

Due Diligence Report and Corrective Action Plan

July 2017

Socialist Republic of Viet Nam: Greater Mekong Subregion Corridor Towns Development Project

MOC BAI TOWN, TAY NINH PROVINCE

Sub-Project Road 1B

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Sub-Project Road 1B

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I. SUMMARY

Affected households under the Road 1B component of Moc Bai Town sub-project were compensated prior to signing of the ADB loan agreement (May 2013) based on existing Master Plan for Moc Bai Border Gate Economic Zone and funded from the Target Support Fund from the Vietnamese Government. Hence, Land Acquisition and Resettlement (LAR) was done based on the Government of Vietnam rules and legislation at the time (Land Law 2003). The Inventory of Losses (IOL) and census were conducted from September to November 2011 with Socio-Economic Survey (SES) undertaken in October 2011. The original resettlement plan (RP) was published in June 2012. Full compensation payments for Road 1B was completed by 21st December 2012 for all affected households (AHs), with reference to the original RP. The compensation process was free-of-charge for all the AHs with the Government covering all administrative costs, taxes and grievance redress.

Due diligence for Moc Bai, Tay Ninh Province sub-project component of Urban Road 1B was conducted by Project Management Unit (PMU) Tay Ninh in cooperation with Project Management Support and Capacity Development Consultant (PMSCD) from December 2015 - March 2016. The methodology of the due diligence review included project document reviews, interviews with PMU, AHs and stakeholders, and site inspections. Due Diligence was done on the compensation payments completed in 2012, comparing levels of compensation and assistance with entitlements in the approved original RP.

A Corrective Action Plan (CAP) has been made based on the findings of the due diligence review. The main actions in the CAP are inclusion of all severely affected, relocated and vulnerable households into Livelihood and Income Restoration Programme (LIRP), and adding four vulnerable households as eligible for special assistance. Also as corrective action, external Independent monitoring is required for the sub-project, which will be tasked to the independent monitoring organization (IMO). For the project, all resettlement costs are funded from ADB Loan. Budget for the corrective actions will likewise be taken from this source.

II. SUB-PROJECT BACKGROUND

Objective of the Project

The GMS Corridor Towns Development Project (Loan 2969-VIE) is intended to promote the transformation of transport corridors in the Greater Mekong Sub-region (GMS) into full fledged economic corridors by improving urban infrastructure and building institutional capacity in selected corridor towns in Viet Nam. The participating corridors towns of Dong Ha, Lao Bao and Moc Bai are strategically located along the transport corridor in the GMS.

Objective of the Sub-Project

Objective of the Moc Bai subproject is for Moc Bai to become a dynamic economic growth center in the Southern Economic Corridor (SEC). The expected outcome is adequate urban infrastructure services in Moc Bai that will operate efficiently.

Description of the Sub-Project

Road 1B is one of total of five roads to be constructed in Moc Bai. As based on the detailed engineering design (DED), Road 1B is 2.45 km and 30m wide.

III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

LAR implementation process

LAR followed the requirements of the Vietnamese legislation and Affected Households (AH) / Affected Peoples (AP) were adequately compensated for the adverse project impacts. AHs were informed through public consultation meeting on important issues of Provincial Peoples Committee (PPC) Decisions, Replacement Cost, and allowances. Full replacement cost was adopted after an initial review after Replacement Cost Survey (RCS). Institutional arrangements using a Working Group allowed for wider scrutiny of the decisions and the few complaints filed by AHs were handled appropriately following the Vietnamese law and regulations. LAR compensation and allowances were paid before physical or economic displacement took place.

Overall the process of Road 1B LAR was according to ADB Safeguard Policy Statement (SPS) 2009 and Involuntary Resettlement Guidelines, except for assistance (income restoration) for severely affected households losing 10% or more of their total productive assets (10 AH) and vulnerable households (3 AH). For vulnerable households two women headed household were omitted including two relocated ones. Corrective action has been taken and these are now included in the updated Due Diligence Report and Corrective Action Plan (DDR-CAP) for Urban Roads as eligible for participation in the Livelihood and Income Restoration Program (LIRP), which will be completed by December 2018. DDR-CAP has replaced the updated Resettlement Plan. Implementation of LIRP has now begun with "Financial Management of households (HHs)" in January 2017 with the next training course on "Small business for HHs" starting soon. Additional compensation payments to vulnerable AHs will be completed upon approval of this due diligence report (DDR), which is pre-requisite for fund release request from PMU to Provincial Peoples' Committee (PPC).

Cut-Off Date

The cut-off date refers to the date prior to which the occupation or use of the project area makes users of the same eligible to be categorized as affected people. Persons not covered in the census after the cut-off date are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the inventory of losses (IOL); or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the Detailed Measurement Survey (DMS). The cut-off date updated for this subproject is the date the DMS was completed (October 30, 2012).

Scope of Land Acquisition and Resettlement

Along the road there was 28 AHs/127 AP, one company (Ngọc Oanh Co., Ltd.) and public area belonging to a Commune Peoples Committee (CPC) of Loi Thuan Commune PC affected (total land area 97,753.0 m²). Summary of impact per AH is detailed in Annex E: AHs with different types of impacts.

Affected land, houses and structures

Out of the total affected area there was no residential land. Affected area was agricultural land (91,398.6 m²) and public land (6,354.4 m²). Compensation was paid for reburial of 6 graves of 1 AH in the amount of 61,654,000 VND at the local cemetery. Compensation for structures (houses) were paid in December 2012 for 5 AHs/23 APs (area of structures is 724.53 m²), out of which four (4) AHs/18 APs were required to be relocated. All the AH for relocation had existing houses located elsewhere already, therefore additional assistance to relocated HHs was limited to transport allowance. Out of these four AH their current situation now is as follows:

- 1) HH of Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] is now living in Thuan Tay Hamlet, Loi Thuan Commune, Ben Cau District, Tay Ninh. Life of the family is stable;
- 2) HH of Mr. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] currently is living in Thuan Tay Hamlet, Loi Thuan Commune; life is stable;
- 3) HH of Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] currently is residing in Quarter 1, Ben Cau Township, Ben Cau District, Tay Ninh Province; life is now stable (vulnerable household); and
- 4) HH of Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] is residing in Thuan Tay Hamlet, Loi Thuan Commune, Ben Cau District, Tay Ninh; life is stable (vulnerable household).

Vulnerable Households

Amongst the AH there were originally three (3) vulnerable households, including two women headed households with dependents, and one disabled AH enjoying State Assistance Policies (War invalids family). Corrective action to include them all has been undertaken. Additional compensation payments will be completed upon approval of DDR, which is pre-requisite for fund release request to PPC. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] (female-headed HH with dependants) was identified as a vulnerable household previously, but due to her selling the land to Mrs. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or

national security of a member) of ADB's Public Communications Policy (2011).] on 20.04.2004, but the change of LURC was severely delayed. Mrs. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] is not a vulnerable HH, but is classified as severely affected only.

- 1) [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] - female headed households with dependents (No. 27 in Annex B);
- 2) [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] - female headed households with dependents (No. 26); and
- 3) [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] - disabled household heads (No. 5).

Compensation budget

Total compensation payment amount was 10,291,815,110 VND (approximately 494,798.80 USD according to the exchange rate of 01 April 2012 which was 20,800.00 VND/1 USD). LAR compensation payments were paid in full by 21 December 2012 by Ben Cau District Land Fund Development Center (LFDC) (See Annex A for status of compensation payments per AH) using Target Support Fund from the Government in accordance with Decision No. 210/QĐ-UBND dated Feb. 02, 2012 of Tay Ninh PPC. Compensation were paid in full before the ADB Loan Agreement took effect (Loan Agreement signed on May 02, 2013) (880/2013/QĐ-CTN)).

Original budget in original RP for Road 1B was about 2.790 billion VND.(See attachment 1 of original RP). Actually, there is the significant change in cost estimate for land acquisition of Road 1B between original RP and DDR-CAP corresponding with changes in land area acquired (increase of 33,239m² of agricultural land) and changes in unit rates for land compensation (from 35,000 VND/m² to 1,650,000 VND/m² for position 1 front face adjacent to Road 786; 54,000 VND/m² for position 1: 50m behind front face; and 42,000 VND/m² for positions 2 and 3).

The compensation and assistance amount approved in detailed compensation plans was 10,497,652,000 VND (3731/QĐ-UBND dated 21.12.2012), but it ended up decreasing slightly to a total compensation amount of 10,291,815,110 VND. The reduction in the cost was achieved through reduction of number of AH in total even though affected land area has increased from the original RP.

Land Use Right Certificates (LURCs)

All 28 AHs and 1 Company had LURCs. After the land acquisition of the household, Office of Natural Resources and Environment of Ben Cau district has adjusted the LURC for them at no cost to the AHs and returned the LURC to the people in 2013.

Deviations from the RPs

There is no difference between the figures in the Due Diligence Report and the updated DDR-CAP Urban Roads, except for the fact that the number of AH for Road 1B has been described separately from the remainder of urban road components of DDR-CAP Urban Roads due to the full compensation payments already been made for them, except for severely affected and vulnerable households.

Right of Way (ROW) and area of compensation

Compared to the original RP from June 2012 completed by the PPTA consultants there has not been a change in the length of the Road 1B. According to Decision 483/QD-UB dated 29 February 2016 the originally planned 2.2 kms is unchanged. The road alignment or actual width has not changed since the original RP.

Road 1B area for compensation was extended 5m for each side according to approval of Tay Ninh PPC Official Note No. 330/BQL dated July 02, 2012 02/7/2012 on compensation for Road 1B. The extension of compensated land area by 5m for each side of the road for use as talus (slope) during construction and additional compensation land as per request of the AHs due to uneconomical or unpractical use of remaining land. This has directly caused affected land area to increase. Hence deviations between original RP, and DDR-CAP Urban Roads and this Due Diligence Report on Road 1B are mainly caused by a low estimation of AHs due to the omission of true area of compensation from the original RP prepared during the PPTA.

Affected households

The scope of LAR has changed across all categories, including the number of AH which was actually reduced from 44 AHs / 251 APs to 28 AHs/127 APs. This is because there were errors in the original RP that were corrected during the Detailed Measurement Survey (DMS). Relocation of HH increased from 3 AHs / 17 APs to 4 AHs / 18 APs due to the increase of the area for compensation.

Severity of impact also changed from original RP. In the original RP there was 7 AHs losing 30%-70% and 4 AHs losing more than 70% of productive assets whereas in the DDR-CAP Urban Roads after DMS the final figures were 7 AHs losing 30% - 70% and 3 AHs losing more than 70% of productive assets (Table 3-1). There is no AH losing between 10% - 30% of productive assets.

TABLE 3-1: Severely affected HH

No.	Full name	Affected area (m ²)	Area of agricultural land being used (m ²)	Remaining land area (m ²)	% of land acquired by the State
Sub-project 1: Moc Bai urban roads					
DN 1B					
1	[This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).]	6 808,70	22 600	15 791,30	30,13 %
2		3 180,50	10 450	7 269,50	30,44 %
3		3 892,00	10 120	6 228,00	38,46 %
4		3 899,90	10 000	6 100,10	39,00 %
5		5 436,10	11 740	6 303,90	46,30 %
6		9 661,40	18 510	8 848,60	52,20 %
7		5 383,70	7 500	2 116,30	71,78 %
8		2 082,60	2 814	731,40	74,01 %
9		5 051,40	6 420	1 368,60	78,68 %
10		4 109,30	5 000	890,70	82,19 %

Affected land

The increase in total area is from the original 64,514 m² (40,153 m² of private agricultural land, 327 m² of private residential land and 24,034 m² of public land) to 97,753 m² (91,398.6 m² of private and 6,354.4 m² of public land affected). The decrease in public land impact was due to a computation error in the original RP with the double-checked figure for affected land confirmed at 6,354.4 m². On the other hand, affected private residential land was decreased from 327 m² to 0 m² due to the fact that AH had actually built on agricultural land instead of residential land, which was also missed in the original RP.

TABLE 3-2: Deviation of land acquisition

Type	Original RP	Actual LAR	Difference
Agricultural land	40,153 m ²	91,398.6 m ²	51,245.6 m ²
Residential land	327 m ²	0 m ²	- 327 m ²
Public land	24,034 m ²	6,354.4 m ²	- 17,679.6 m ²
Total	64,514 m ²	97,753 m ²	33,239 m ²

Affected structures

Original affected structures included toilets 25.5 m² (1 AH), gates 5 units (5 AH), yards 73 m² (5 AH) and walls 372 m² (5 AH). After DMS these were corrected into compensation for toilets 10.1 m² and yards 129.61 m². In addition, total of 6 tombs (1 AH) were also compensated compared to the original RP.

TABLE 3-3: Deviation of structures

Type	Original RP	Actual LAR	Difference
Toilets	25.5 m ²	10.1 m ²	- 15.4 m ²
Gates	5	0	- 5
Yards	73 m ²	129.61 m ²	56.61 m ²
Walls	372 m ²	0	- 372 m ²
Tombs	0	6	6

Affected trees and crops

Affected crops changed from original 40,153 m² crop land and 217 fruit, 111 timber and 2 other trees into 70,596.6 m² of crop land and 102 fruit, 6,536 timber and 133 other trees. The significant change in number of timber trees was due to the formula used for calculation of number of trees (Decision No. 25/2012/QD-UB dated 7 August 2012 of Tay Ninh PPC on promulgation of price table of compensation and allowances for crops, trees and livestock when the State acquires the land to be applied in Tay Ninh Province). The Decision stipulated the maximum number of trees per ha at 10,000 trees, which was then applied to affected land area with trees to determine the number of trees for each AH. For other trees the Assistant Team of Compensation Committee counted the actual number of trees on the affected land.

TABLE 3-4: Deviation of crops and trees

Type	Original RP	Actual LAR	Difference
Crops	40,153 m ²	70,596.6 m ²	30,443.6 m ²
Fruit trees	217	102	115
Timber trees	111	6,536	6,425
Other trees	2	133	131

IV. SOCIO-ECONOMIC CONDITIONS

Socio-economic conditions of the AHs were surveyed at the same time as IOL and DMS by working group set up by LFDC in Autumn 2012, and updated in 2015. Detailed socio-economic information of Road 1B AH is listed in Annex B. As segregated data from SES in 2012 by sub-project (in this case Road 1B only) is not available for sake of comparability SES data used is for all sub-projects in Moc Bai.

Average income of AH in Tay Ninh project area has either remained the same or increased in the case of government employees, traders and agricultural workers as seen in tables 4-1 and 4-2 below. Majority of the AH along Road 1B are involved in agriculture, labour, trade or are government employment. SES covered all severely affected households, and a random 20%

sample of all the remaining affected households. Based on the results of the SES sample there are no affected households that fall below the poverty line, stipulated by Tay Ninh PPC Decision 54/2012/QĐ-UBND at VND 521,000 (US\$ 25) for urban areas.

TABLE 4-1: Sources of Income and Average Yearly Income per person (2015)

Sub-Project	Agriculture Related	Trade or Sales	Casual Work	Govt. Employee	Hired Labor or Services	Rent/ Pension	Total
Urban Road	37	10		7	3	(8)	57
WWTP/WS	6			2	2	(2)	10
Average Income/yr in (VND)	10,500,000	18,000,000		45,000,000	10,000,000	26,200,000	

TABLE 4-2: Sources of Income and Average Yearly Income per person (2011)

Sub-Project	Agriculture Related	Trade or Sales	Casual Work	Govt. Employee	Hired Labor or Services	Rent/ Pension	Total
Urban Road	216	13			15		244
WWTP	10	2	1	1		2	16
Average Income/yr in (VND)	10,000,000	15,000,000	24,000,000	24,000,000	10,000,000	10,000,000	

V. INFORMATION DISCLOSURE AND PUBLIC CONSULTATIONS

Information about the implementation of Road 1B sub-project and land acquisition had been disseminated to each affected household. All the Decisions of PPC were disclosed in the public consultation providing details of LAR along Road 1B. The public consultation (March 30, 2012) was organized to take AHs' opinions on Replacement Cost for land, structures, crops and trees, as well as livelihood restoration policy of the sub-project. Participating in the public consultation were District LFDC, Representatives of Loi Thuan Commune PC, Fatherland Front and 27/28 AHs (including 01 company and 01 Commune PC having public land affected).

Two AHs proposed to re-consider compensation price. These proposals had been resolved in compliance with Vietnamese Laws and Regulations – for further details, please refer to Table 6-1. All the AHs have received compensation payments (Please see Annex C, meeting minutes with signatures).

The Corrective Actions in this DDR have been consulted with local authorities such as the Center for Land Fund Development and the Ben Cau District Peoples Committee and affected households. Once this DDR-CAP has been issued NOL by ADB, this DDR together with Tay Ninh PPC commitment for corrective actions will be disclosed by posting in commune offices and hamlet/villages halls. Disclosure will be monitored and reported in monitoring reports.

VI. GRIEVANCE REDRESS

Road 1B had total of 7 complaints (from 7 AHs) related to LAR process. Majority of complaints were related to the AH requesting additional compensation for unaccounted property or allowances, or related to the sale or transfer of land use right (the details are shown in the Report No. 62/BC-TTPTQD, dated July 31, 2012 and are summarized in the table 5-1 below. Compensation, Assistance and Resettlement Committee (CARC) of the Moc Bai Border Gate Economic Zone reviewed, adjusted and proposed to DPC an Additional Compensation Plan. Vice Chairman of Ben Cau DPC approved the adjustment and supplementation Compensation Plan (Decision No. 2439/QD-UBND, dated October 01, 2012) and complaints were subsequently resolved. After that, all the 7 households have fully received their compensation and allowances.

However, among the 7 cases of complaints above mentioned there is one household who did not agree with the conclusions of CARC of Moc Bai Border Gate Economic Zone. Hence the complaint was active from January 28, 2013 until July 2015. The case in question was brought by Mrs. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).], who had bought LURC for agricultural land from Mrs. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] in 2004. Mrs. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] was not directly involved in agricultural production herself as the land was rented to other people for cultivation. She obtained 10 bushels (220kg) of paddy rice/year as rent. The complaint to the Tay Ninh PPC was on omission of occupation changing and job creation from her based on interpretation that she was not farming the land herself. After studying her complaint Tay Ninh PPC requested the Minister of MONRE for comments. In an Official Letter No. 2339/BTNMT-TTr dated June 12, 2015, MONRE confirmed the basis on the case for omission of vocational training allowance. Based on the MONRE statement on 31.7.2015 Tay Ninh PPC delivered Official Letter No. 2229/UBND-TD dated July 31, 2015 to Mrs. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] in which Tay Ninh PPC reply that the PPC will not consider this complaint again but the AH has the right legally to take it to court, but to date this has not happened.

TABLE 6-1: GRM resolution by complaint case

No	The name of the complainant	Contents of complaints	Results of the settlement	Authority resolved	Time to settle complaints
1	[This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).]	Propose recover the 312 m ² of remaining land (with house and structure) to find new accommodation because this remaining land is located in the planning area of Moc Bai Border Gate Economic Zone so do not allow construction of houses.	Agreed to acquire the 312 m ² of remaining land.	Chairman of Ben Cau DPC	15-8-2012 (41 days)
2		Propose recover the 384.1 m ² of agricultural land remaining of plot No. 299 because it have triangles so cannot be cultivated.	Agreed to acquire the 384,1 m ² of remaining land.	Chairman of Ben Cau DPC	15-8-2012 (41 days)
3		Propose recover the 4,043.0 m ² of agricultural land outside the Land acquisition markers of Road 1B with the reason that it is located between two planning zones therefore cannot secure watering and drainage to cultivate.	Disagree acquire 4,043.0 m ² of this land because can still carry out agricultural production in a normal manner.	Deputy Director of the Land Fund Development Center of Ben Cau District	31-7-2012 (21 days)
4		Propose provide relocation allowance (5,000,000 VND/HH) for 2 houses of grade IV are being leased.	Disagree allowance because complainant not live here. Rather the house is being rented.	Deputy Director of the Land Fund Development Center of Ben Cau District	31-7-2012 (23 days)
5		Propose provide relocation assistance (5,000,000 VND/HH) for a house of grade IV.	Agreed to support 5,000,000 VND	Chairman of Ben Cau DPC	15-8-2012 (39 days)
6		Propose (i) Support training career change, job creation (1.5 times) and (ii) support for production stabilization.	Agreed to (i) support for vocational training (1.5 times) and (ii) support for production stabilization.	Chairman of Ben Cau DPC	15-8-2012 (38 days)

No	The name of the complainant	Contents of complaints	Results of the settlement	Authority resolved	Time to settle complaints
7 ¹		Propose (i) Support for life stabilization; (ii) Support training career change, job creation (1.5 times); and (ii)	Disagree support because complainant not directly carry out	Vice Chairman of Tay Ninh	31-7-2015 (2 years 6 months and

¹ DDR for Road 1B mentioned only 1 HH of Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] however this case has been resolved completely by Ministry of Environment and Natural Resource (MONRE) since 2015. Please refer to paragraph 1 and 2 of Chapter VI – GRIEVANCE REDRESS of DDR for Road 1B.

Base on the corresponding letters between relevant agencies and Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] provided by Tay Ninh PMU the process of grievance redress of this case can be summarized below:

In September 2014, Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] lodged her complaint to Tay Ninh PPC for requesting the assistance of job training and creation when Ben Cau DPC acquired her agricultural land for construction of road 1B. Tay Ninh PPC had issued the official letter No.2374/UBND-TD dated 23rd Sept 2014 to answer Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] but it was not satisfied according to her. She lodged the grievance to Tay Ninh PPC again in October 2014. Tay Ninh Provincial Inspectorate had investigated Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] case and had concluded in their report Ref 212/BC-TTr dated 24 December 2014.

Tay Ninh PPC had sent official letter Ref. 983/UBND-TD dated 15 April 2015 to Ministry of Environment and Natural Resources (MONRE) to obtain the advice for Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] case. MONRE had responded to Tay Ninh PPC via official letter Ref 2339 dated 12 June 2015 that, based on the investigation report of Tay Ninh Inspectorate on the case of Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] ref 212/BC-TTr dated 24 December 2014 and according to article 14, item 1, sub item c of Circular 14/2009/TT-BTNMT dated 01 October 2009 of MONRE, she was not entitled to receive the assistance for job training and creation when the state acquires the land.

Based on the response of MONRE, Tay Ninh PPC had issued the official letter ref. 2229/UBND-TD dated 31 July 2015 to make final decision to Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).] case. This decision was sent to Ms. [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).]

No	The name of the complainant	Contents of complaints	Results of the settlement	Authority resolved	Time to settle complaints
		support for production stabilization.	agricultural production on her land, and Tay Ninh PPC will not consider this complaint again. Tay Ninh PPC had issued Official Note No. 2229/UBND-TD dated July 31, 2015 on notification of response to grievance of the complainant in compliance with Vietnamese laws and regulations. The complainant had received compensation money.	PPC	03 days)

VII. LEGAL FRAMEWORK AND COMPENSATION

The legal framework used for LAR on Road 1B sub-project is based on the situation in 2012. The principal documents include the Land Law No. 13/2003/QH11, providing Viet Nam with a comprehensive land administration law; Decree No. 197/2004/ND-CP, on compensation, rehabilitation and resettlement in the event of land recovery by the State, as amended by Decree No. 17/2006/ND-CP; Decrees No. 188/2004/ND-CP and 123/2007, specifying the methods for land pricing and land price frameworks in the event of land recovery by the State. There is also Decree No. 84/2007/ND-CP, which stipulates issue of LURC, land acquisition, land use right implementation, procedure of compensation, and assistance in the event of land recovery by the state and grievance redress.

The Tay Ninh Provincial People's Committee Decisions forming the basis for the implementation of sub-project Road 1B are:

- The Decision of the Chairman of Tay Ninh PPC on the allocation of 1,355.9127 hectares of land recovered in 2 communes of An Thanh and Loi Thuan, Ben Cau district for the Management Board of Moc Bai Border Gate Economic Zone for project implementation (Decision No.167/QĐ-CT, dated June 21, 2005);
- The Decision of the Director of Department of Planning and Investment for approval of investment projects on construction of Road 1B (Decision No. 3122/QĐ-SKHĐT, dated December 26, 2007);

- Notification of Ben Cau DPC on the adjustment of detailed planning expansion of Trading-Urban Zone of Moc Bai border gate (Document No. 20/TB-UB, dated July 06, 2005); and
- The Decision of the Chairman of the Tay Ninh PPC on distribution of Plan of capital of basic construction investment of 2012 Central funds to support the objectives (Decision No. 210/QĐ-CT, dated February 08, 2005).

The legal basis of LAR compensation, support payments and resettlement for AH along Road 1B were detailed in Decision No 44/2010/QĐ-UBND of Tay Ninh PPC dated August 19, 2010 promulgating stipulations of policies of compensation, allowances and resettlement when the State acquires the land in Tay Ninh Province. The compensation, support and resettlement for the affected households along Road 1B was paid from the budget of Tay Ninh province. The land, structures and trees and crop prices for compensation complied with the following:

- Decision No. 1145/UBND-KTTC of the Tay Ninh PPC, dated June 07, 2012 on Regulations on land price for sub-project of construction of Road 1B of the Moc Bai Border Gate Economic Zone, Ben Cau district, Tay Ninh province;
- Decision No. 02/2012/QĐ-UBND, dated January 05, 2012 on promulgating the unit price table for houses, construction works and structures in the Tay Ninh province; and
- Decision No. 25/2012/QĐ-UBND, dated May 07, 2012 on promulgating price table for compensation for trees, crops and livestock when the State recover the land in Tay Ninh province.

The compensation for land and assets was based on Decision No. 1532 /QĐ-UBND of the Ben Cau DPC on approval of compensation, allowance and resettlement plan for construction project of D.N.1B in Moc Bai Border-gate Economic Zone on 19.06.2012 and the decisions to adjust and supplement the compensations after that (such as: Dec. No. 1961/QĐ-UBND dated August 15, 2012; Dec. No. 2439/ QĐ-UBND dated October 01, 2012).

Differences between Vietnamese legislation (2003) and ADB SPS (2009)

With the promulgation of the Decrees No. 197/2004/ND-CP the policies and practices of the national government have become more consistent with ADB’s social safeguards policies. Nonetheless, provisions and principles adopted in the RP for the proposed project will supersede the provisions of relevant decrees currently in force in Viet Nam wherever a gap exists, consistent with Decree No. 131/2006/ND-CP (November, 2006).

The following table describes the difference between Laws and Decree of the government and ADB’ SPS related to resettlement and compensation as well as how the process took place and the means of addressing these gaps in uRP if necessary.

Table 7-1: Gaps between National Laws and ADB Policies

Key Issues	National Laws	ADB’ SPS	Project Policy
Eligibility for and assistance	<ul style="list-style-type: none"> – Land Law (Article 75) requires LURC or eligible for LURC as basis for compensation. – Land Law (Article 79, Item 2 states that if they are not 	<ul style="list-style-type: none"> – The borrower/client will provide adequate and appropriate replacement land and structures or cash 	All AHs losing houses and structures, with or without legal LURC, will receive compensation at full replacement cost for non-land lost assets if created prior to cut off date as per ADB SPS (2009). They

Key Issues	National Laws	ADB' SPS	Project Policy
	<p>eligible for compensation with residential land and have no other living place, the State shall offer houses for them to buy or lease-purchase, or allocate them residential land with land use levy;</p> <ul style="list-style-type: none"> - Land Law (Article 88, Item 1 states that If land-attached assets are damaged when State recovers land, lawful owners of those assets are entitled to compensation; - Land Law (Article 92, Item 2) regulate that land-attached assets which are illegally created or created after having a notice of land recovery of a competent state agency are not entitled to compensation; <p>Land Law (Article 92, Item 3) regulates that Technical infrastructure, social infrastructure and other construction facilities which are no longer in use will not be compensated.</p>	<p>compensation at full replacement cost for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance, if applicable, to those persons with formal legal rights or recognizable claims to land lost prior to their relocation.</p> <p>The borrower/client will compensate those persons without formal legal rights or recognizable claims to land lost for the loss of assets other than land, and also for other improvements to the land, at full replacement cost. The entitlements of these persons are given only if they occupied the land or structures in the project area prior to the cut-off date for eligibility for resettlement assistance</p>	<p>will be provided appropriate assistance to help them improve, if not restore, their socio-economic status.</p>
<p>Compensation of land at replacement cost</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</p>	<p>All compensation should be made based on the principle of replacement price. This is a method of assets assessment in order to replace the damage based on the current market price, plus other transaction costs such as administration cost, tax, registration cost and ownership. It is</p>	<p>Payment for land will be based on the principle of replacement cost.</p> <p>AH shall be provided with land use right certificates as well as better housing at resettlement sites.</p> <p>The project will also pay for all other associated transaction costs such as administration cost, tax,</p>

Key Issues	National Laws	ADB' SPS	Project Policy
	compliant. (Land Law Article 74.2)	necessary to provide a compensation mechanism supporting the affected people to recover their finance at the minimum level which is equivalent to the available level at the time of dispossession, moving or limited using right	registration cost of ownership.
Full replacement cost of houses and structures	Land Law 2013, Article 89, item 1: houses/structures used for living purpose will be compensated at replacement cost. Decree 47, article 9: houses/structures used for other purposes will be compensated equal to the remaining value of the affected house plus some percentage of current value but total compensation amount is not exceed value of the new house/structure.	Structure to be compensated at replacement cost, without depreciation of salvageable materials regardless of status of the AP on the land as long as structure was created prior to the cut-off date.	Compensation for houses/structures, regardless of ownership situation, will be made based on replacement price if they were constructed prior to the cut-off date.
Monitoring on resettlement implementation	Monitoring indicators are not specified.	Monitoring indicators specified for internal and external monitoring and reporting. In case of significant or sensitive impacts, an Independent Monitoring Organization is required to conduct monitoring on RP implementation.	The EA must undertake internal monitoring according to the critical indicators. Since anticipated negative impacts of the project are significant, It needs to recruit an Independent Monitoring Organization to conduct semi-annual monitoring.
Third-party validation of consultation related to land donations	Not required.	The borrower is required to engage an independent third party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions.	In case of land donations involving marginal portions of land, the third party consultant will verify and report on the negotiation and Settlement processes as part of the due diligence report. A voluntary donation form signed by the landowners, witnesses, and village leaders will be attached in

Key Issues	National Laws	ADB' SPS	Project Policy
			the report. In all cases AHs need to acknowledge the compensation that they forego. The PMU will ensure that this is according to the guidelines of voluntary donations and require monitoring from IMO.

Principles of valuation

Prior to setting up the compensation plan Ben Cau LFDC conducted Replacement Cost Survey (RCS) from 8 to 22.3.2012 to define the actual replacement price of land in the sub-project area. The RCS was conducted with 9 geographically distributed plots of agricultural land hold by 9 households in Tien Thuan and Thuan Loi communes and Ben Cau Town of Ben Cau district. Ben Cau LFDC organised a public consultation on the compensation rates with participants from 27/28 AH, representatives of civil society organizations and local government. Previous PPC Decision on land prices was not found to be adequate for replacement cost. As an outcome the land compensations paid in 2012 for Road 1B were based on the Decision No. 1145/UBND-KTTC of the Tay Ninh PPC, dated June 07, 2012, and with Decision No. 1532 /QĐ-UBND of the Ben Cau DPC on approval of compensation, allowance and resettlement plan for construction project of D.N.1B in Moc Bai Border-gate Economic Zone on 19.06.2012. These were further adjusted and supplemented for the compensations with Dec. No. 1961/QĐ-UBND dated August 15, 2012 and Dec. No. 2439/ QĐ-UBND dated October 01, 2012.

TABLE 7-2: Agricultural land price comparison of PPC and actual paid out replacement cost

No.	Location	Original PPC price	Replacement cost paid
1	Position 1 / front face adjacent to Road 786	43,000 d / m ²	1,650,000 d / m ²
2	Position 1 / 50m behind front face adjacent to Road 786	43,000 d / m ²	54,000 d / m ²
3	Position 2	32,000 d / m ²	42,000 d / m ²
4	Position 3	25,000 d / m ²	42,000 d / m ²

VIII. RELOCATION OF HOUSING AND SETTLEMENTS

Total of 4 AHs/18 APs were required to be relocated, but all had existing houses hence only transitional allowances was paid for, but no rental allowance. No resettlement sites were established. Comparison is made between the paid compensations and the original RP as the LAR payments completed in 2012 reflected the 2012 original RP and its entitlement matrix.

Transport Allowance: 4 AHs with 5,000,000 VND/AH, but no rental allowance was granted because all 4 AHs owned other houses for accommodation, which is in-line with the original RP. In DDR-CAP Urban Roads this has increased to 6,500,000 VND/AH for compensation paid to the other sub-projects. Given the compensation payments were completed several years prior to the DDR-CAP Urban Roads and the original RP entitlements are fulfilled there is no need for corrective action.

Stabilization Allowance: Cash grant stabilization assistance allowance to support the household during the period of transition while establishing a new house where AHs will receive a stabilization allowance to offset the disruption to income earning capacity associated with the time required to resettle in another location. As the land was non-productive and none of the AHs had to establish a new house when moving into their existing house elsewhere none of the AHs were eligible for stabilization allowance.

House upgrade for vulnerable and female headed households: all relocated AHs, including vulnerable HH, moved into category 4A (1 AH) and category 4B (2 AH). Hence, none of the vulnerable AHs were eligible for house upgrade allowance.

Vocational training and income restoration: AHs whose livelihoods are impacted due to relocation are entitled to participate in livelihood restoration program. The relocated AHs whose livelihoods were also impacted are eligible for vocation training under LIRP.

None of the AHs were eligible for Lot Development Grant and Rental Assistance as Resettlement Sites were not established.

IX. INCOME RESTORATION AND REHABILITATION

Allowance for life stabilization: 10 severely affected HHs were eligible and received a total compensation of 151,389,000 VND, of which: 7 AHs lost 30% - 70% of agricultural land and 3 AHs lost more than 70% of agricultural land.^(*)

Allowance for production stabilization: 23 AHs for cash compensation total of 37,820,600 VND.

^(*) **Note:** in addition to the above-mentioned 10 AHs, in case of one AH () 74% of agricultural land was acquired but life stabilization allowance was not included because in 2004 Mrs [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011)].sold this land to Mrs [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011)].but the name on LURC was not changed (it remained as [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011)].). Mrs [This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011)].was not directly engaged in agricultural production as others were assigned to cultivate on this land.

Occupation changing and job creation allowance (Income restoration allowance): 23 AHs were supported by cash at the rate of 1.5 times the price of agricultural land compensation for agricultural land acquired. The total amount of the allowance was 2,944,364,250 VND. All severely AHs are eligible for LIRP.

Allowance for Vulnerable people and AHs enjoying State policy: No compensation paid, even though 3 women Headed of HH with dependents and one disabled AH eligible for State Assistance Policy. These were unassisted under vulnerable peoples allowance because Decree No. 69 and Decision No. 44 provided no provisions for compensation. As corrective action the vulnerable AH will receive special assistance as per provincial policies (VND 7 million/AH) and vocational training via the LIRP with one additional course as per original RP entitlement matrix.

Public land of Loi Thuan CPC was not compensated for based on Decision No. 44/2010/QĐ-UBND of Tay Ninh province, in Clause 2, Article 16 which stipulates: "*For investment projects with capital of provincial budgets are not supportive when land acquisition for public land of ward, town management; Other projects must be supportive as defined in (Clause 1) this Article*". Note that the compensation plan was approved in June 2012 and compensation paid in July 2012.

Restoration of livelihoods: All allowances were paid out as cash grants, such as Allowance for life stabilization, Allowance for production stabilization, and Occupation changing and job creation allowance (Income Restoration Allowance). Based on public consultation (30th of March 2012) the AHs preferred cash allowance instead of in-kind vocational training, while arranging training in Moc Bai also proved difficult due to lack of training facilities and organisations. However, as part of the corrective action for severely affected and vulnerable HH both are included in the LIRP.

X. INSTITUTIONAL ARRANGEMENTS

Main responsibility of LAR was with Ben Cau Land Fund Development Center (LFDC) based on Contract No. 10/HDKT dated June 19, 2012 between Ben Cau District LFDC and Construction Project Management Centre of Tay Ninh Economic Zone Authority. The LAR process was completed by LFDC of Ben Cau District, managed by Compensation, Assistance and Resettlement Committee (CARC) of Moc Bai Border Gate Economic Zone with authorization from Announcement No 4/TB-UBND dated February 20, 2012 by Ben Cau DPC on planning of compensation and land clearance to implement project for construction of Road 1B. In order to determine the level of impact and resettlement, LFDC distributed to AH the declaration form sheet to self-declare their assets (such as land, buildings, structures, crops, fruit trees). The working group set by LFDC (including employees LFDC and local government representatives - see Annex D: List of Members of the Working Groups) and representative of AH conducted inventory of Losses (IOL) with three copies signed by LFDC, local authorities and AH. The working group also undertook the Detailed Measurement Survey (DMS) and updating of socio-economic information of the AHs (see Annex B: Socio-economic information of the households), covering:

- Scale of land and property of household loss by the project, such as: area, location and type of land plots affected, the existing total area (including other plots are not affected by the project plan) of the family; the structures, crops and trees (type, area affected, the amount of loss etc.); the time required to rebuild or relocate;
- Status of land use rights (collection LURC), duration of use of land, the state purchase / transfer or lease;

- The information on age, gender and occupation of the head of household, number of persons in the household, number of persons of working age, the number of people directly involved in agriculture, small business, beneficiaries' priority policy of the state, the family's wishes, and
- Any other impact or losses.

Ben Cau District Peoples Committee (DPC): issued the Decisions on the establishment / strengthening CARC of Moc Bai Border Gate Economic Zone and Specialist group (Decision No. 60/QĐ-UBND, dated January 15, 2010, Decision No. 1289/QĐ-UBND, dated June 03, 2011; and Decision No. 1384/QĐ-UBND, dated June 21, 2011)

Private Contractor: After the completion of DED, Nguyen Phuong geodesy and cartography Company conducted the demarcation of land clearance for Road 1B. On February 14, 2012 the Economic Zone Management Board of Tay Ninh province and Nguyen Phuong Company handed the landmarks of Clearance of Road 1B for Ben Cau LFDC (as per Minutes of the handover date 14-2-2012 at 10:30).

XI. MONITORING AND REPORTING

For the monitoring of the LAR process no external monitoring organization was contracted before or at the time of the compensation payments and therefore monitoring reports do not exist. However, with their designated responsibilities, Ben Cau LFDC had to adhere strictly to the provisions of the law for the implementation of LAR and was responsible for promptly reporting any arising problems to the CARC of Moc Bai Border Gate Economic Zone and Ben Cau DPC to resolve. A final Liquidation File of contract between Project Management Centre of Tay Ninh Economic Zone and Ben Cau District LFDC was submitted at the end of the LAR activities.

As per DDR-CAP Urban Roads external monitoring is required for the project. Therefore, Independent Monitoring Organization (IMO) will need to verify the compensation payments for Road 1B, and the information in this Due Diligence Report and internal monitoring reports. This will be included in the IMO monitoring reports.

XII. IMPLEMENTATION SCHEDULE

No.	Activity	Start	Finish
1	Announced the master plan, compensation and land clearance for Road 1B	20.2.2012	11.3.2012
2	Conducted IOL and DMS	Feb 2012	Mar 2012
3	Announced cut -off date	11.3.2012	11.3.2012
4	Conducted RCS	8.3.2012	22.3.2012
5	Organized public consultation	30.3.3012	30.3.3012
6	Public announcement of draft compensation and land clearance for Road 1B construction project implementation	30.3.2012	18.4.2012

7	Submission and approval for the rates of compensation, support and resettlement for the construction of Road 1B submitted	2.5.2012	7.6.2012
8	Submission and approval of Ben Cau LFDC Compensation Plan to Ben Cau DPC	19.6.2012	19.6.2012
9	Public posting of Compensation plan	20.6.2012	25.6.2012
10	Decision on Land Acquisition and Decision for payment of compensation issued for each AH	22.6.2012	29.6.2012
11	Report on the case of adjustments submitted by Ben Cau LFDC	31.7.2012	31.7.2012
12	PCAR meeting to consider the cases of adjustment, compensation and additional support	6.8.2012	6.8.2012
13	Approval of Compensation Plan with the adjustments and supplements	15.8.2012	15.8.2012
14	Approval of additional adjustments for the Compensation Plan	1.10.2012	1.10.2012
15	Payment of compensation and support to AP		21.12.2012
16	Liquidation File of contract between Project Management Centre of Tay Ninh Economic Zone and Ben Cau District LFDC	19.06.2012	21.05.2013
17	Grievance redress settlement of complaints	31.07.2012	31.12.2019
18	LIRP implementation	01.01.2017	31.12.2018
19	Corrective Action	15.07.2017	15.010.2017
20	Independent Monitoring	15.05.2017	31.12.2019

XIII. CORRECTIVE ACTION PLAN

Corrective action plan is based on Due Diligence between completed LAR compensation payments and original RP for Road 1B sub-project.

TABLE 13-1: Corrective action

No.	Subject	Results	Recommended corrective action
1	Compliance of entitlements compensated vs. original RP	<p>(a) Original RP states that "If loss is equivalent to 10% or more of total agricultural land: assistance for livelihood restoration programs" (LIRP). LIRP was not originally designed and none of the severely affected HH have been eligible for LIRP.</p> <p>(b) Similarly, for severe impact on house (relocation) and livelihoods being impacted because of relocation</p>	<p>(a) All severely affected HH are eligible for LIRP. Training needs assessment is needed to be completed for all severely affected HH as per LIRP.</p> <p>(b) All relocated HH are eligible for</p>

		<p>eligibility for LIRP should be included.</p> <p>(c) Omission of vulnerable HH, such as female headed HH, from appropriate compensation.</p>	<p>LIRP. Training needs assessment is needed to be completed for all relocated HH as per LIRP.</p> <p>(c) All vulnerable HH are eligible for grant of VND 7 million. Also, vulnerable HH are eligible for LIRP. Training needs assessment is needed to be completed for all vulnerable HH as per LIRP.</p>
2	Monitoring and evaluation	<p>No external monitoring organisation was employed for verification of LAR process at the time of compensation payments. This function was taken by Ben Cau LFDC under their designated responsibilities.</p>	<p>As per RP external monitoring is required for the project. IMO will need to verify the compensation payments for Road 1B, and the information in this Due Diligence Report and internal monitoring reports. This will be included in the IMO monitoring reports.</p>

Annex A : Status of cash compensation, support of AHs along Road 1B

[This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).]

Annex B : Socio-economic information of the households along Road 1B

[This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).]

Notes: 1. **Poor HH** : the poor families under the poverty criteria of local and central regulation which be supported to overcome poverty.

2. **HH enjoy state assistance policies** : Households which are receiving the subsidy policy of the State (with a certificate from the State agency authorized) is supported with the following: (i) Vietnamese Heroic Mother, Hero of the People's Armed Forces, Labor Hero; (ii) War invalids, martyrs' families (father, mother, spouse, children as martyrs); (iii) Families have contributed to the revolution, elderly revolutionary family, family has retired member, and others are receiving regular social allowances;

Annex C: Signed minutes of public consultation meeting

(English Translation)

PEOPLE'S COMMITTEE OF
BEN CAU DISTRICT
Land Fund Development Centre
No. 30/BB-TTPTQĐ

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

Bên Cau, March 30, 2012

MINUTES OF MEETING WITH THE AHs

On this day of March 30, 2013, at 14:00,
At Meeting Room of Loi Thuan Commune People's Committee

I) Participants:

- 1) Mr. Le Viet Thanh, Vice Director of LFDC
- 2) Ms. Truong Thi Thuy Nga, staff of LFDC
- 3) Ms. Tran Thi Hong Ngoc, staff of LFDC
- 4) Mr. Mai Van Thuan, Vice Chairman of Loi Thuan Commune PC
- 5) Mr. Trinh An Thanh, Cadastral Official of Loi Thuan Commune
- 6) Ms. Nguyen Hong Diep, Vice Chairperson of Loi Thuan Commune Fatherland Front

II) Representatives of the AHs:

Total number of the AHs attending the meeting: 27/28 AHs

Absent: 01 AH

(list enclosed herewith)

III) Contents: organize the consultation meeting to take opinions from the people about the compensation rate of land, houses, structures, trees, crops and allowance policies of Project: Road Segment 1B Construction, Moc Bai Border-Gate Economic Zone, Ben Cau District.

IV) Working process:

Mr. Le Viet Thanh, Vice Director of District LFDC presents the the compensation rate of land, houses, structures, trees, crops and allowance policies of Project: Road Segment 1B Construction, Moc Bai Border-Gate Economic Zone, Ben Cau District.

Specific rates of compensation and allowances:

1. Land compensation:

Following Decision No. 48/2011/QĐ-UBND dated December 21, 2011 specifically as follows:

- a) Agricultural land adjacent to the front of 786 Road to 50m backwards, Location 1, Category I Commune: 1,650,000 VND/m².
- b) Agricultural land growing annual crops, 50m behind the front of Road 786, Location 1, Category I Commune: 54,000 VND/m².
- c) Agricultural land growing annual crops, Location 2, Category 1 Commune: 42,000 VND/m².

- d) Agricultural land growing annual crops, Location 3, Category 1 Commune: 35,000 VND/m².
- 2. Compensation for houses and structures:
Apply stipulations of Decision No. 02/2012/QD-UBND dated January 05, 2012 of PPC.
- 3. Compensation for trees and crops:
Apply stipulations of Decision No. 64/2009/QD-UBND dated December 16, 2009 of PPC.
- 4. Allowance policies:
Apply stipulations of Decision No. 44/2010/QD-UBND dated August 19, 2010 of PPC.

After listening to Mr. Thanh's presentation of compensation price and allowances, the households (HH) have following opinions:

- 1. HH Le Thi Minh Kiem, HH Tran Anh Dung, HH Ha Van Ren, HH Ho Thi Hoa, HH Nguyen Van Cam disagree with the compensation of their land as Location 3 and request to review and compensate their land at price equal to previous project (Korean Project) under Location 2 Category.
- 2. HH Nguyen Thi Cuoc and HH Huynh Thi Rum recommend to compensate the remaining land after deducting the area in planned area and disagree with compensation price; they request to compensate their land at price equal to that of TMTC Project (Korean) under Location 2 Category.

The Minutes is completed at 16:00 the same day. The minutes is re-read for all present to listen; all agree and sign in.

FOR THE AHs.
(all signed)

METTING CHAIR
Rep. of Loi Thuan Commune
Fatherland Front
Nguyen Hoang Diep
(signed & sealed)

MINUTES MAKER
(signed)

Rep. of District LFDC (Meeting Chair)
Le Viet Thanh (signed & sealed)
Rep. of Loi Thuan Commune PC
Vice Chairman: Mai Van Thuan
(signed & sealed)

Attachment: List of AHs attending the meeting on March 30, 2012
Project: Road Segment 1B Construction



DANH SÁCH CÁC HỘ DÂN THAM GIA DỰ HỢP NGÀY 30/03/2012
 DỰ ÁN: XÂY DỰNG CÔNG TRÌNH ĐƯỜNG NỘI BỘ Đ.N1(B) KHU KINH TẾ CKMB

STT	Họ và tên	Địa chỉ	Ký tên
1	Võ Hữu Quế	KP 1, thị trấn Bến Cầu, huyện Bến Cầu, Tây Ninh	<i>Ngọc Sang (VQ)</i>
2	Huỳnh Thị Rum	Ô 1/235, Thanh Bình, Thị trấn Gò Dầu, huyện Gò Dầu	<i>Chị Nguyễn Công Sĩ (Rum)</i>
3	Nguyễn Văn Hòa	ấp Thuận Tây, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>HL</i>
4	Trần Anh Dũng	ấp Thuận Tây, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>nguyên thị Hồng (VQ)</i>
5	Nguyễn Thị Duyệt	KP 2, thị trấn Bến Cầu, huyện Bến Cầu, tỉnh Tây Ninh	<i>Phạm Thị Xuyên - Con Xếp</i>
6	Đặng Văn Thành	ấp Thuận Chánh, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Trần Văn Thành (ĐV)</i>
7	Trần Văn Ban	ấp B, xã Tiên Thuận, huyện Bến Cầu, tỉnh Tây Ninh	<i>Trần Văn Ban (TV)</i>
8	Lê Thị Minh Kiêm	KP 2, thị trấn Bến Cầu, huyện Bến Cầu, tỉnh Tây Ninh	<i>Lê Thị Minh Kiêm (LTK)</i>
9	Nguyễn Thị Ninh	ấp Thuận Tây, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Đào Chi</i>
10	Nguyễn Văn Giao	KP 2, thị trấn Bến Cầu, huyện Bến Cầu, tỉnh Tây Ninh	<i>HL</i>
11	Nguyễn Thị Gái	KP 2, thị trấn Bến Cầu, huyện Bến Cầu, tỉnh Tây Ninh	<i>Đào Chi</i>
12	Phan Văn Nhum	ấp Thuận Tây, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Phan Văn Nhum</i>
13	Nguyễn Thị Đào	ấp Thuận Tây, xã Lợi Thuận, huyện Bến Cầu, Tây Ninh	<i>Đào</i>
14	Nguyễn Thị Do	ấp Thuận Tây, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Đào em</i>
15	Nguyễn Thị Nhện	ấp Thuận Tây, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Đào Cháo</i>
16	Nguyễn Thị Thà	ấp Thuận Đông, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Thà</i>
17	Nguyễn Văn Cu	ấp Thuận Tây, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Đào Chi</i>
18	Trần Anh Hải	Ô 1/182B, Rạch Sơn, Thị trấn Gò Dầu, huyện Gò Dầu	<i>Trần Anh Hải</i>
19	Huỳnh Văn Xiếu	ấp Thuận Đông, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Xiếu</i>
20	Đặng Văn Báo	ấp Thuận Chánh, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Báo</i>
21	Hồ Thị Hoa	ấp Thuận Đông, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Hoa</i>
22	Hà Văn Rên	ấp Thuận Đông, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Rên</i>
23	Hà Văn Thạo	ấp Thuận Đông, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Thạo</i>

24	Nguyễn Văn Đạt	ấp Thuận Đông, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Đạt</i>
25	Nguyễn Văn Thường	ấp Thuận Tây, xã Lợi Thuận, huyện Bến Cầu, Tây Ninh	
26	Võ Thị Phương	KP 1, thị trấn Bến Cầu, huyện Bến Cầu, tỉnh Tây Ninh	<i>Võ Nguyễn Phương (chị)</i>
27	Nguyễn Thị Phương	ấp Thuận Tây, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Nguyễn Thị Phương (m)</i>
28	Nguyễn Thị Cước	ấp Thuận Tây, xã Lợi Thuận, Bến Cầu, Tây Ninh	<i>Nguyễn Thị Cước</i>

* Tổng số hộ dân được phát thư mời dự họp: 28 hộ

- Tổng số hộ dân tham gia dự họp: 27 hộ

- Số hộ dân không tham gia dự họp: 01 hộ

Annex D: List of Members of the Working Group

Nº	Name	Position	Organizations
1	Le Viet Thanh (<i>Lê Việt Thành</i>)	Deputy Director (<i>Phó Giám đốc</i>)	Ben Cau District LFDC (<i>TTPTQĐ huyện Bến Cầu</i>)
2	Tran Thanh Long (<i>Trần Thanh Long</i>)	Official <i>Chuyên viên</i>	Ben Cau District LFDC (<i>TTPTQĐ huyện Bến Cầu</i>)
3	Truong Thi Thuy Nga (<i>Trương Thị Thúy Nga</i>)	Official <i>Chuyên viên</i>	Ben Cau District LFDC (<i>TTPTQĐ huyện Bến Cầu</i>)
4	Vo Van Sanh (<i>Võ Văn Sánh</i>)	Official <i>Chuyên viên</i>	Division of Agriculture & Rural Development. (<i>Phòng NN&PTNT</i>)
5	Tran Van Vinh (<i>Trần Văn Vinh</i>)	Official <i>Chuyên viên</i>	Division of Natural Resources and Environment. (<i>Phòng TN&MT</i>)
6	Trịnh Van Nho (<i>Trịnh Văn Nho</i>)	Official <i>Chuyên viên</i>	Division of Infrastructure Economics. (<i>Phòng kinh tế hạ tầng</i>)
7	Nguyen Dang Hung (<i>Nguyễn Đăng Hưng</i>)	Official <i>Chuyên viên</i>	Center for Project Management of Construction Investment. (<i>Trung tâm Quản lý Dự án Đầu tư Xây dựng</i>)
8	Sử Ngọc Hoà (<i>Sử Ngọc Hoà</i>)	Official <i>Chuyên viên</i>	Center for Project Management of Construction Investment. (<i>Trung tâm Quản lý Dự án Đầu tư Xây dựng</i>)
9	Le Van Cua (<i>Lê Văn Cửa</i>)	Land official (<i>Cán bộ địa chính</i>)	People's Committee of Loi Thuan Commune. (<i>UBND xã Lợi Thuận</i>)

Annex E: AHs with different types of impacts

[This information has been removed as it falls within exceptions to disclosure specified in paragraph 97, (exception (x) Information that, if disclosed, would or would be likely to endanger the life, health, safety, or security of any individual, or safety or security of ADB assets, or to prejudice the defense or national security of a member) of ADB's Public Communications Policy (2011).]