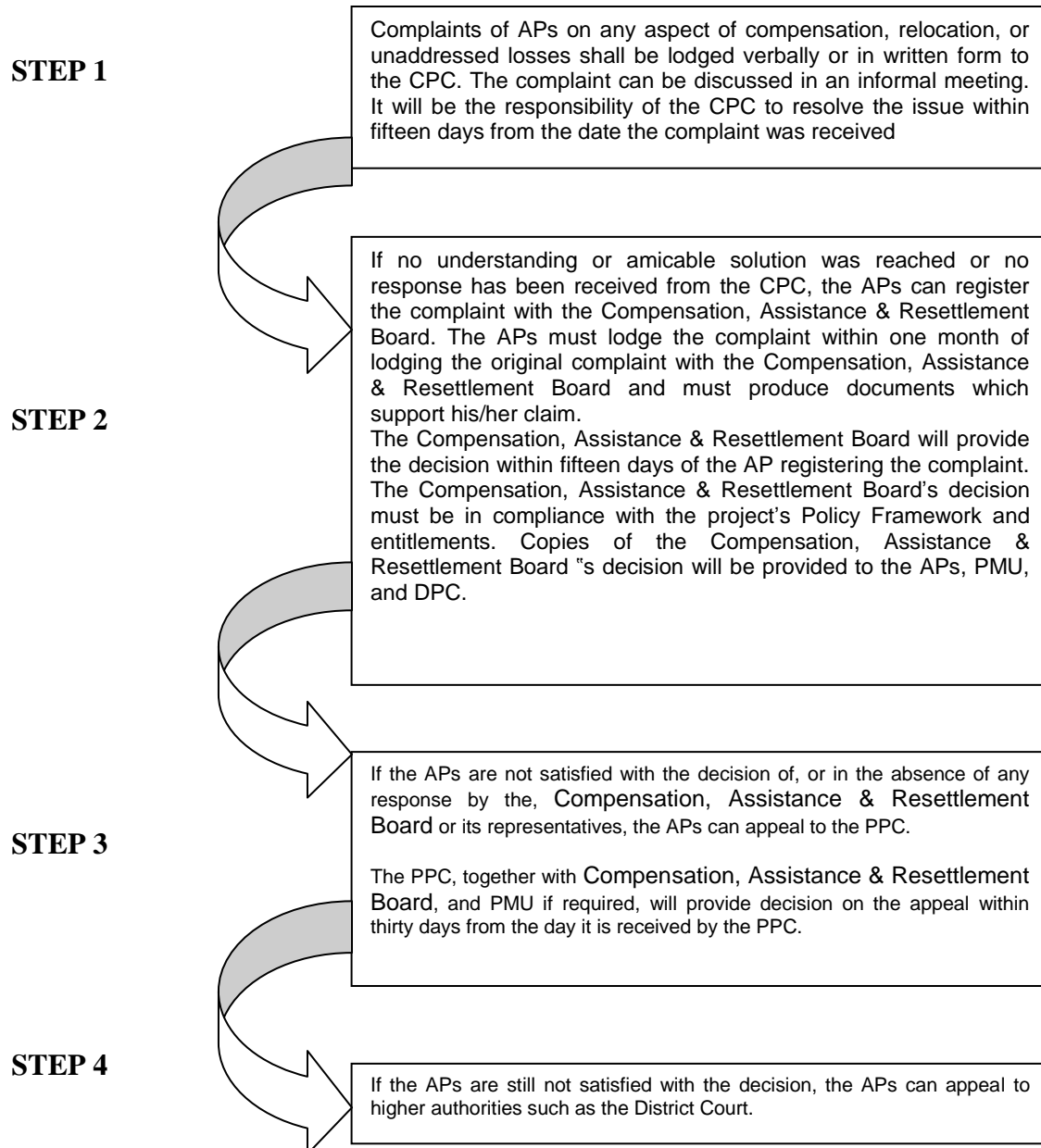
### **Third Stage: Provincial People's Committee**

62. Upon receipt of the complaint from the affected household, the PPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping file of all complaints
63. Upon issuance of the decision of the PPC, the affected household can make an appeal within 30 days if disagree. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the court within 45 days.

### **Final Stage, the Court of Law Arbitrates**

64. Should the complainant file his/her case to the court and the court rules in favor of the complainant, then PMU 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.
65. The affected people will be provided with support and assistance by locally based organizations, in case they have limited capacity or in case they have questions or complaints.
66. If efforts to resolve complaints or disputes are still unresolved and unsatisfactory following the project's grievance redress mechanism, the households have the right to send their concerns or problems directly to ADB's Operations Department, i.e., Transport and Communications Division, Southeast Asia Department (SERD) or through ADB Viet Nam Resident Mission. If the households are still not satisfied with the responses of SERD, they can directly contact the ADB's Office of the Special Project Facilitator (OSPF) as outlined in the "Information Guide to the Consultation Phase of the ADB Accountability Mechanism" (Appendix 4)

**Figure. Grievance Redress Process**



## VI. POLICY AND LEGAL FRAMEWORK

### 6.1. Relevant Policies of Vietnam

67. There are a number of Vietnamese laws, regulations, and decrees relevant to land acquisition and resettlement. But the more important ones are the following: (i) Land Law No. 13/2003/QH11 providing for land acquisition for national and public interest; (ii) Decree 197/2004/ND-CP, dated 3 Dec 2004, on compensation, assistance and resettlement, Decree No. 69/2009/ND-CP, dated on 13 August 2009, to provide additional regulations on land use planning, land price, land acquisition, compensation, assistance and resettlement, Decree No. 17/2006/ND-CP amended Decree 197/2004/ND-CP; (iii) Decrees No. 188/2004/ND-CP and 123/2007 specifying the methods for land pricing and land price frameworks for land recovery by the State.
68. Quang Tri Province laws supplement the national law. The provincial laws are the followings: Decision No 06/2013/QĐ-UBND, 05 February 20103 which regulates the compensation, assistance and resettlement when State acquires land in Quang Tri Province; The key provisions of national laws are in Table 15. Principles adopted in this Project will supplement the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with Decree No. 131/2006/ND-CP. This law provides that in case of “discrepancy between any provision in an international treaty on Official Development Assistance, 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 2, Item 5).

*Table15: Relevant Vietnamese Laws on Land Acquisition and Resettlement and Summary of Key Provisions*

<b>Law</b>	<b>Summary of Key Provisions</b>
Land Law No 13/2003/QH11	Persons with Land Use Rights Certificate (LURC) or have sufficient conditions to have LURC are entitled to compensation for their land acquired by the State.
<b>Law</b>	<b>Summary of Key Provisions</b>
	<p>Persons whose land is acquired will be compensated with another land for the same use. If no land is available, he will get cash equivalent to the value of his land at the time of acquisition.</p> <p>The People's Committees of the provinces and cities will prepare and execute resettlement program before land acquisition and relocation of affected households.</p> <p>The condition of the resettlement site must be equal to or better than in old places of residence. If no resettlement site is available, the affected person will get cash compensation and priority to buy or lease from State-owned housing in urban areas. But in rural areas, he will be compensated with residential land. In case the value of the acquired residential land is higher than that of the resettlement site, the affected person will be compensated in cash for the difference.</p>

	<p>For acquired production land where no land compensation is available, the affected person will get cash compensation, stabilization support, livelihood training and employment.</p> <p>Public information will be given at least 3 months prior to agricultural land acquisition and 6 months prior to non-agricultural land acquisition covering the reasons of land acquisition, time schedule, resettlement plan and plan for compensation and ground clearance.</p>
Decree 197/2004/ND-CP	<p>The principal features of Decree 197/2004/ND-CP include:</p> <ul style="list-style-type: none"> <li>• To encourage private project developers/investors to negotiate directly with affected people on compensation and resettlement. Previously there was no scope for direct negotiations between private investors and occupiers of the land in question.</li> <li>• To assign PPCs to prepare and implement resettlement projects to compensate relocating people with housing or residential land prior to the acquisition of their land.</li> <li>• Mandates that compensation be based on the land prices announced by the local PPCs on the first day of the year, as governed by the Land Law 2003. The land price should reflect the market price of land use rights transfer in normal market conditions.</li> <li>• Persons losing land will be compensated with new land of</li> </ul>
<b>Law</b>	<b>Summary of Key Provisions</b>
	<p>the same land use type. In case there no land is available for “land for land” compensation, he/she will be compensated at the replacement price reflecting the land use value at the time the Decision on land acquisition is issued.</p> <p>Compensation for residential land is based on the actual land use.</p> <ul style="list-style-type: none"> <li>• Persons losing agricultural, nursery or aquaculture ponds in urban residential areas will be given assistance equivalent to between 20 percent to 50 percent of the residential value of this land in addition to the compensation based on its current agricultural/nursery/aquaculture use.</li> <li>• Affected houses and structures attached to the acquired land are compensated at replacement cost without depreciation and deduction of salvage materials.</li> <li>• Affected crops and trees are compensated at market and replacement cost respectively.</li> </ul> <p>Involuntary relocated persons can choose one of the three relocation option: (a) compensated with housing; (b) compensated with assignment of a new residential plot; (c) compensated in cash for self relocation.</p> <ul style="list-style-type: none"> <li>• The designated PPC resettlement implementation unit has to inform affected persons on proposed relocation options and publicly announce these options at their office and to the affected commune/ward Peoples’ Committee at least 20 days before the competent authority approve the resettlement option.</li> <li>• Rehabilitation assistance measures should be provided to the severely affected persons, including those having</li> </ul>



	<p>income generating capacity affected.</p> <p>Strengthens the rights and obligation of affected persons for compensation and resettlement.</p> <p>Enforce implementation of the Decision on land acquisition to the case of violation.</p>
Decree No. 69/2009/ND-CP	The Provincial People's Committee will decide on other supporting measures to stabilize life and production of persons whose land is


## 6.2. ADB Policies

69. The ADB's Policy on Involuntary Resettlement aims to avoid or minimize the impacts on people affected by a project, and to provide support and assistance for those who lose their land and property, as well as for others whose livelihood is affected by the acquisition of land or temporary construction activities. Resettlement planning has the objectives of providing APs with a standard of living equal to, if not better than, that which they had before the project.

70. The three important elements of the policy are (i) compensation for lost assets, livelihood and income; (ii) assistance for relocation; and (iii) assistance for rehabilitation, to achieve at least the pre-project level of well-being.

71. The policy treats involuntary resettlement as a "development opportunity" and allows planners to manage impoverishment risks and turn dispossessed or displaced people into project beneficiaries, particularly the poor and vulnerable, who may be disproportionately affected by resettlement losses. To this end, the main objectives and principles of ADB's policy are as follows:

- Involuntary resettlement should be avoided where feasible;
- Where population displacement is unavoidable, it should be minimized by exploring all viable project options;
- People unavoidably displaced should be compensated and assisted, so that their economic and social future would be generally as favourable as it would have been in the absence of the project;
- People affected should be informed fully and consulted in resettlement and compensation options;

- Existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible, and resettlers should be integrated economically and socially into host communities;
- The absence of legal title to land by APs will not be a bar to compensation for non-land assets and resettlement allowances; particular attention should be paid to households headed by women and other vulnerable groups, such as indigenous peoples and ethnic minorities, and appropriate assistance provided to help them improve their living standard;
- As far as possible, involuntary resettlement should be conceived and executed as part of the project; and
- The full costs of resettlement and compensation should be included in the presentation of project costs and benefits.

### **6.3. Reconciliation of Vietnam Government and ADB Policies**

72. Reconciliation of Vietnam Government and ADB Policies are shown in Table 16:

Table16: Reconciliation of Vietnam Government and ADB Policies

<b>Key Issues</b>	<b>National Laws</b>	<b>ADB Policy</b>	<b>Project Policy</b>
Non-titled users	<p>Decree 69: Article 14, Item 1: Person who has land acquired by the State meets conditions specified in items 1, 2, 4, 5, 7, 9 and 11 of Article 8 of Decree 197 shall be compensated. With respect of person who is not eligible for compensation, the People's Committees of the provinces and cities under the Central Government will consider for assistance.</p> <p>Article 24, Item 4 of Decree 69/2009/ND-CP:</p> <p>The on-land assets in one of the cases specified in items 4, 6, 7 and 10, Article 38 of Land Law will not be compensated.</p>	Non-titled APs, including displaced tenants, sharecroppers and squatters, are not entitled to compensation for land but are entitled to payment for non-land assets and assistance to restore their pre-project living standards. If they are poor and vulnerable, appropriate assistance must be provided to help them improve their socio-economic status.	No compensation for land but for non-land assets at replacement cost. If affected HHs is poor and vulnerable, appropriate assistance must be provided to help them improve their socio-economic status.

<b>Key Issues</b>	<b>National Laws</b>	<b>ADB Policy</b>	<b>Project Policy</b>
Compensation of land at replacement cost	<p>Decree 69, Article 14, Item 2: The land acquired by the State while being used for any purpose, will be compensated by new land with same use purpose, if there is no land for compensation, the affected land will be compensated at the value of land use rights as per land price at the time of land acquisition decision.</p> <p>Decree 197: Article 9 (Section 1): Compensation price is calculated based on land use purpose at the time of land acquisition decision regulated by the PPC in accordance with Government regulation ; no compensation at price of land which will be change use purpose.</p> <p>Decree 17/2006 (Article 4, Section 1): compensation price is based on market price; in case where the price is not equal to land use right transfer price at the time of land acquisition decision cost transfer price in the market in normal conditions at the time of land acquisition, the People's Committees of the provinces and cities under the Central Government will consider for suitable compensation price.</p>	<p>All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market value, plus any transaction costs such as administrative charges, taxes, registration and titling costs. In the absence of functional markets, a compensation structure is required that enables affected people to restore their livelihoods to level at least equivalent to those maintained at the time of dispossession, displacement or restricted access.</p>	<p>Payment for land will be based on principle of replacement cost which covers current market value, cost for transaction and restoration of livelihood.</p>
Life stabilization	Households losing more than 30% of their existing agricultural land will be provided life stabilization	Livelihood restoration assistance will be provided for those who lose 10% or more	Life stabilization and livelihood restoration

<b>Key Issues</b>	<b>National Laws</b>	<b>ADB Policy</b>	<b>Project Policy</b>
assistance	assistance. The amount of assistance will be higher if they have to relocate. They will be provided assistance equivalent to 30 kg of rice/person/month if they have to move to the place with poor economic conditions. The detailed decision is shown in Article 20, 21 of Decree ND-CP 69/2009.	of agricultural land. The Project will focus on program to reduce poverty and improve status of poor and vulnerable households; focus on improve social infrastructure and community services and create new job opportunities to affected people.	assistance will be provided for those who lose 10% or more of agricultural land. The Project will focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable households.
Income restoration programs	Training/job generating assistance will be provided for those who lose more than 30% of agricultural land; households who have business register will be provided cash assistance equivalent to 30% of income of a year after tax. The detailed decision is shown in Article 20, 22 of Decree ND-CP 69/2009.	Severely affected households who lose 10% or more than 10% of agricultural land or source of income or those who have to relocate will be entitled to income and livelihood restoration to ensure their income and livelihood at least equal to pre-project level.	No households are severely affected by the subproject. The subproject will support 545 vulnerable households.

#### **6.4. Quang Tri subproject Principles**

73. The basic principles of compensation, assistance and resettlement of the subproject are the followings

- (i) Acquisition of land and other assets, and resettlement of people will be avoided or minimized as much as possible by identifying possible alternative project designs and appropriate social, economic, operation and engineering solutions that have the least impact on the populations in the project area.
- (ii) No land acquisition or site clearance will be done in anticipation or before being considered for inclusion in the Project.
- (iii) Affected households residing, working, doing business and/or cultivating land within the project impacted areas during the conduct of the census and in the DMS, are entitled to be compensated for their lost assets, incomes and businesses at replacement cost, and will be provided with rehabilitation measures to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.
- (iv) Affected households will be eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing and any such factors that may discriminate against the achievement of the resettlement objectives. Lack of legal rights to lost assets or tenure status and social or economic status will not bar the affected households from entitlements to compensation for non-land assets and rehabilitation measures to meet resettlement objectives.
- (v) Affected households will be fully consulted and given the opportunity to participate in matters that will severely affect their lives during the design, implementation and operation of the Project. Moreover, plans for the acquisition of land and other assets will be carried out in consultation with the affected households who will receive prior information of the compensation, relocation and other assistance available to them.
- (vi) Any acquisition of, or restriction on access to, resources owned or managed by the affected households as a common property, e.g., communal forest, communal farm, will be mitigated by arrangements that will ensure access of those affected households to equivalent resources on a continuing basis.
- (vii) There will be no deductions in compensation payments for land, structures or other affected assets for salvage value, depreciation, taxes, stamp duties, fees or other payments.
- (viii) If ownership over any affected asset is under dispute the case will be handled in accordance with the grievance redress mechanism in this RP.

- (ix) Affected households that lose only part of their physical assets will not be left with a portion that will be inadequate to sustain their current standard of living. The minimum size of remaining land and structures will be agreed between Project authorities and the affected households during the resettlement planning process.
- (x) Temporarily affected land and communal infrastructure will be restored to pre-project conditions.
- (xi) There will be effective mechanisms for hearing and resolving grievances during the planning and implementation of the RP.
- (xii) Existing cultural and religious practices will be respected and, to the maximum extent possible, preserved.
- (xiii) Special measures will be incorporated in the RP to complement mitigation and enhancement activities to protect socially and economically vulnerable groups at high risk of impoverishment/hardship, such as ethnic minorities, female-headed families, disabled-headed households, landless households, children and elderly people without support structures, and people living in poverty. Appropriate assistance will be provided to help them improve their socio-economic status.
- (xiv) Adequate resources will be identified and committed during the preparation of this RP. This includes adequate budgetary support fully committed and made available to cover the costs of land acquisition, compensation, resettlement and rehabilitation within the agreed implementation period for the project; and, adequate human resources for supervision, liaison and monitoring of land acquisition, resettlement and rehabilitation activities.
- (xv) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.
- (xvi) The RP or its summary will be translated into local language (if required) and placed in commune offices for the reference of affected households as well as other interested groups. For illiterate people, they will be said directly to again this content.
- (xvii) Civil works contractors will not be issued a notice of possession for any given geographic location in accordance with the approved RP until (a) compensation payment and relocation to new sites have been satisfactorily completed for that area; (b) agreed rehabilitation program is in place; and (c) the area is free from all encumbrances.
- (xviii) Cash compensation or replacement land for affected households losing entire residential land will be made available well ahead of civil works to allow the affected households sufficient lead time to reconstruct their houses. No

demolition of assets and/or entry to properties will be done until the affected household is fully compensated and relocated.

## **VII. ENTITLEMENTS**

74. The entitlement matrix in Table 17 provides the main types of losses identified and the corresponding nature and scope of entitlements. During RP updating, the census and DMS will be the basis for determining the final entitlements based on actual impacts and losses including appropriate income restoration and rehabilitation assistance and special assistance to poor and vulnerable groups. Replacement cost surveys will be carried out to determine actual replacement costs and rates. Standards described will not be lowered but can be enhanced in the updated RP as required.



Table17: Entitlement Matrix

Impacts	Entitled Persons	Entitlements
Permanent acquisition of productive land less than 10% of total land holding	Legal and legalizable owners of land and those who have customary right	Compensation in cash at replacement cost for affected land <b>Assistance:</b> - Job retraining: All affected households are entitled to cash assistance for job retraining equivalent to 1.5 - 3 times the value of recovered agricultural land (depending on type of agricultural land) and assistance for agricultural extension training and agricultural cultivation capacity building.
Permanent acquisition of productive land (more than 10% of household's area – severely affected households)	For legal and legalizable owners of land and those who have customary right (no households losing 10% or more in the subproject)	<b>Not applicable</b>
Crops, and trees	All owners regardless of tenure status	(a) Annual standing crops (e.g. paddy) that cannot be harvested will be compensated at current market value; (b) Perennial crops and trees will be compensated at current market value given the type, age, and productive value (future production) (c) Timber trees based on diameter at breast height at current market value.
Temporary impacts (during construction) on land	For legal and legalizable owners of land and those who have customary rights	Payment of rent for land during temporary use will not be less than the unrealized income that could be generated by the property during the period of temporary use and will be restored after temporarily use within 1 month after the removal of contractor's equipment and materials.

75. The compensation for lost assets and the assistance to the affected households aims to restore their living standards equal to the pre-project level. The cut-off date will be on the start of the census and the DMS. People who occupy the project area after the cut-off date will not be entitled to any compensation and allowance.

#### **VIII. INCOME RESTORATION STRATEGY**

76. In addition to compensation and assistance, severely-affected household's vulnerable households will benefit from the income restoration program. The program consists of four main components: (i) agricultural extension (trainings for using agricultural land effectively and productively, provision of seedlings for productive crops and new crops), (ii) priority in government and NGO-managed development programs in the area, (iii) priority to be employed to work for the project (in preparation and operation stage) in suitable position, (iv) priority to engage local businesses in 46 communes. However, there is no severely-affected households in the project area, so the income restoration program is no need to be complied. Instead, the project will use a certain force of labor in affected area for civil works, it is also a good way to improve a part of their income during the execution of the subproject.

#### **IX. RESETTLEMENT BUDGET AND FINANCING**

77. All compensation is based on the principle of replacement cost. Replacement cost is determined during RP preparation and reviews without the deduction of tax and other administrative costs as follows:

- Agricultural land (agricultural land, aquaculture area) will be compensated at replacement cost;
- Houses and other structures will be compensated at market price of building materials and labor without deduction and depreciation of salvage materials.
- Annual crops will be compensated equivalent to market price at the time of compensation.
- Perennial trees will be compensated in cash at replacement cost equivalent to market price of trees based on type, age and production value of each tree at the time of compensation.

78. Quang Tri PPC has regulations on compensation for land, structures, trees, crops and other assets in the event of land acquisition by the State that is applied in Quang Tri province as per following documents:

- Decision No. 01/2013/QĐ-UBND Quang Tri PPC, dated on 02 January 2013 providing on promulgating detailed provisions on compensation, assistance

and resettlement in the event of land acquisition by the State in Quang Tri province;

- Decision No.36/2011/QD-UBND dated 28 December, 2011 of Quang Tri PPC on promulgating price of land in all type and categorizes type of street of city and town in Quang Tri province in 2012.

79. The consultancy specialists for the RP of the Quang Tri subproject has conducted the replacement cost survey for affected land and assets in the subproject area (in 46 communes) to compare the price stipulated by Quang Tri People's Committee with market price, and propose a reasonable compensation and assistance price. The replacement cost survey activity aims to ensure compliance with the provisions of the Resettlement Framework of the project that compensation will be paid at market price and replacement cost for affected land and assets.
80. Result of the replacement cost assessment showed no significant difference between the market price / replacement cost and the compensation price regulated by Quang Tri PPC. The assessment result was publicized in consultative meetings in villages. All the affected households agreed on the result of the assessment. As the result was consistent with the price of Quang Tri PPC at the time of assessment, affected households agreed to use the price of Quang Tri PPC a basis for compensation and assistance. The agreement was confirmed in the minutes of consultative meeting. While updating the RP based on detailed design, RP consultants will conduct replacement cost assessment at the time of RP updating as a basis for compensation and assistance.
81. The budget for the implementation of the RP is VND 7,141,000,000 equal to USD 340,048 (Table 18). The compensation of the affected assets is generally based on the prices approved by Quang Tri PPC.

Table 18: Cost Estimate for Resettlement Activities

No	Description	Units	Price	Quantities	Total cost (VND)	Remark
<b>I</b>	<b>Compensation</b>				<b>5,717,409,620</b>	
1	Land	m2	85,780	24,729	2,121,253,620	average price
2	Crop and tree	trees	106,000	33,926	3,596,156,000	average price
3	Construction and architectural structures			0	0	
<b>II</b>	<b>Supporting for affected household</b>				<b>647,124,320</b>	
	Job training/creation (3,772 HHs)	HHs	171,560	3,772	647,124,320	
<b>III</b>	<b>Income restoration strategy</b>				<b>0</b>	
1	Support rice or chicken, duck,...etc.				0	No severely-affected households has been recognized
2	Agricultural training				0	
<b>IV</b>	<b>Management (2%*[I+II+III])</b>			<b>0</b>	<b>127,290,679</b>	
<b>V</b>	<b>Contingencies (10%*[I+II+III+IV])</b>			<b>0</b>	<b>649,182,462</b>	
	<b>TOTAL (I+II+III+IV+V)</b>				<b>7,141,007,081</b>	

## **X. IMPLEMENTATION SCHEDULE**

82. The implementation schedule for compensation and assistance activities is presented in the table 19 below.

Table19: Implementation Schedule

Activities	Time											
	2013			2014								
	5-10	11	12	2-3	4	5-6	7	8	9	10	11	12
1 <sup>ST</sup> Community consultation on Project description and potential impacts												
Conduct information dissemination with stakeholders												
Prepare the RP												
Revise RP and submit the RP to TA consultant												
Revise RP based on ADB's comments												
Conduct information disclosure on the RP approved by ADB												
Conduct DMS and update RP based on detailed engineering design												
Disclosure of the updated RP to stakeholders												
Submit updated RP to ADB												
Pay compensation and provide assistance for affected people												
Implement assistance and income restoration program												
Monitor resettlement activities and results												

## XI. INSTITUTIONAL ARRANGEMENT FOR RP IMPLEMENTATION

83. The project's EA is EVNCPC. It created a project management unit (PMU) to carry out the work to coordinate and oversee the implementation of the project. The PPMU will be assisted by project experts in implementation. CPC will pay all costs for compensation and assistance.

84. The Provincial People's Committee (PPC) will be responsible for resettlement activities within its administrative jurisdiction. It supervises the District People's Committee who in turn works with the Commune People's Committee. The District People's Committee undertakes a number of resettlement activities through the District Indemnity Board (DIB). The DIB are headed by the Vice-Chairman of District People's Committee and the members are the Departments of Finance, Natural Resources and Environment, Transport and Agriculture as well as the Farmers' Association, Women's Union, and representative of the affected households. The PMU will collaborate with the DIB in conducting resettlement activities. The detailed responsibilities of each organization in resettlement are in Table19.

*Table20: Matrix of Responsibilities of Government Agencies and Other Organizations involved in Resettlement Planning and Implementation*

<b>Agency</b>	<b>Specific Activities to be Undertaken</b>
CPC	As the project owner, it is responsible for managing and organizing the investigation, design, budget arrangement, funding and supervision of all resettlement activities.
Provincial People's Committee	Demarcate the responsibilities for their relevant provincial institutions and direct them in implementing RP. Approve the compensation rate, allowances, establish compensation committee at all different administrative levels and approve lands for compensation. Settle complaints and grievances if settlement is not attained at the district level
PMU and PPMU	Carry out the coordination and supervision of project implementation and support PPC to resolve APs' complaints
District People's Committee	Guide implementation of compensation and resettlement activities in the district level; Direct the relevant institutions for carrying out impact survey, public consultation, information dissemination and RP implementation. Establish DCC.

<b>Agency</b>	<b>Specific Activities to be Undertaken</b>
	Solve complaints if settlement fails at the commune level.
District Indemnity Board	<p>Organize the survey team to carry out the DMS and administer the DMS and entitlement forms to the affected household.</p> <p>Check the unit prices of compensation and suggest adjustment to ensure consistency with the market price and replacement costs if required.</p> <p>In co-ordination with commune people's committee, organize meetings with affected households and disseminate the RIB.</p> <p>Prepare the detailed implementation plan (quarterly, semi-annual, annual plans) based on the RP and then together with commune people's committee pay entitlements to affected households in a timely manner.</p> <p>Support DPC to settle the complaints and grievances of affected households and any difficulty during implementation.</p>
Commune People's Committee	<p>Assist in the conduct of the census and inventory survey.</p> <p>Coordinate with DIB in conducting public meetings, information dissemination and paying the affected people with compensation and allowances:</p> <p>Feedback the preference and opinions of the affected people to DCC</p> <p>Settle the complaints of the affected people at the commune level.</p> <p>Suggest solutions for any outstanding issues ;</p> <p>Assist local people in overcoming the difficulties during construction period;</p> <p>Assist the affected people in repairing of affected houses.</p>
Affected People	<p>Prepare and make ready their necessary papers such as their LURC and certificate of ownership of other assets;</p> <p>Confirm the accuracy of lost assets and entitlements;</p> <p>Clear land in a timely manner after receipt of full entitlements.</p>

## **XII.MONITORING AND EVALUATION**

85. Monitoring and evaluation aims to ensure (i) compliance of various groups with the resettlement plan and compensation rates and procedures; (ii) availability of resources and the effectiveness of implementing organizations; and (iii) ensure the well-being of the affected persons and the restoration of their standard of living to the pre-project level.



## **Internal Monitoring**

86. The EVN-CPC will set up the internal monitoring and reporting system. As part of the internal monitoring, quarterly progress reports on resettlement will be prepared. The report will contain the following: (i) receipt of compensation payment and assistance by the affected persons as defined in the approved RP; (ii) completion of the land acquisition, compensation, resettlement of displaced households and other resettlement activities; (iii) conduct of information dissemination and disclosure and consultations; (iv) complaints filed and their settlement; (v) status of income and living conditions of the affected people particularly the severely affected ones; (vi) suggestions of the affected people; (vii) expenses and budget performance.

87. The monitoring reports will track the performance of resettlement activities against the schedule. It will also facilitate, if there are any delays and mistakes, the identification of the reasons and solutions. The PPMU will review the monthly progress reports and submit its review to PMU. The report will be subsequently submitted to ADB.

There is no requirement on external monitoring for implementation of compensation and assistance in project because the project does not severely affect local people (category B).

Table 21: Indicators and methods of Monitoring

<b>Aspect</b>	<b>Indicators</b>	<b>Methodology</b>	<b>Time Frequency</b>
RP implementation	Status of the following: Compensation payment Land acquisition Disbursement fund Consultation and public disclosure Information dissemination Replacement equivalence of compensation	Review and validate internal supervision reports; Review bidding plan and activities; Interview implementing agency personnel at all levels Interview the affected people	Every quarter
	Exclusion of fees and taxes in compensation Signature of wife and husband in compensation payment Protection of rights for affected people ;	Review and validate compensation and management expenses Interview Province Department of Land on land documents	
Restoration of living standards	Income generation capacity Income amount and source of affected people; Access to public services and benefits ; Participation in public affairs; Participation in project activities ; Income restoration of severely affected people	Review socio-economic survey result Conduct sample survey and compare the result with the baseline Conduct focused group discussion including women groups; Interview severely affected people	First year of resettlement and on its completion on the second year
Satisfaction of	Knowledge of affected people on resettlement	Review the claim documents and	Every quarter

<b>Aspect</b>	<b>Indicators</b>	<b>Methodology</b>	<b>Time Frequency</b>
affected people	procedures and their rights. Understanding and knowledge of affected individuals on grievance mechanism	settlement; Random interview of affected people Conduct of public meetings Focused group discussion with different types of affected people	
Compliance with the RP	Accuracy of DMS result recorded in the RP; Accuracy of the budget for resettlement; Accuracy of the amount of compensation Accuracy of performance institutional responsibilities Unexpected problems;	Review claim documents and settlement ; Interview of affected individuals Interview of involved agencies at all levels	Every quarter
Impact of resettlement	Appropriation and use of vacated land Movement of people from the project area	Meeting with hamlet leaders Interview of affected people On-site observation	Every quarter

## APPENDICIES

### Appendix 1. Map of subproject location



## **APPENDIX 2 - Participants of public consultation meetings (file attachments).**

Please attach consultation minutes