External Resettlement Monitoring Report

Post-Resettlement Evaluation
November 2022

Viet Nam: Greater Mekong Subregion Corridor Towns Development Project

Tay Ninh Subproject

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ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	Affected household
AP	-	Affected person
DMS	-	Detailed Measurement Survey
GMS	-	Greater Mekong Subregion Corridor Town Development Project
IMO	-	Independent Monitoring Organization
IOL	-	Inventory of Loss
LFDC	-	Land Fund Development Center
LURC	-	Land Use Rights Certificate
M&E	-	Monitoring and Evaluation
ND	-	No data
PC	-	People's Committee
PMU	-	Project Management Unit
RF	-	Resettlement Policy framework
SP	-	Subproject
TOR	-	Terms of Reference
uRP	-	Updated Resettlement Plan

I. INTRODUCTION

1.1. Project overview

1. The Greater Mekong Subregion Corridor Town Development Project (Loan 2969-VIE) was signed on January 17th, 2013 between the Government of Vietnam and Asian Development Bank. The total budget is USD 147.2 million, including USD 131 million from the loans and USD 16.2 million of counterpart fund by the Vietnamese Government. The project is implemented in 2 provinces, namely Quang Tri and Tay Ninh, specifically: Dong Ha city, Lao Bao town, Khe Sanh town (Huong Hoa district) Quang Tri province and Moc Bai town in Tay Ninh province.

2. Project objectives: The improved transport connectivity within the Greater Mekong Subregion (GMS) has been strengthening urban connections and forming solid bases for people, goods and services to operate more efficiently. This premise also significantly contributes to the improvement of trade in border districts and corridor towns. Municipalities and towns along the Southern Economic Corridor (SEC) connecting Vietnam with Cambodia and along the East-West Economic Corridor (EWEC) connecting Vietnam with Lao PDR are strategically located and serve as centers of dynamic investment and economic growth. Despite the available significant economic opportunities, corridor municipalities are currently facing challenges of urban infrastructure and necessary supporting services due to a rapid growth of urban population and the need to expand new urban areas. In an environment suitable for local strategic economic development, adequate infrastructural and institutional capacity to manage future developments, corridor municipalities are expected to be able to attract public investment in urban environmental infrastructures while encouraging private investment that is interested in urban economic infrastructure investment.

1.2. Tay Ninh subprojects

3. In Tay Ninh province, the project is designed to consist of 4 subprojects. During the implementation process, Tay Ninh subproject has saved residual capital. Then, Tay Ninh province has requested permission from the Government and ADB to use residual capital which has been approved. Accordingly, the project's savings are used for two components, including: (i) Transport infrastructure: Upgrading and expanding An Thanh – Phuoc Chi route; and (ii) Environment: Constructing a wastewater collection system in Ben Cau town. These additional construction works are completely new within the common transport infrastructure and environment of Tay Ninh but entirely separate from the original project. Subprojects in Tay Ninh province include:

Works under the original project

i) Moc Bai urban transport system: 05 routes: DN.1A (3.03km); DN.1B (2.2km); DD.10 (2.27km); DD.11 (1.31km) and Road 51 (2.94km) with a total length of about 12 km (Package CW-8); Construction of drainage works, median roads, walkways, installation of lighting equipment and planting trees;

ii) Moc Bai urban water supply system, capacity of 7,000m^3/day (Package CW-7); Installation of water connections for domestic and commercial users;

iii) Moc Bai urban wastewater collection and treatment system, capacity 9,000m^3/day (Package CW-9); Installation of sewage drainage networks, booster pump stations and sewage pipelines;

iv) Moc Bai urban waste sorting facility, installation of a material repair facility at existing dumps (Package CW-10).

Additional works

v) An Thanh – Phuoc Chi road with a total length of 14.1km, starting point at An Thanh intersection and ending point at Phuoc Chi border gate (Package CW-11).

vi) Ben Cau town wastewater collection system (Package CW-12). Construction of a Ben Cau town wastewater collection system with a total length of 29km and two pumping stations.

1.3. The scope of impacts

4. The GMS Tay Ninh subprojects affect 6 communes/towns, including: Ben Cau town, Loi Thuan, An Thanh communes (Ben Cau district), and Phuoc Luu, Binh Thanh, Phuoc Chi communes (Trang Bang district). Among 6 subprojects under GMS Tay Ninh Project, 04 subprojects involve land acquisition and site clearance, directly affecting 135 households including land acquisition impacts on 108 households and impacts on structures, trees, and crops of 27 households, 13 organizations/business, and 6 Commune People's Committees (CPCs). Of which, 43 households are considered severely affected including 34 households losing from 10% of productive land and 9 relocating households, 12 households are belong to vulnerable group. Non of AHs are ethnic minority people.

5. The total land area acquired to implement the subprojects is **458,598.30**m^2, including residential land: 875.10m^2, agricultural land: 287,076.80m^2 (which consists of: land from households/individuals: 224,672.0m^2, 381.70m^2 land manged by Loi Thuan CPC, and 62,023.10m^2 land from 13 companies/business at Moc Bai border gate), non-compensated public land area[1]: 160,351.70m^2 and compensated roads, irrigated land area: 10,294.70m^2. The scopes of impact by each subproject are as follows:

6. Works under the original project:

Moc Bai water improvement and treatment system subproject, capacity of 7,000m^3/day (Package CW-7):

i) Total area of land acquisition for the subproject: 34,853.70 m^2, including agricultural land from households: 32,963m^2; irrigated land area managed by Loi Thuan CPC: 1.118,70m^2 and 772m^2 for which compensation has been made regarding impacts caused by the construction of DN.1B[2];

ii) A total of 10 affected households, including one severely affected household losing from 10% of the productive land area, 7 slightly affected households (less than 10% of the productive land area), 02 vulnerable and no physically displaced households;

Moc Bai urban transport system subproject (Package CW-8):

i) Total land area affected: 296,226.90m^2 from households, organizations/business and the CPC, specifically:

- Agricultural land: (i) from households/individuals: 148,736.00m^2; (ii) from organizations/business: 43,783.70m^2 and (iii) 381.70m^2 managed by Loi Thuan CPC.
- Public land managed by the CPC including: (i) 3,858.10 m^2 compensated roads and irrigated land and 99,467.40m^2 non-compensated land (areas subjected to

[1] Including areas subjected to land-use planning at Moc Bai border gate, which is 133 ha (provincial road 786), resettlement land plots.

[2] Route 1B is under the provincial budget.

land-use planning and resettlement plots). Public land managed by the CPCs: Loi Thuan CPC, Tien Thuan CPC, Ben Cau TPC.

ii) Total number of households affected: 95 households, 89 households whose land is recovered, including 28 severely affected households by losing 10% or more their productive landholdings, 9 relocated households, 10 vulnerable households and 42 slightly affected households losing less than 10% of their productive landholdings. 6 households have affected on structures and (iii) 10 organizations are affected, in which 3 CPCs and 7 enterprises have affected business activities.

7. Additional works:

An Thanh – Phuoc Chi road subproject (package CW-11)***:***

i) 21 households have affected structures and trees, crops on land;

ii) Land area subject to land acquisition is 59,776.3m^2 managed by An Thanh and Phuoc Chi CPCs.

Ben Cau wastewater collection system subproject (Wastewater treatment plant, capacity 9.000m^3/day) (package CW-12):

i) The total area subjected to land acquisition for the construction of the wastewater treatment plant with the capacity of 9.000m^3/day, at Moc Bai border gate economic zone is 66,315.3 m^2. Of which:

- Roads, irrigated area managed by Loi Thuan CPC and Ben Cau TPC: 5,317.9 m^2.
- Recovered argicultural land area from households/individuals: 43,848.10 m^2, including: (i) rural residential land: 875.1 m^2 (03 households; with affected residential land: two households without affected assets, structures; one household with 03 recovered residential land plots and assets on land including grade-4 house, type-C kitchen, temporary house, and other structures; who are not relocated households), (ii) agricultural land: 42,973 m^2.
- Agricultural land from organizations/companies: 17,149.30m^2.
- Nine households, one company/business, and two CPCs affected by land acquisition.

ii) Area of land acquisition for the construction of the Wastewater pumping stations (06 stations): 1,426.10m^2, including the acquisition of 1,090.10m^2 agricultural land from commercial companies at Moc Bai economic zone border gate; public land: 336m^2 (including 184.8m^2 land in the 40 ha residential commercial services area, 151,2m^2 roads Asian Highway managed by An Thanh CPC), no affected households.

8. Table 1 below presents the overall impact scale of the subproject in Tay Ninh province and the difference between actual implementation and social safeguards documentation. Accordingly, there are differences in the scope of impact among uRPs in 2017 and 2019 and 2020. The main reason is that the data in 2017, 2019, 2020 uRP/DDRs was based on the basic design, while the data from 2019 to 2021 was the result of detailed measurement provided by Ben Cau Land Fund Development Center (LFDC). The affected land area and the number of affected households increasing were results of (i) detailed design adjustments to reduce the impact of land acquisition and to reduce the compensation costs for two pumping stations within the wastewater collection and treatment system, capacity 9.000m^3/day; (ii) errors in identifying land recovered for the construction of the 7.000m^3/day Moc Bai plant, and land

recovered for the construction of the 9.000m^3/day Ben Cau wastewater treatment plant; and (iii) the increase in the number of affected households due to land purchase, sale, transfer and separation of households.

9. During the implementation phase, area of land acquisition for the entire project increased by: 3.840.90m^2 and increased by 15 households compared to uRPs in 2017, 2019, and 2020. The changes are mainly located in the area of Moc Bai urban transport system subproject, and Ben Cau wastewater collection system, capacity 9.000m^3/day. Specifically, differences in area, number of affected households in each subproject are as follows:

- Moc Bai water improvement and treatment system, capacity 7.000m^3/day: area of land acquisition decreased by 65,543.30 m^2, from 100,397.00 m^2 to 34,853.70m^2, and the number of households decreased from 19 to 10.
- Moc Bai urban transport system: the number of AHs increased by 18, from 77 to 95 households. The area subjected to permanent land acquisition increased by: 1,691.10m^2.
- An Thanh – Phuoc Chi route: area of public land recovered increased by 76.30m^2, and the number of AHs decreased by one who had affected structures. The 2019 uRP identified 22 AHs having affected land and structures/crops; however, according to DMS results of Ben Cau and Trang Bang LFDCs, together with An Thanh CPC's (Ben Cau) and Phuoc Chi CPC's verification of land origins, the area affected by road work is road right-of-way managed by Phuoc Chi and An Thanh CPCs; households only had affected assets (structures/crops) on land.

10. For subproject Ben Cau wastewater collection system, the June 2020 uRP identified 02 affected households and 01 organization, and the total area of agricultural land permanently recovered is 35.10m^2 and 125m^2 of unused land managed by Ben Cau TPC. However, as of the implementation stage, the area subjected to permanent land acquisition has been divided for two construction works: (i) Wastewater treatment plant and (ii) 06 wastewater pumping stations. The total area increased by 67,580.80m^2, from 160.60m^2 to 67,741.40m^2, and the number of AHs increased from 2 to 9.

Table 1 – Summary of differences in scope of impacts between uRPs, DDR and actual implementation

No	Work	Area (m²)	Implementation phase						Affected organizations		Area (m²)	uRPs and DDR in 2017, 2019, 2020					Differences in terms of area	Discrepancies in no. of AHs
			Total AHs	Severely AHs		Vulnerable AHs	Losing less than 10% productive land	Affected construction/structures	Businesses	CPCs/TPCs		Total AHs	Severely AHs		Vulnerable AHs	Losing less than 10% productive land		
				Losing more than 10% productive land	Relocated households								Losing more than 10% productive land	Relocated households				
I	**Works under original project**	**331,080.60**	**105**	**29**	**9**	**12**	**57**	**6**	**7**	**4**	**394,932.8**	**96**	**33**	**5**	**1**	**58**	**(63,852.20)**	**9**
1	Moc Bai water improvement and treatment system, capacity 7.000m³/day (CW-7)	34,853.70	10	1	0	2	9	0	0	1	100,397.0	19	10	0	1	9	(65,543.30)	-9
2	Moc Bai urban transport system (CW-8)	296,226.90	95	28	9	10	48	6	7	3	294,535.8	77	23	5	0	49	1,691.10	18
II	**Additional works**	**127,517.70**	**30**	**5**	**0**		**9**	**21**	**6**	**5**	**59,860.6**	**24**	**0**	**0**	**2**	**20**	**67,657.10**	**6**
3	An Thanh – Phuoc Chi road (CW-11)	59,776.30	21	0	0	0	0	21	0	2	59,700.0	22[3]	0	0	2	18	76.3	-1
4	Ben Cau wastewater collection system, capacity 9.000m³/day (CW-12)	67,741.40	9	5	0	0	9	0	6	3	160.6	2[4]	0	0	0	2	67,580.80	7
	Total (I+II)	**458,598.30**	**135**	**34**	**9**	**12**	**66**	**27**	**13**	**9**	**454,793.4**	**120**	**33**	**5**	**3**	**78**	**3,804.90**	**15**

Source: Summarized by the external monitoring consultant, data provided by GMS Tay Ninh PMU and Ben Cau LFDC, July 2022

[3] 18 households/individuals and 4 organizations

[4] 1 household/individual and 1 organization

11. The Greater Mekong Subregion Corridor Town Development Project is identified and categorized as C in terms of involuntary resettlement and as B in terms of indigenous ethnic groups. However, GMS Tay Ninh subprojects do not affect ethnic minority communities. Therefore, external monitoring and evaluation are necessary from the start of DMS until the end of resettlement activities, as required by the ADB. The external monitoring consultant conducts two periodic monitoring missions per year (once every six months). From 6 to 12 months after all project resettlement activities end, a post-resettlement evaluation will be carried out, identifying the extent to which resettlement objectives are met, and whether any form of assistance must be provided or renewed.

12. Compensation, site clearance, and resettlement for the GMS Tay Ninh subprojects were completed in September 2021, following requirements in the ToR and recommendations from ADB's mission in Tay Ninh, May 2022. The Consultant conducted a final monitoring and evaluation for the project and the report is submitted to ADB for review.

1.4. Objectives and tasks of the final evaluation report

13. The purposes of the evaluation report are: (i) Assessing the performance and compliance with social safeguards policy of the project as approved in the Resettlement Plan; (ii) Assessing the effectiveness of the Livelihood Restoration Program; (iii) Identifying changes in the socio-economic life of affected households; (iv) Proposing corresponding solutions to improve the living standards of those affected; and (v) Gaining experience from implementing the project. The main evaluation criteria include:

- Living/economic conditions of affected households (comparison before and after the project)
- The levels of policy compliance when implementing the RAP
    - Consultation and information disclosure during implementation;
    - Minimizing impacts of site clearance;
    - Providing compensation, support and resettlement for affected households;
    - Complying with the grievance redress mechanism.
- Assessment of RP's goal achievement through the living standard of affected households:
    - Housing
    - Changes in career structure
    - Changes in income levels
    - Predictions of changing living standards
    - Current difficulties and challenges for the households
    - Access to social services (health, education, clean water)
    - Recommendations/solutions

14. The Consultant shall implement the following tasks during the final evaluation & monitoring:

- A final monitoring of the implementation of the Resettlement Plan at project sites in order to evaluate the performance of key uRP indicators. Analyzing and assessing compliance with the Asian Development Bank's policy on involuntary resettlement.

- Conducting survey and interview with units performing site clearance work, authorities and affected households. Based on the data collected, analyzing and evaluating changes in socio-economic conditions of affected households by comparing the initial results of socio-economic survey and that by the end of the project.
- Based on the end-of-term evaluation & monitoring results, the Consultant can form experiences and propose remedial measures (if any) as well as plans and/or responsibilities for units related to each outstanding issue of the project.

15. The Consultant implemented monitoring and evaluation activities from June 26th, 2022 to July 2nd, 2022, survey questionnaire from July 11th, 2022 to July 14th, 2022.

II. EVALUATION METHODOLOGY

16. For conducting the final evaluation, the Consultant used the following methods:

2.1. Methods of reviewing and analyzing documents

17. This method is used to study and analyze all relevant documents that have been collected by the Consultant from different organizations/units in charge of compensation, site clearance. The review and analysis of documents collected during the monitoring process have helped the Consultant as follows: (i) The Consultant can better understand construction investment activities in the project area; (ii) They are aware of the implementation of social safety policies during each project stage; (iii) Identify compliance with social policies of the Project; (iv) This process assists the Consultant in conducting assessment tasks; (v) The Consultant can compile results of the periodic monitoring.

18. Collecting secondary documents has been carried out throughout the monitoring and evaluation process. Sources of documents are provided by the GMS Tay Ninh PMU, Ben Cau LFDC and other related agencies. The main documents collected and reviewed include:

- Legal documents of the Government and Tay Ninh province in the field of land acquisition, compensation, support and resettlement;
- Social safeguards policies of the project, including: Updated Resettlement Plan (uRP);
- Legal documents of Tay Ninh province on the addition of compensation plans as well as resolving complaints;
- Compensation documents including: DMS records, records of verifying damages, compensation plans, minutes of compensation payment, compensation unit prices, etc.
- Project documents: project information, community consultation minutes;
- Complaints, grievance related to compensation and clearance (if any)
- Reports of internal consultant on the progress of resettlement.

19. The consultant has compared the formation of affected persons' rights with the provisions declared in uRP and compensation plans developed based on the compensation and clearance records provided by LFDCs in Ben Cau district, Tay Ninh province and Tay Ninh PMU – Economic Zone Authority (hereinafter referred to as GMS Tay Ninh PMU). The consultant has collated activities carried out by the GMS Tay Ninh PMU and stakeholders with their responsibilities outlined in the uRP.

20. Community consultation activities have been reviewed based on consultation minutes kept at the office of LFDC. Issues relating to complaint petitions and settlement results have been reviewed.

2.2. Qualitative research

21. In-depth interview method: Using in-depth interview methods has helped the monitoring consultant gather more in-depth information on issues that require communication and explanation.

22. The goal of an in-depth interview helps the consultant thoroughly understand a certain issue, since the interviews investigate the root cause of an action or a series of actions associated with specific cases, such as discovering the complaints of affected households. In addition, the in-depth interview method is especially suitable when used to communicate with vulnerable households.

23. In-depth interviews are applied to project affected households and representatives of the project's stakeholders, in order to find out information directly related to the compensation, clearance process; people's satisfaction with the compensation policy of the project as well as their questions and recommendations for the compensation and support by the project. In addition to this is the stakeholders' assessment of compensation and clearance policies, the role of stakeholders in compensation, site clearance as well as solving people's concerns, recommendations within a scope of management. The stakeholders' assessment on the project's effectiveness: the positive as well as negative impacts after implementing the project on local people in terms of economy, society and environment.

24. Focus group discussion (FDG): Used to gather information/opinions from a group of affected people, focusing only on a specific issue or a goal with the aim of exchanging two-way information to identify issues and find a solution, plan activities and find ways to resolve conflicts; FGD will also help check the assessment results and make recommendations. FGD has been applied for groups of households with similar impacts, or similar complaints in the same area in a flexible manner.

25. The contents of FGDs include: Evaluation of the project's disclosure and public consultation (level of participation by people, content of information disseminated, effectiveness of disclosure and public consultations, recommendations on information disclosure); Evaluation of compensation and site clearance (DMS, planning compensation, paying compensation, resolving complaints, grievances, people's satisfaction); Evaluation of the project's effectiveness.

26. FGDs are conducted with 3-5 people per group for the following participants: (i) groups of staff from the PMU, (ii) Land Fund Development Center; (iii) Representatives of local governments and local departments (farmers' and women's unions, etc.); (iv) groups of severely/relocated AHs. A total of 5 group discussions and in-depth interviews were conducted during the monitoring & evaluation period with 49 participants (List of interviewees and participants in group discussions is included in **Appendix 1** of the report)

Table 2 – Summary of interview topics and FGDs

No	Applied to	Content	Group discussion	In-depth interviews
1	GMS Tay Ninh PMU – Tay Ninh Economic Zone Authority	- Procedures of site clearance, compensation, resettlement (information disclosure, IOL, application of unit prices, payment of compensation, arrangement of resettlement, etc.) - Concerns (if any) related to site clearance;	1 group (3 people)	3 people/3 interviews

No	Applied to	Content	Group discussion	In-depth interviews
		- Coordination among relevant units when implementing site clearance; - Evaluation of the project's site clearance work (satisfaction of affected households, economic recovery, overcoming impacts during construction (if any), site restoration, etc.)		
2	Ben Cau District Land Fund Development Center	- Assessment of project information disclosure? - Assessment of DMS for affected households? - Assessment of replacement cost and compensation payment to affected households? - Were written complaints received? - Assessment of the project's site clearance work (satisfaction of affected households, economic recovery, overcoming impacts during construction, site restoration, etc.)	1 group of 5 people	2 people/2 interviews
3	Loi Thuan CPC	- Progress of compensation and support payments? - Is the cost of compensation correct and enough? Are there any complaints on compensation? - Are there complaints from affected people during compensation payments? - Changes in socioeconomic conditions (income, occupation, etc.) of households after land acquisition and project completion? - Evaluation of the project's site clearance work (satisfaction of affected households, economic recovery, overcoming impacts during construction (if any), site restoration, etc.)	1 group of 6 people	3 people/3 interviews
4	Representatives of affected households	- Affected people's assessment of RAP implementation: disclosure of project information, IOL, compensation payments, compensation rates and resettlement locations - Problems arising after land acquisition (impacts during construction, site restoration, etc.)	2 groups 9 people 1 group of 4 people for Moc Bai water improvement and treatment	16 people/16 interviews

No	Applied to	Content	Group discussion	In-depth interviews
		- People's satisfaction with compensation, site clearance? - Roles of stakeholders including the CPC, VPC in implementing compensation, site clearance? - Assessment on the effectiveness of the project	subproject, 1 group of 5 people for Moc Bai urban transport system subproject	
		Total	**5 groups of 25 people**	**24 people**

2.3. Sample selection survey method

27. Survey sampling is a type of non-inclusive investigation, in which only a few cases is selected which fall under the subject of study to conduct the survey. These respondents are selected according to certain rules to ensure representation. Results of survey sampling are used for generalization.

28. This method is especially suitable for assessment activities because it is possible to give statistics with a high level of reliability, obtain information on a large scale and be comparable to other results of socio-economic surveys implemented during the project preparation phase.

29. Survey sampling in the final evaluation of the project is directed to households affected by the Project, so the Consultant used a method of selecting non-random samples, that is, purposefully selecting subjects according to the work requirements. Sampling focused on the group of households with different levels of impact: 20% of the slightly AHs losing less than 10% of the total productive land area, 100% of the severely AHs (relocated, households losing from 10% of their total productive land and vulnerable groups).

30. A questionnaire has been designed with closed questions related to the project's clearance and resettlement – a selection of answer options and several open questions to better gather opinions of the respondents; the questionnaire is conducted by the consultant by in-person interview.

31. In July 2022, the consultant conducted questionnaire interviews for 53 households representing households affected by land acquisition to implement 2 subprojects[5]: Moc Bai urban transport system and Moc Bai water improvement & treatment system in 9 communes in Ben Cau, Go Dau, Trang Bang districts, and Hoa Thanh town of Tay Ninh province (because households, after land acquisition, moved and/or temporary resided during the consultant's end-of-term evaluation period). Specifically: 09 households having less than 10% of their productive land affected; 09 relocated households; 25 households having from 10% of their productive land affected, and 10 households belonging to the vulnerable groups.

[5] One out of 3 subprojects relating to land acquisition has impacted only pulic land, therefore, the HH survey only focussed on two subprojects.

2.4. Observation method

32. The observation method is used by the Consultant to verify information gathered from desk study and to collect more information from key stakeholders and from the affected households. This method has been used for all activities of the consultant.

33. The consultant visited 24 households representing affected households in the project communes to consider their level of livelihood stability.

2.5. Survey sampling, analysis

34. Sampling for the Project's end-of-term evaluation is carried out in project communes with 100% of the severely affected households, including: households having from 10% of their productive land area affected, relocated households, vulnerable households; and 20% of the slightly affected households who have less than 10% of their productive land area affected.

35. Through meetings with the PMU, Ben Cau LFDC and project communes; based on the information provided, the number of AHs is detailed as follows: 29 severely AHs losing from 10% of their productive land, 9 relocated households, 10 vulnerable households, 58 AHs losing less than 10% of their productive land, and 21 households having affected crops/structures (fences). Accordingly, the total selected survey samples include: 100% of the severely AHs, relocated and vulnerable households (48 households), 20% of the total slightly AHs (12), focusing on two subprojects that cause land acquisition impacts on households/individuals.

36. With regards to the survey, the Consultant surveyed 53[6]/127 (42%) AHs by 2 subprojects: Moc Bai urban transport system and Moc Bai water improvement & treatment system. Details of samples are presented in the table below:

[6]Among 51 severely affected households in the list provided by GMS Tay Ninh PMU, 8 households have not been surveyed because: their houses are in Ho Chi Minh City, while they have moved abroad to live and work in Cambodia, and some households cannot be found because of their old addresses being provided to the PMU before land acquisition.

Table 3 – Number of survey samples by subproject/work

Subproject/work	Losing less than 10% of productive land	HHs with affected houses and relocated	Losing from 10% of productive land	Vulnerable AHs	Total
Moc Bai Water Improvement and Treatment System	0	0	6	2	**8**
Moc Bai urban transport system	9	9	19	8	**45**
DD.11	*1*	*0*	*5*	*1*	***7***
DD.10	*0*	*0*	*0*	*1*	***1***
DN.1A	*5*	*0*	*4*	*2*	***11***
DN.51	*3*	*5*	*3*	*2*	***13***
DN. 1B	*0*	*4*	*7*	*2*	***13***
Total	**9**	**9**	**25**	**10**	**53**

Source: Survey data July 2022

2.6. Data processing

37. Information and relevant documents during the project implementation are analyzed, classified and stored in the construction works' order, so that they are accessible and useful for data analysis and processing.

38. Processing and analyzing qualitative information: due to the low number of qualitative samples, the consultant has directly filtered information. Qualitative results will help explain quantitative results and reflect the views of stakeholders as well as people's consensus or opposition to the project and identify existing or ongoing issues. All information and output data were stored using Microsoft Word.

39. Quantitative information includes compensation data and household survey questionnaires. Data on the implementation of compensation, site clearance is stored using Excel; Accordingly, all periodic monitoring results every six months of the project related to RP implementation such as compensation plan, compensation payment, resettlement and land clearance, participation level in consultation activities of the AHs, etc. were stored and processed by this software.

40. For data related to social safeguards compliance monitoring results: stored and processed using SPSS software. 53 household questionnaires regarding economic, social assessment, assessment on site clearance and compensation are processed using SPSS. This set of data fully reflects assessments of the affected households on (i) the process of information disclosure, public consultation; (ii) DMS; (iii) payment of compensation, satisfaction with compensation and site clearance; (iv) mechanisms for settlement of complaints and grievance, levels of satisfaction with complaint settlement; (v) information on current socio-economic conditions of the surveyed households; (vi) assessment on the level of livelihood restoration, impacts of the project on affected households.

41. All information and data collected at the site including quantitative and qualitative data were analyzed by type of impacts and issues monitored.

III. ASSESSMENT RESULTS

3.1. Organizational structure for site clearance

42. The project's resettlement and social safety activities are carried out by GMS Tay Ninh PMU (Tay Ninh Economic Zone Authority), Ben Cau district LFDC, in which: (i) Ben Cau LFDC is the unit directly carrying out land acquisition, compensation, support and resettlement, including: DMS; developing and submitting compensation plants; and paying compensation. (ii) GMS Tay Ninh PMU is responsible for coordinating, supporting and monitoring the implementation of resettlement to ensure the project's progress and compliance with project policies, donor policies and Vietnamese laws.

43. Mapping land plots in the project area is carried out by a consultancy unit (identifying affected land plots, land users, etc.). After being completed, the land acquisition map is sent to the GMS PMU and Ben Cau LFDC by the consultant, so as to implement the next steps in the land acquisition process.

44. Ben Cau DPC is responsible for appraising and approving compensation plans for impacts in their management area.

45. In addition to the monitoring and supervision by governmental agencies including community supervision and public monitoring when implementing the project, the project also develops its own monitoring mechanism, including internal and external monitoring. In addition to hiring an independent monitoring organization (IMO) to monitor the compliance with the project's policies, the internal monitoring is carried out by the GMS PMU. Accordingly, the GMS PMU has mobilized a consultant to support the implementation of the project, including monitoring and supervising resettlement activities.

46. **Evaluation:** During the implementation process of compensation, resettlement assistance, and social safeguards policies, relevant parties have worked closely and synchronously together; therefore, the objectives, progress and compliance with the project policies have been achieved regarding compensation, site clearance, and resettlement work. However, when compensation and site clearance policies are being implemented, certain limitations related to policy mechanism persist, such as: some issues require policies from the PPC due to differences between the Governmental/provincial policies and principles/regulations of the donor such as: support for job changes and job search in accordance with replacement price, or the support could only be decided at people's council meetings leading to delays.

3.2. Project documents in terms of land acquisition

47. Land acquisition, compensation, support and site clearance documents are developed and kept at Ben Cau district LFDC, GMS PMU, and CPCs. Desk study results during the evaluation period show that: compensation and site clearance documents for each work have been kept properly at the LFDC, these include: hard copies at each commune and digital archive in the system in: Word, excel, PDF, etc.

48. Compensation and site clearance documents for each subproject are arranged in order: Legal documents of the project, notices of land acquisition, minutes of community meetings, DMS records, meeting minutes for publicly posting as well as the end of publicly posting DMS results, plans for compensation, resettlement, support, land acquisition decisions, approval of compensation plans, compensation payments, general list of compensation payments, minutes of compensation payment.

49. Documents kept in project communes: compensation and site clearance dossiers are kept by commune-level direct managers (commonly construction/transport cadastral official);

however, the documents are still lacking compared to requirements for project implementation, thus limiting the accessibility of documents/data related to the project's compensation and site clearance.

50. **Evaluation:** Records and documents related to land acquisition, compensation is fully, systematically stored and is searchable. At 2 levels: GMS PMU and LFDC, where records are stored in 2 forms: digitally and physically in folders according to each work. Records are stored in chronological order of resettlement, complete and systematic, in compliance with the project policy.

3.3. Preparation of social safeguards documents

51. A total of 12 safeguards documents have been prepared for Tay Ninh subprojects, consisting of:

- 4 RPs, including (i) Moc Bai urban transport system; (ii) Moc Bai water improvement and treatment system; (iii) An Thanh – Phuoc Chi road (additional capital); and (iv) Moc Bai wastewater collection and treatment system.
- 2 uRPs were developed for (i) Moc Bai urban transport system; (ii) Moc Bai water improvement and treatment system;
- 03 DDRs, including: (i) DDR for urban roads (DN.1A, DN.51 (15), DD.11 and DD.10), (ii) DDR of WSP&WWTP works; (iii) DDR line 1B;
- 03 DDR-CAPs, including (i) DD.11, (ii) DD.10, and (ii) the impacts of constructing 06 more booster pump stations of Moc Bai wastewater treatment work.

52. These documents are developed based on the principle of harmonizing between Vietnamese Laws and the donor's policies (ADB's SPS 2009), which were approved by Tay Ninh PPC and permitted by ADB. Details on the implementation progress of social safeguards documents are presented in table 4.

Table 18. Progress on preparation, update and approval of DDR-CAP/uRP

No	Subproject/work	ADB acceptance/approval			
		RP/	uRP	DDR	DDR-CAP
1	Moc Bai urban transport system				
1.1	*DN.1A road*	12/11/2012	May 2020	13/10/2017	
1.2	*DN 51 road*				
1.3	*DD.11 road*				12/2019
1.4	*DD.10 road*				01/2019
1.5	*DN.1B road*			6/9/2017	
2	Moc Bai Water Improvement and Treatment System		May 2020	06/07/2017	11/6/2020
3	Additional work: An Thanh – Phuoc Chi road;	May 2020			
4	Additional work: Moc Bai wastewater collection and treatment system	11/6/2020			

53. **Evaluation:** Documents of safeguard policies are based on the principle of harmonizing between Vietnamese and ADB's compensation policies, in which the project has complied with ADB's SPS 2009. The progress of preparing and approving social safeguards documents is comparable with the overall progress of the project, although additional

households affected by construction works emerged after uRPs/DDRs were completed. These documents are an important basis for assisting the compensation, support and resettlement process in accordance with Vietnamese regulations, regulations of Tay Ninh province and the project policies.

3.4. Consultation and project information disclosure

54. Land acquisition for the GMS Tay Ninh subproject was assigned to Ben Cau District LFDC for implementation. Therefore, the LFDC is the leading unit to consult and disclose project information. The LFDC has coordinated with the DPC and CPCs, villages having affected households to conduct consultations and information disclosure in communes affected by the project.

55. Consultation and disclosure have been carried out since the end of 2013, 2014, and the beginning of 2015 for all construction works of Moc Bai urban transport system and Moc Bai water improvement & treatment system. Throughout the project implementation and all basic and important stages of the project, information has been disclosed and consulted with stakeholders, especially affected people.

Table 5. Summary consultation, information disclosure meetings

<table>
<tr><th>No.</th><th>Subproject/Construction</th><th>Date of consultation/ information disclosure</th><th>Content</th></tr>
<tr><td>I</td><td>Works under the original project</td><td></td><td></td></tr>
<tr><td>1</td><td>Moc Bai water improvement and treatment system (construction of water supply plant, capacity 7.000m^3/day at Moc Bai border gate economic zone)</td><td>October 2013
June 2014</td><td>- Notices of land acquisition, project information, applicable policies, DMS plans, compensation and site clearance plans
- Construction plans for works</td></tr>
<tr><td rowspan="6">2</td><td>Moc Bai urban transport system (5 routes)</td><td></td><td rowspan="6">- Notices of land acquisition, project information, applicable policies, DMS plans, compensation and site clearance plans
- Resettlement policy framework of the Greater Mekong subregion corridor town development project, ADB loan
- Construction plans for works</td></tr>
<tr><td>DN.1A route</td><td rowspan="4">October to December 2013</td></tr>
<tr><td>DN.51(15) route</td></tr>
<tr><td>DD.11 route</td></tr>
<tr><td>DD.10 route</td></tr>
<tr><td>DN.1B route</td><td>July 2014
May 2015</td></tr>
<tr><td>II</td><td>Additional works</td><td></td><td></td></tr>
<tr><td>3</td><td>An Thanh – Phuoc Chi route</td><td>October to December 2019</td><td rowspan="2">- Project information, applicable policies, DMS plans, compensation and site clearance plans
- Construction plans for works</td></tr>
<tr><td>4</td><td>Wastewater collection and treatment system (construction of wastewater treatment plant and 06 pumping stations)</td><td>November 2019
March 2020</td></tr>
</table>

Source: Compiled by EMC, July 2022

56. During the preparation of project documents, in addition to consultation to develop documents, once approved, these documents are made public to affected people and stakeholders as documentation of implementing and supervising the resettlement. People's opinions and contributions have been reviewed, evaluated and included in the content of uRPs/DDR-CAPs. Most comments stem from the practice of compensation, support and resettlement. Therefore, they have significantly contributed to accelerate the resettlement progress in particular and the project's progress in general.

57. At the beginning of the monitoring task, the External Monitoring Consultant also conducted a socio-economic survey for all subproject construction works in Tay Ninh province with the aim of understanding local socio-economic conditions, the affected people's mindset and wishes, which also serves as the basis for evaluation at the end of the project. This survey was conducted with 100% of the severely affected and vulnerable households according to the project's regulations.

58. Additionally, from 2017 to 2019, a number of activities related to community consultation, information disclosure, and capacity building were implemented by the Project, specifically: (i) The GMS Tay Ninh PMU organized visits to observe and learn from similar projects in Da Lat city; (ii) A communication campaign was carried out on solid waste (dissemination of knowledge on waste and solid waste management); (iii) Training in skills and knowledge on the use and management of water resources to ensure sanitation and public health; (iv) Workshops/talks on urban road use and maintenance; (v) Training in collecting and sorting skills for garbage workers at recycling facilities. Total number of participants: 358, of which: 178 female and 180 male participants[7].

59. During the implementation phase, special attention is paid to the pre-DMS consultation and the public posting of the DMS results, as well as the public listing of compensation plans. At least 2 consultations were carried out at each construction work during this period. In addition, after publicly posting the results of DMS and compensation plans, the PMU and LFDC regularly organized meetings, conversation and campaigns to answer questions about DMS results or compensation, support and resettlement plans.

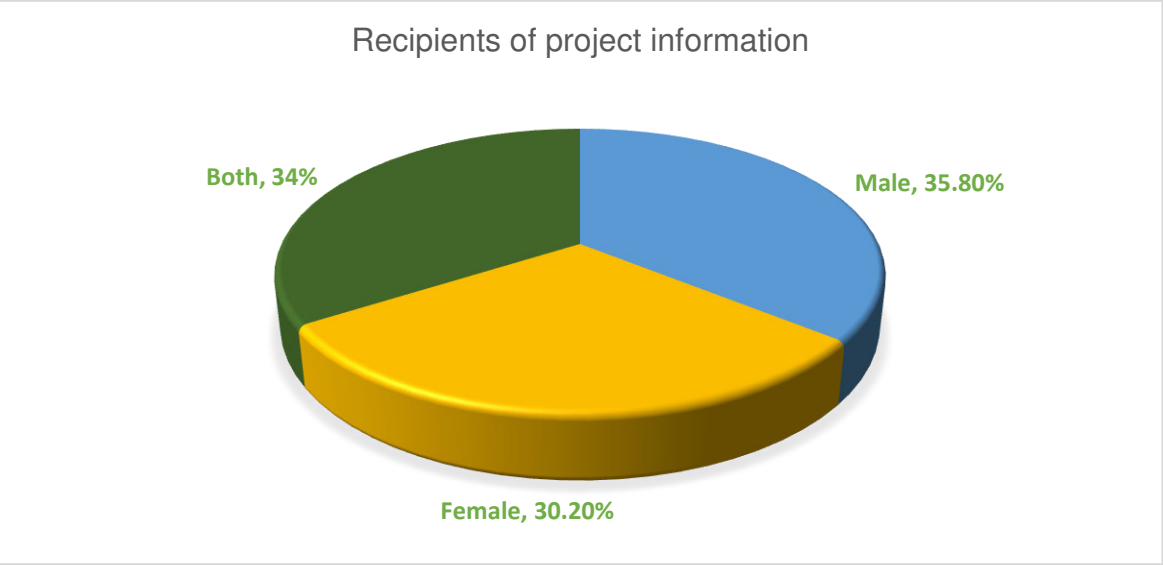
60. Contents of information disseminated includes: (i) General information about the Project such as the Project Owner, Donor, total investment, construction works; (ii) Unit price of compensation and support applied to the project, data on damage of affected households, compensation and support entitlements; (iii) Implementation plan includes DMS time, compensation payment time, construction time; (iv) Necessary support for severely AHs, relocated households and vulnerable households; (v) Measures to restore the income and livelihood of affected households; (vi) Grievance redress mechanism. Differences between ADB's Policy and Vietnamese Law as well as policies applicable to the Tay Ninh subproject were also mentioned in the consultation sessions.

61. Forms of information disclosure include: through mass media, through loudspeaker systems, public consultations by the PMU and consulting units, participation in IOL/DMS/SES survey and public listing, etc.

62. Participants in meetings/conferences include: Representatives of GMS PMU, LFDC, CPC, Commune Fatherland Front, affected Commune Women's Union, village heads and representatives of affected households. In which, the percentage of female affected

[7] Information collected from the Social safeguards policy independent monitoring report (last 6 months 2018) of the 2019 IMO-1, and information provided by the GMS Tay Ninh PMU.

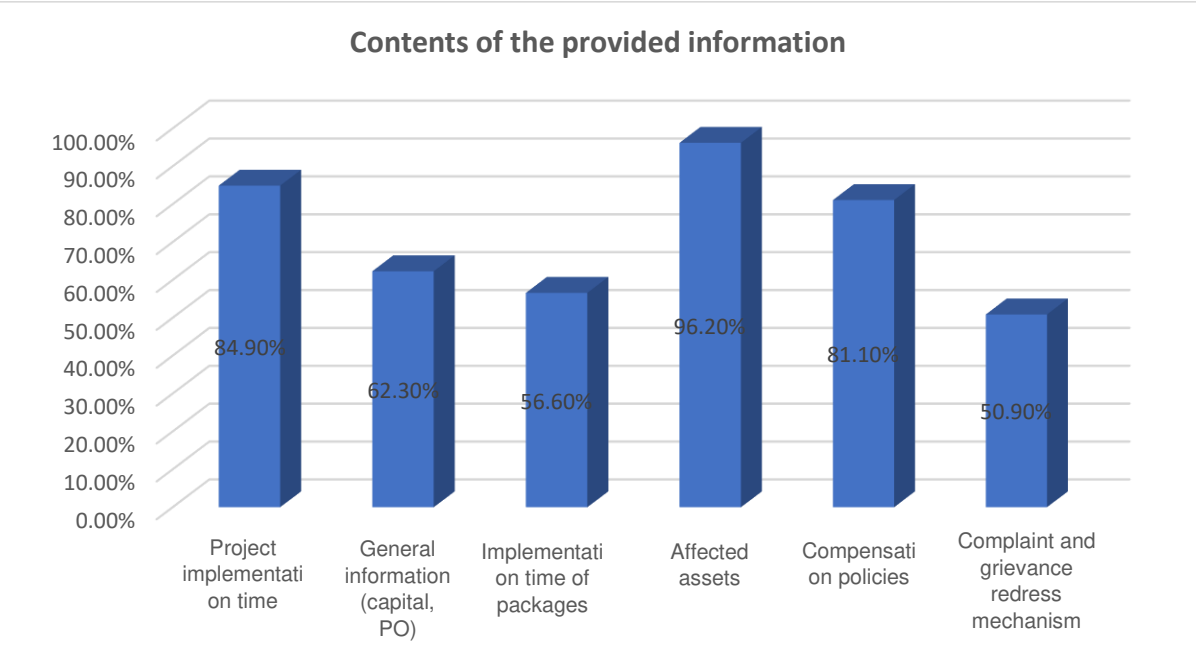
participants in consultations ranges from 30% to 35%. The percentage of men and women receiving information of the project is shown in the chart below.



Source: Results of questionnaire survey conducted by External Monitoring Consultant (July 2022)

63. The project's information disclosure and public consultation has been implemented multiple times in the affected communes, according to each phase of the project and carried out by multiple agencies including consulting units, LFDC. In addition, the organization of community consultations is also coordinated and integrated into meetings of local socio-political organizations such as: Fatherland Front, Women's Union, Farmers' Union, etc. in order to disclose and advocate for the consent of people and support of the communities for the project.

64. According to questionnaire survey results with 53 households in the project area, 100% of the households confirmed that they had received information about the project. The information received by the households is depicted in the chart below.



Source: Questionnaire results of socio-economic survey and end-of-term evaluation (July 2022).

65. Among the information provided, the households remember information on land and affected asset acquisition the most (96.2%); that figure for project implementation time is 84.9%, and for compensation policy, compensation unit price and support for affected assets is 81.1%. The percentage of households recalling other information is lower, such as: General information about the project such as investment capital, Project Owner; duration of construction activities and complaint mechanism; complaint settlement; the ratios are 62.3%, 56.6% and 50.9% respectively. According to respondents who said they did not remember or were not aware of the above-mentioned information: they did not directly participate in meetings, were not household heads, or participated but did not stay until the end of the information disclosure meeting. Several respondents said since the project takes place over a long period of time, and there are multiple other projects being implemented simultaneously at Moc Bai border gate economic zone, they were unable to recall all information received during the project's initial disclosure meetings.

66. Comments recorded through in-depth interviews:

"Project staff and LFDC officials invited the affected households to a meeting before carrying out the DMS on households' affected land. Project information was disclosed, land acquisition notices were sent to each affected household, related policies were explained".

(In-depth interview with AP in Loi Thuan commune, Ben Cau district)

"Questions were asked and answered directly at meetings, so most people support the project and have no concerns."

(FGD with AP in Loi Thuan commune, Ben Cau district – Moc Bai urban transport)

"I do not know if all affected households have attended, but at meetings, they all asked a lot about the project and the compensation policy to better understand what they are being compensated for, and if all assets are compensated adequately."

(In-depth interview with AP, Ben Cau Town, Ben Cau district)

67. Regarding the households' level of satisfaction with the procedures of community consultations and information disclosure, 100% of respondents affirmed satisfaction with the information received. The main reasons for satisfaction are: (i) Complete, basic information of the project was provided; (ii) Entitlements to compensation were clear; and (iii) Affected assets and applicable unit prices were clear.

68. **Evaluation:** Information disclosure has been carried out adequately, complying with requirements of the Sponsor regarding information disclosure of the Project. Information is disseminated through many communication channels such as: community consultation meetings, disclosed by project, district, and commune officials, etc. Such information is communicated in a brief, transparent and comprehensive manner. The content and format of the information met the objectives of the Project and the Public Consultation Plan.

3.5. Detailed measurement survey

69. DMS was carried out for the subprojects in March 2015 by Ben Cau district Land Fund Development Center (LFDC). The cut-off date for Tay Ninh subproject is June 30th, 2014. DMS activities began in July 2014 on all construction works of urban roads (except for DN.1B route implemented in 2011 and completed compensation paid to affected households in December 2012).

70. Up to now, the implementation of DMS has been completed regarding all construction works, including works under the additional capital (An Thanh – Phuoc Chi route and Ben Cau

wastewater treatment construction works). The total number of affected households by Tay Ninh subprojects was identified to be 135 households.

Table 6 – DMS implementation activities of subprojects

No	Subproject/work	DMS start date	DMS end date
I	**Works under the original project**		
1	Moc Bai water improvement and treatment system	November 06th, 2013	November 2015
2	Moc Bai urban transport system		
	DN.1A route	September 2013 October 2013 June 2014	September 2015
	DN.51(15) route		
	DD.11 route		
	DD.10 route		
	DN.1B route	June 2017	July 2017
II	**Additional works**		
3	An Thanh – Phuoc Chi route	April 2019	April 2019
4	Wastewater collection and treatment system	November 06th, 2013 October 05th, 2015	May 2020

Source: Compiled by EMC, July 2022

71. In order to carry out the DMS, Ben Cau LFDC has established DMS teams. Members of a DMS team include: Representatives of the PMU, members of LFDC, representatives of affected villages/hamlets/groups and Community Monitoring Units.

72. Before implementing DMS, through the commune/town government, the PMU and LFDC announced the DMS plan to affected households so that people could actively arrange time to join the DMS team. DMS records were agreed to on-site, and the LFDC handed a copy over to the household for review.

73. Through interviews with commune, town authorities, and heads of residential groups as well as affected households, the DMS has been carried in a public and transparent manner with the participation of most household heads. 100% of the households are notified of the DMS plan.

74. Assessment of the DMS compliance and participation in the DMS process by 53 respondents shows that 100% of the AHs participated in the DMS process, and 78.4% confirmed that the process was accurate. 97.3% of the households confirmed that they had signed the DMS records. 83.8% of the respondents affirmed to have kept one copy of the record to review and compare numbers after their compensation plans are approved. Among the representatives who responded to the questionnaire, one person (2.7%) said that during the DMS, they were not a participant, so they did not clearly remember the results or accuracy of the DMS, but they asserted to have signed the DMS minute and had no complaints about DMS results nor the household's compensation or support plan.

75. Results from in-depth interviews and FGDs show that people were invited to participate throughout the information disclosure and DMS processes. Regarding cases of concerns or recommendations, these households have been provided with additional information by the

LFDCs and commune authorities to understand the project better. This has been confirmed by the PMU, LFDCs and other related parties. Details of the assessment on DMS compliance are presented in table 7 below.

Table 7 – Assessment of APs regarding DMS compliance

Compliance issue	% Respondents (n=53)	
	Yes	No
Participation in DMS	100.0%	0.0%
Accuracy and adequacy of DMS	78.4%	21.6%
PAPs' signatures in DMS records	100%	0.0%
Keeping a copy of DMS record	83.8%	16.2%

Source: Questionnaire results of socio-economic survey and end-of-term evaluation (July 2022).

76. Assessment of the respondents' satisfaction level with the DMS process shows that 7.5% of the respondents chose "Very satisfied", 62.3% of the households chose "Satisfied", the remaining 30.2% provided no answer.

77. **Evaluation:** The DMS performance complies with the provisions of Vietnamese laws as well as the project policies. The DMS has been implemented in an open and transparent manner with the participation of the heads of affected households and stakeholders Affected people are able to participate in the DMS of their assets as well as receive detailed explanations on the process, schedule and procedures of the DMS. The DMS records were published and approved at the site with the witness of the affected households, showing limited complaints and inquiries. All found or missing assets have been additionally accounted for and adjusted by the working team in a timely manner before public posting DMS results.

3.6. Preparation and approval of compensation plans

3.6.1. Preparation of compensation plans

78. The compensation plans were prepared by Ben Cau district LFDC with the support of PMU officials and consultant in the implementation. Ben Cau DPC was the unit that appraises and approves compensation plans.

79. After obtaining DMS results, Ben Cau district LFDC conducted a review, checked land origins, entered data and applied compensation unit prices (applied according to the replacement price approved by Tay Ninh PPC) for affected assets and benefits other such as support for job change, job search, life stability support that have been calculated. The work items under the additional financing and supports for the households losing 10% or more of their productive landholdings, vulnerable households in compliance with ADB requirements as well as for the households whose agricultural land is acquired but not directly engaged in production have been completed.

80. Compensation plans are publicly posted in public places, offices of affected town/commune for consultation with affected households. Households can check, review and compare within 15 – 20 days. After the end of the public posting period. The district LFDC has cooperated with the CPC/TPC to conduct a meeting and collect opinions from households on the compensation plans in each affected commune/town. Comments in meeting minutes show that most people agree on the prices applied to land, assets, structures and crops.

81. Regarding land prices: replacement prices are surveyed, set and developed for land (including residential land, agricultural land, etc.), after the appraised replacement price report is available, Tay Ninh PPC will issue a decision approving the replacement land prices for

construction works of the Project to calculate compensation when the Government acquires land.

82. Replacement price survey was conducted by the independent valuation consultant from July 2015 to October 2015 (for construction works of DD.10, DD.11, DN.1A Moc Bai border gate economic zone, construction of water supply and drainage system with a capacity of 7,000m^3/day night of Moc Bai border gate economic zone); in January 2016 for the construction of the 9,000m^3/day wastewater treatment plant. Specifically, decisions issued by Tay Ninh PPC on approving the land price adjustment coefficient to calculate compensation when the Government recovers land for Tay Ninh subproject are as follows:

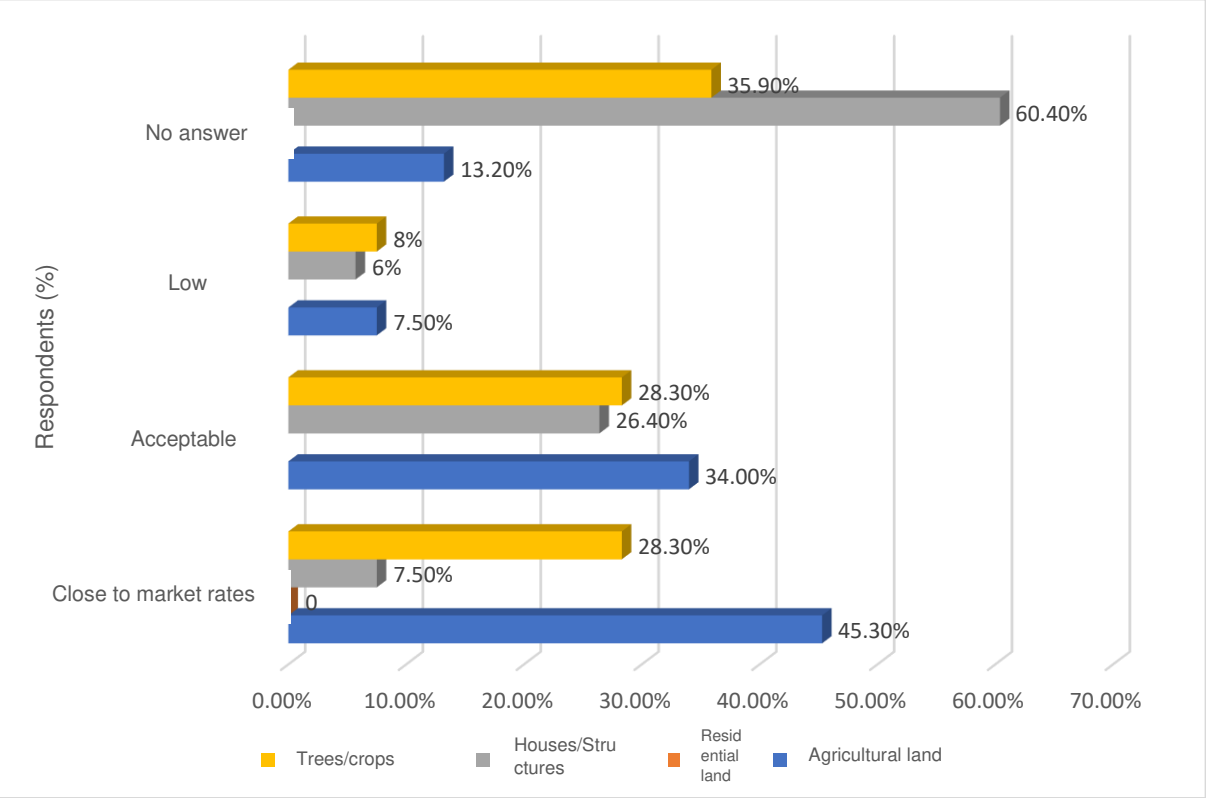
- Decision No. 2011/QD-UBND dated September 04th, 2015 of Tay Ninh PPC on approving land compensation prices for implementing the project Construction of DD.10 Moc Bai border gate economic zone;
- Decision No. 2760/QD-UBND dated November 27th, 2015 of Tay Ninh PPC on amending and supplementing Decision No. 2011/QD-UBND dated September 04th, 2015 of Tay Ninh PPC on approving land compensation prices for implementing the project Construction of DD.10 Moc Bai border gate economic zone;
- Decision No. 2741/QD-UBND dated November 15th, 2017 of Tay Ninh PPC on approving specific land prices to support job change and job creation according to ADB policy, implementing the project construction DD.10 road at Moc Bai border gate economic zone;
- Decision No. 2013/QD-UBND dated September 04th, 2015 of Tay Ninh PPC on approving compensation prices and site clearance for the construction of D.10 road at Moc Bai border gate economic zone;
- Decision No. 2761/QD-UBND dated November 27th 2015 of Tay Ninh PPC on amending and supplementing Decision No. 2013/QD-UBND dated September 04th, 2015 of Tay Ninh PPC on approving land compensation prices for implementing the project Construction of DD.11 road at Moc Bai border gate economic zone;
- Decision No. 2733/QD-UBND dated November 15th, 2017 of Tay Ninh PPC on approving specific land prices to support job change and job creation according to ADB policy, implementing the project construction DD.11 road at Moc Bai border gate economic zone;
- Decision No. 2010/QD-UBND dated September 04th, 2015 of Tay Ninh PPC on approving land compensation prices for implementing the project Construction of DD.51 Moc Bai border gate economic zone;
- Decision No. 2012/QD-UBND dated September 04th, 2015 of Tay Ninh PPC on approving land prices for compensation and site clearance for implementing the project Construction of a 7,000m^3/day water supply system at Moc Bai border gate economic zone.
- Decision No. 2730/QD-UBND dated November 15th, 2017 of Tay Ninh PPC on approving specific land prices to support job change and job creation according to ADB policy, implementing the project Construction of a 7,000m^3/day water supply system at Moc Bai border gate economic zone.
- Decision No. 659/QD-UBND dated March 17th, 2016 of Tay Ninh PPC on approving specific land prices for compensation and site clearance for the implementation of the 9,000m^3/day wastewater treatment plant project.

- Decision No. 2731/QD-UBND dated November 15th, 2017 of Tay Ninh PPC on approving specific land prices to support job change and job creation according to ADB policy, implementing the 9,000m^3/day wastewater treatment plant project.

83. Regarding compensation prices for structures and trees, crops and other household assets, no survey, preparation or appraisal was carried out. These prices used compensation prices according to regulations of Tay Ninh province.

84. Thus, it can be seen that compensation plans have been prepared, compensation rates for land and asset on land have been determined on the basis of prices approved by decisions approving specific land prices for each construction work at the time of compensation which comply with regulations of the Vietnamese Government, the Project policies as well as the decisions of Tay Ninh province.

85. Assessing compensation rates, the majority of households surveyed thought that the compensation prices are close to market rates and are acceptable. Out of the total 53 affected people surveyed, 45.30% (24 people) answered that land prices[8] are close to market prices, 34% (18 people) affirmed that prices are acceptable, 7.5% said that prices are low, 13.20% provided no answer. Assessment of housing, structure compensation prices for relocated affected households (constructed on agricultural land) shows that: 26.4% of the respondents said that prices for structures were acceptable, 7.5% of the households said the prices were close to market prices and 60.4% of the households surveyed provided no answer. Regarding tree/crop compensation prices, the percentage of respondents assessing these as close to market prices and acceptable is 28.3%, 8% said prices were low and 35.9% of the respondents provided no answer. Assessment of the APs on compensation prices is detailed in the table below:



[8]Tay Ninh subproject does not affect residential land, several households have affected structures or houses built on agricultural land.

Source: End-of-project survey results July 2022.

86. **Evaluation:** The process of preparing compensation and support plans has complied with the Donor's policies, project policies as well as Vietnamese laws on compensation, support and resettlement. Compensation prices are developed and approved separately for the project. All stages of implementation are public and consulted with the people. Existing or non-compliant issues have been gradually overcome by GMS Tay Ninh PMU and related parties by making additional adjustments.

3.6.2. Approving compensation plans

87. The approval of compensation, support and resettlement plans for Tay Ninh subproject is carried out by Ben Cau District People's Committee with the advice and appraisal of district-level specialized agencies.

88. As of the final evaluation time, Ben Cau district LFDC has made an official conclusion on the area of land acquisition for Ben Cau wastewater treatment system under the additional capital which is public land managed by Ben Cau TPC. Accordingly, 02 households determined to be affected by the construction of pumping stations (from the first 6 months of 2021 monitoring period) are now not affected by land acquisition.

89. Up to now, 135/135 affected households of Tay Ninh subproject have been approved for compensation, support and payment. Details on decisions approving compensation, assistance plans are presented in table 8.

90. Results of reviewing secondary documents and interviewing affected households during the evaluation period showed that compensation plans were developed accurately in terms of affected asset quantity of households compared to the DMS records. Compensation and support plans were calculated correctly, in case of errors, Ben Cau district LFDC would be required to rectify these immediately after feedback. All adjustments and additions are made public in accordance with the provisions of the Project. For certain construction works, compensation tasks (including approval of compensation plans, payment, etc.) was carried out in 2015 and 2016 before the uRPs were approved by Tay Ninh PPC and approved by ADB; therefore, policies of the Vietnamese Government differing from that of ADB are not followed, and compensation plans do not contain certain assistance, such as: (i) support for households whose agricultural land is recovered, who do not directly take part in production; (ii) support for job change and job search; (iii) life stability support for households losing from 10% of their total productive land and vulnerable households, etc. Accordingly, Ben Cau LFDC and related parties have reviewed compensation, assistance plans and made payments to households, so that a list of additional allowances in accordance to the Project's policy can be prepared. A total of 23 decisions approving additional compensation plans were revised and added the supports according to project policies from 2016 to 2020 and the compensation and site clearance for Tay Ninh subproject was completed by the end of 2021.

3.7. Payment of compensation and support

91. After compensation and support plans are approved, and the compensation payment is issued, the amount according to approved decisions will be transferred by the GMS PMU to the district LFDC. The district LFDC in coordination with the CPCs/TPCs shall pay compensation to affected households. Households receive compensation payment plans such as: time and location of payment, so that they can arrange time and representatives to receive the payment. The compensation payment is implemented in a transparent and public manner at the offices of the CPCs/Town PCs in the presence of the commune/town leaders and AHs. The compensation and allowances are carried out once for each AH regarding compensation plans.

92. After receiving the compensation, the households sign the list of receiving compensation and the minutes of compensation payment according to the provisions of the Project. The minutes and receipts of compensation payment clearly state that the AHs fully received compensation according to their affected assets. The minutes include all signatures of stakeholder representatives such as the PMU, LFDC, CPCs/TPCs and representatives of affected households. Immediately after receiving all compensation, the AHs sign the minutes to hand over land to the district LFDC.

93. As of the final evaluation time (July 2022), the entire project has: 31 decisions approving compensation, support and resettlement plans for 135 affected households and affected organizations with an amount of 46,204,567,340 including management cost (2%) for land acquisition implementation. The payment is completed at 100% for 135 affected households with a total of 45,228,582,540 (Not including management cost- 2%). Details of the approval decisions, amount and status of compensation payments are presented in table 8.

Table 8 - Summary of approval decisions and compensation payment for affected households of Tay Ninh subprojects

No.	Construction work	Approval decision			Compensation payment		Note
		Decision no. and approval date	Amount	No. of AHs	Amount	No. of AHs	
I.	**Works under the original project**		**36,753,431,310**	**110**	**36,030,456,655**	**110**	
1	Moc Bai water improvement and treatment system (construction of water supply plant, capacity 7.000m^3/day, Moc Bai border gate economic zone)		**4,363,533,530**	**10**	**4,277,974,050**	**10**	
		3704/QD-UBND dated 17/12/2015	4,071,299,107	10	3,991,469,713	10	Including compensation, assistance costs for 1 managing CPC, and excluding 10% contingency
		1863/QD-UBND dated 10/6/2016	61,717,395		60,507,250		Adjustments: decreased public service land area of the CPC due to data entry error; increased land, crop compensation, and assistance policies for 02 households
		3629/QD-UBND dated 19/12/2017	230,517,028		225,997,087		Adding assistance for life stabilization in accordance with the project policy
2	**Moc Bai urban transport system**		**32,389,897,780**	**100**	**31,752,482,605**	**100**	
	DD.10	3751/QD-UBND dated 18/12/2015	1,749,183,155	7	1,714,885,410	7	Including compensation, assistance costs for 1 managing CPC, and excluding 10% contingency; total cost (VND 171,488,545)
		1862/QD-UBND dated 10/6/2016	7,139,999		7,000,000		Adjustment: increased assistance policies for vulnerable households, increased/decreased compensation for agricultural land, assets, structures, crops, trees of 02 households
		3624/QD-UBND dated 19/12/2017	24,281,268		23,805,165		Adding support policy for job change, job creation (at 1.5 times)

No.	Construction work	Approval decision			Compensation payment		Note
		Decision no. and approval date	Amount	No. of AHs	Amount	No. of AHs	
		3279/QD-UBND dated 23/10/2018	120,619,676		118,254,585		Adding compensation, assistance for agricultural land, crops, and assistance for job change, job creation in accordance with the project policy
		615/QD-UBND dated 11/3/2020	61,965,000		60,750,000		Adding assistance for life stabilization regarding 04 households
		184/QD-UBND dated 27/01/2021	2,365,092		-		Adjustment: project implementation cost increased by 2%
	DD.11	3705/QD-UBND dated 17/12/2015	3,871,044,954	12	3,795,142,112	12	Including compensation, assistance costs for one CPC, one company, and excluding 10% contingency (VND 379,514,211)
		1626/QD-UBND dated 29/4/2016	6,977,973		6,841,150		Adding assistance policies in accordance with the project policy
		3625/QD-UBND dated 19/12/2017	140,434,493		137,680,875		Adding project policy
		969/QD-UBND dated 18/4/2019	104,101,088		102,059,890		Adding project policy and compensation for land, crops
		614/QD-UBND dated 11/3/2020	39,657,600		38,880,000		Adding assistance for life stabilization regarding 03 households
	DN.1A	3665/QD-UBND dated 17/12/2015	3,992,810,160	31	3,914,519,765	31	Including compensation, assistance costs for two CPCs, one company and excluding 10% contingency (VND 391,451,977)
		1995/QD-UBND dated 05/7/2016	26,076,912		25,565,600		Adding assistance for vocational training and vulnerable households in accordance with the project policy, 02 households
		3627/QD-UBND dated 19/12/2017	153,936,436		150,918,075		Adding assistance for job change in accordance with the project policy, 32 households

No.	Construction work	Approval decision			Compensation payment		Note
		Decision no. and approval date	Amount	No. of AHs	Amount	No. of AHs	
		616/QD-UBND dated 11/3/2020	24,786,000		24,300,000		Adding assistance for life stabilization for 02 households in accordance with the project policy
	DN.1B	1532/QD-UBND dated 19/6/2012	10,197,014,310	33	9,997,072,810	33	Including compensation, assistance costs for one CPC, and excluding 10% contingency VND 999,707,000
		1961/QD-UBND dated 15/8/2012	270,489,000		265,185,100		Adjustments: increased/decreased area acquired land, crops, assistance policies for vocational training, life stabilization, relocation
		2439/QD-UBND dated 01/10/2012	(61,575,000)		(60,367,800)		Adjustment: decreased area of acquired land of 01 household
	DN.51	3703/QD-UBND dated 17/12/2015	11,421,611,464	14	11,197,658,298	14	Including compensation, assistance costs for one CPC, 4 companies and excluding 10% contingency VND 1,119,766,000
		1994/QD-UBND dated 05/7/2016	195,436,243		191,604,160		Adding assistance for vulnerable groups, assistance for vocational training, job change in accordance with the project policy and adjustment in increased compensation for structures due to misapplied prices
		1119/QD-UBND dated 16/3/2017	(83,115,986)		(81,486,260)		Adjustments: decreased area of acquired land of household to organizations' land, and decreased assistance for job change and life stabilization
		3628/QD-UBND dated 19/12/2017	287,525,923		281,888,160		Adding assistance for job change in accordance with the project policy
		613/QD-UBND dated 11/3/2020	29,743,200		29,160,000		Adding assistance for life stabilization in accordance with the project policy, 02 households
		2768/QD-UBND dated 04/11/2020	(192,611,180)		(188,834,490)		Decreased area of acquired land and assistance for job change for 01 household
II.	**Additional works**		**9,451,226,030**	**30**	**9,198,125,885**	**30**	

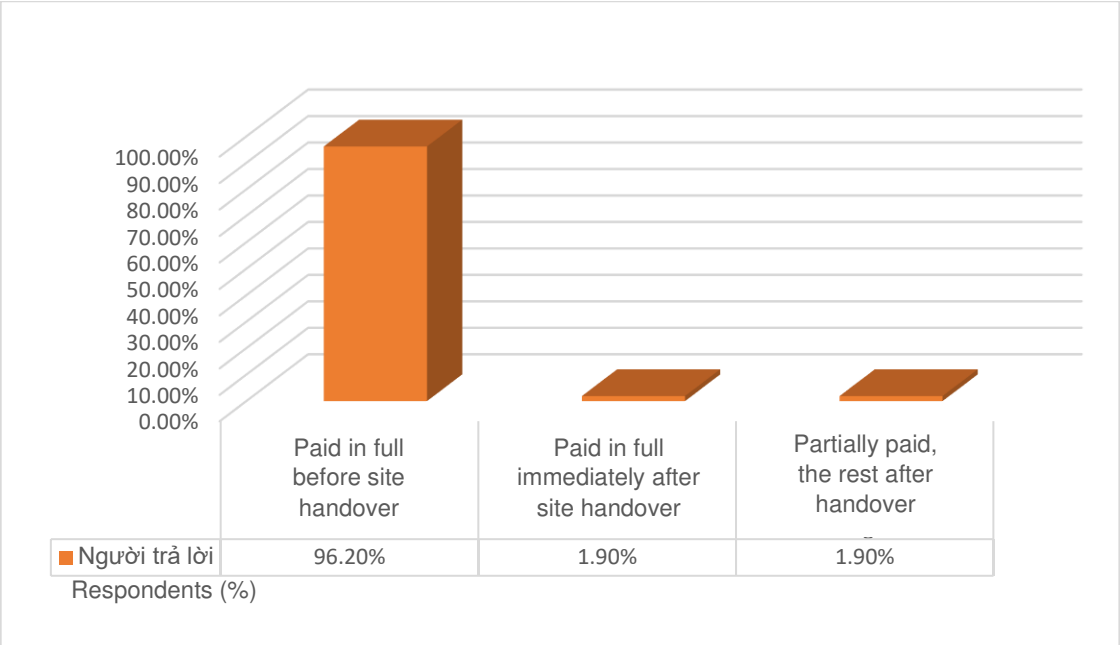
No.	Construction work	Approval decision			Compensation payment		Note
		Decision no. and approval date	Amount	No. of AHs	Amount	No. of AHs	
3	**An Thanh – Phuoc Chi route**		**734,656,372**	**21**	**652,469,357**	**21**	
		3586/QD-UBND dated 09/2/2019	60,910,895	8	50,910,895	8	Compensation and assistance for 01 AH with affected trees and 07 AHs with affected awning, fence, concrete ground, and sign (An Thanh commune, Ben Cau district).
		5918/QD-UBND dated 27/12/2019	673,745,477	13	601,558,462	13	Compensation and assistance for structures, trees, crops of 13 households; Phuoc Luu commune, 01 household; Binh Thanh commune, 05 households; Phuoc Chi commune, 07 households in Trang Bang district.
4	**Ben Cau wastewater collection system (wastewater treatment plant, capacity 9.000m^3/day at Moc Bai border gate economic zone)**		**8,716,569,658**	**9**	**8,545,656,528**	**9**	
		4329/QD-UBND dated 10/11/2016 (acquisition of land from 6 households/ individuals and 4 organizations)	6,908,759,888	9	6,773,294,008	9	Including compensation, assistance costs for 01 company and 01 organization (CPC), and excluding 10% contingency: VND 677,329,401
		3626/QD-UBND dated 19/12/2017	717,136,214		703,074,720		Adding assistance for job change, job creation in accordance with the project policy for 6 households
		612/QD-UBND dated 11/3/2020	11,337,300		11,115,000		Adding assistance for life stabilization in accordance with the project policy
		1264/QD-UBND dated 13/4/2021 (construction work wastewater pumping stations)	1,079,336,256		1,058,172,800		Compensation, assistance for land managed by the CPC, and commercial service land managed by an organization
	Total	**31 decisions**	**46,204,657,340**	**135**	**45,228,582,540**	**135**	

Source: Summary from decisions approving compensation and assistance plans, provided by GMS Tay Ninh PMU (July 2022)

94. The time of payment is started by Ben Cau district LFDC prior to the time of land acquisition and construction of construction works in compliance with the project policies.

95. Monitoring results of previous monitoring periods show that the payment has been organized without an issue (usually from 3 – 5 days, affected people would receive a compensation payment plan from the LFDC in coordination with the CPCs/TPCs). About 93% (118 people) of respondents affirmed that the payment was carried out once according to the approved plan decisions in full prior to land acquisition and within 30 days after the plans are approved. The remaining households only received partial payments due to the addition of benefits according to the project's policies as mentioned above. Although they have not received the full payment, the households have agreed to hand over the premises to the construction unit and have no questions.

96. Assessing compliance in compensation and support payments, 96.2% (51 households) of households participating in the questionnaire affirmed that they received full money before handing over the premises, 1.9% (1 household) was paid in full immediately after handing over the premise and 1.9% (1 household) was partially paid, the rest was paid immediately after handing over the premise. The reason these 2 households received payments after handing over the premises and receiving partial payments is because, the GMS Tay Ninh PMU, Ben Cau district LFDC completed procedures to add and approve adjustment plans, to adjust and supplement the job change and job creation policies by 1.5 times as well as livelihood stability support policy. Details are shown in the following chart.



Source: End-of-project survey results July 2022

97. **Evaluation:** Assessing the project's compliance in payment process of compensation, support, most households, when asked, confirmed that payments have been made once according to the compensation plans of each approval, paid in full before land acquisition; payout was within 30 days after the compensation plans were approved. However, the project has one case (household of Mrs. Lam Thi Xung[9] having civil conflict) who only received an partially advanced payment, after preliminary decision of Tay Ninh Province Court was available and received the remaining payment, after the decision of Tay Ninh Province Court's

[9] The issue of Mrs. Lam Thi Xung's household is summarized in section 3.9. Grievance redress mechanism

appellate court at the end of 2020. Currently, the household no longer has any concern or grievance.

3.8. Relocation and site clearance

98. ***Relocation and resettlement:*** Among 135 households affected by the implementation of Tay Ninh subprojects, 9 households (under work of Moc Bai urban transport) had to be relocated due to completely loss of houses. Many consultation meetings have been held by Ben Cau LFDC and related agencies with affected households to select relocation options.

99. Ben Cau district LFDC, GMS Tay Ninh PMU have coordinated with functional units to organize meetings with displaced affected households, announcing the: (i) Scale and level of impact; (ii) Provincial resettlement policy; (iii) Governmental regulations and Donor's guidelines and (v) APs' rights. Because of the low number of AHs and characteristics of vast local land, several households already have residential land elsewhere, all households wanted to find resettlement land by themselves. Accordingly, of the 9 displaced households, one household chose to resettle on their remaining land, 8 households opted to self – relocation and received resettlement allowances to find a new place by themselves.

100. In principle, for households with affected houses and relocated households, besides compensation according to the price list and assistance according to Governmental policies in case of land acquisition, households who do not have land to rebuild their house on and/or who do not have land elsewhere are arranged by the Project into concentrated resettlement areas. However, the GMS Tay Ninh project did not build a centralized resettlement area. Allowances provided to relocated households in addition to compensation include: (i) Support for livelihood stabilization; (ii) Support for transportation of materials; and (iii) Support for temporary housing rental;. Currently, households have received the full payment and have no questions.

101. As of now, all 9 households subject to resettlement of the project's have built new houses and settled down. The adjustment or renewal of LURCs has been carried out by the competent authority, and the affected person does not have to bear any administrative costs incurred for the new issuance or correction of their LURC. These costs are the responsibility of the GMS Tay Ninh Project. Details on the current status of relocated households are presented in the table below.

Table 9 – Current status of households subject to relocation and resettlement of the project

No	Construction work	Number of relocated households	Current status
1	DN.51 road	05	- 01 household of Dang Van Phu built a house on the household's remaining land area - 04 AHs: Cao Thi Dac, Nguyen Thi Gai, Thach Van Ninh and Vo Thanh So rebuilt their houses in Loi Thuan commune and settled down. In which, before the project, 02 households: Nguyen Thi Mai, Vo Thanh So lived on another household's land, and Thach Van Ninh's household lived on the land of Ms. Cao Thi Dac.
2	DN.1B	04	- Ha Van Thao, Vo Huu Que, Nguyen Thi Phuong, Nguyen Van Cu built new houses on other land areas of the households (near the project area). All 04 households have settled down.

	Total	**09 households**	

Source: Provided by GMS Tay Ninh PMU and results of the consultant's assessment survey, July 2022

Interview with resettled household Cao Thi Dac (DN.51 route)

DN.51 route resettled household on the same area – Dang Van Phu

102. **Site clearance:** After receiving compensation, all AHs signed the minutes to hand over land to the project, ensuring construction progress for the contractor when working on construction works.

103. Details on land area cleared and handed over in each area/construction work are presented in table below:

Table 10 – Area of land cleared and handed over to the project

No.	Subproject/Construction	Land from households		Compensated public land	Land from organizations/ business (agricultural land)	Total land area	Handover date
		Residential land	Agricultural land				
I	**Construction works under the original project**	**-**	**181,699.00**	**105,597.90**	**43,783.70**	**331,080.60**	
1	Moc Bai water improvement and treatment system (water plant 7000m^3)	-	32,963.00	1,890.70	-	34,853.70	Jan 2016
2	Moc Bai urban transport system	-	148,736.00	103,707.20	43,783.70	296,226.90	
	DN.1A route	-	*14,018.90*	*75,970.20*	*167.20*	*90,156.30*	Dec 2015
	DN.51(15) route	-	*33,525.20*	*8,853.00*	*29,816.10*	*72,194.30*	Jan 2016 Jul 2016
	DD.11 route	-	*15,160.50*	*381.70*	*2,097.20*	*17,639.40*	Dec 2015 Jan 2016
	DD.10 route		*6,336.00*	*12,147.90*	**-**	*18,483.90*	Dec 2015
	DN.1B route		*79,695.40*	*6,354.40*	*11,703.20*	*97,753.00*	Dec 2015
II	**Additional construction works**	**875.10**	**42,973.00**	**65,430.20**	**18,239.40**	**127,517.70**	
3	An Thanh – Phuoc Chi route			59,776.30		59,776.30	
4	Wastewater collection and treatment system (wastewater treatment plant 9000m^3)	875.10	42,973.00	5,653.90	18,239.40	67,741.40	Nov 2016
	Construction work wastewater treatment plant	*875.10*[10]	*42,973.00*	*5,317.90*	*17,149.30*	*66,315.30*	Apr 2021
	Construction work wastewater pumping stations	-	-	*336.00*	*1,090.10*	*1,426.10*	Apr 2021
III	**Total impact of the entire project**	**875.10**	**224,672.00**	**171,028.10**	**62,023.10**	**458,598.30**	

Source: Compiled from land acquisition decisions and detailed approval plans of construction works, provided by the GMS Tay Ninh PMU, September 2022

[10] 03 households with affected residential land, including two with affected residential land without houses or structures built thereon; and one with three affected residential land plots, two grade-4 type-C houses, one grade-4 type-A house, one temporary type-C house who does not belong to the relocated group.

104. **Evaluation**: Tay Ninh subproject's site clearance and resettlement comply with the project policies and grounded in the wishes of affected people. Site clearance and resettlement have been carried out quickly, conveniently and accurately, ensuring the rights of the affected people. Households relocating or rebuilding houses on the remaining land are given favorable conditions in LURC assignment and LURC adjustment. Up to now, households have basically settled down and had stable livelihoods.

3.9. Grievance redress and mechanism

105. According to provisions in the uRP of the project, a clear and specific complaint and grievance redress mechanism following Vietnamese law must be developed to ensure that all concerns and complaints of affected persons related to any aspects of land acquisition, compensation and resettlement are resolved promptly and satisfactorily.

106. Accordingly, a complaint and grievance redress mechanism has been developed for the project compliantly with the Law on Complaints No. 02/2011/QH13 dated November 11th, 2011 of the National Assembly of the Socialist Republic of Vietnam and its guiding documents, including Decree No.76/2012/ND-CP dated October 3rd, 2012 of the Government of the Socialist Republic of Vietnam detailing articles of the Law on Complaints. In addition, the project's grievance redress mechanism has been expanded by integrating a number of provisions in the ADB's SPS 2009. The settlement mechanism is set up under two mechanisms: the administrative mechanism and the judicial mechanism.

107. Complaints under the administrative mechanism include 03 levels (commune, district, province). The time limit for complaints completely complies with the provisions of the Law on Complaints of Vietnam. After the administrative procedure has been resolved, but people still disagree, they can continue to appeal to the Court. At this point, judicial proceedings will be activated. The settlement in the Court is the final step and the parties are responsible for compliance with the court decision.

108. The project's grievance redress mechanism allows complainants to exercise their rights at any time in the project and any relevant agency. Relevant agencies are responsible for receiving and transferring to the competent authorities. At any time during the project implementation period, people can log complaints in writing or verbally, which is also considered a legal complaint, to authorities. Verbal complaints are also considered legal, the recipients are responsible for recording them and they are handled as written complaints.

109. During the implementation process, the relevant parties (PMU, people's committees at all levels, LFDC, etc.) have closely followed the regulations on the process of receiving as well as handling complaints established for the project. People can complain at any agency and these agencies are responsible for logging, summarizing and transferring complaints to the authorized personnel for initial processing. Complainants are not required to pay any fee.

110. Among all AHs, one case had land recovered for the construction of the DN.51 route, who has been in a civil dispute since October 2012 regarding a "conflict over land use rights transfer contract". The disputed land belongs to an area subjected to land acquisition by another local project and by the GMS Tay Ninh Project, which is: 2.226,8m^2. On December 19th, 2020; Tay Ninh People's Court issued an appeal decision to resolve Mrs. Lam Thi Xung's dispute, who was provided with a compensation amount of VND 1,558,760,000 (One-billion five-hundred-and-fifty-eight-million seven-hundred-and-sixty-thousand dong). Accordingly, on October 15th, 2021, Mrs. Lam Thi Xung received the compensation in full and no long had any question. The judgment on this dispute over land use rights transfer contract by Tay Ninh Provincial People's Court between Mrs. Lam Thi Xung and Mrs. Nguyen Thi Nguyen is attached in Appendix 5 of the report.

111. Assessing the level of compliance, the project and relevant parties' grievance redress; 100% of the respondents assert that they do not have any concern or question regarding the project as well as the compensation, site clearance work. Detailed assessment is presented in the table below:

Table 11 – Survey on concerns and recommendations of affected households regarding the Project

Concern		Respondent	
		No.	%
Regarding project progress	Yes	0	0,0%
	No	53	100,0%
Regarding DMS process	Yes	0	0,0%
	No	53	100,0%
Regarding the quantity of affected assets	Yes	0	0,0%
	No	53	100,0%
Regarding compensation payment	Yes	1	1,9%
	No	52	98,1%
Regarding time of compensation payment	Yes	0	0,0%
	No	53	100,0%
Regarding compensation rate application/price list	Yes	0	0,0%
	No	53	100,0%
Other	Yes	0	0,0%
	No	53	100,0%

Source: End-of-project survey results July 2022

112. According to data in table 11, only 01 household had questions for communal officials about their compensation amount. The household said that they had been invited to the CPC's office regarding this issue. After receiving explanation on the entitlements, applicable price list in their compensation & assistance plans, the household has consented, supported the project and no longer have any question.

113. **Evaluation:** The project's grievance redress mechanism has allowed affected people to easily voice their opinions, recommendations or complaints about the project implementing agency. The resolution of complaints complies with the project policies and the approved uRPs, DDR-CAPs. According to the results of evaluation and in-depth interviews with stakeholders as well as affected people: there were no any complaints about the project's compensation or site clearance during land acquisition implementation for the project except the case of civil disputes of Ms. Lam Thi Xung, however, this case has been resolved so far and the household have received fully compensation and assistances. Accordingly, there is no any pending case at the time of this evaluation.

3.10. Income restoration program

114. The Income Restoration Program (IRP) of the GMS Tay Ninh subproject has been developed as part of the resettlement program with the goal of supporting affected households to quickly restore their lives to, at a minimum, the level before project impacts. Participants in the IRP include severely AHs, relocated households, households with affected business, and vulnerable households.

115. According to DMS results, 55 households are eligible to participate in IRP activities, including: 34 households having from 10% of the total productive land area affected, 9

households having relocated houses, 12 households belonging to the vulnerable household group.

116. IRP activities at the GMS Tay Ninh subproject were implemented in 2017 and 2018. 11 activities were designed to support households eligible for the IRP (one household may participate in more than one program activity). Detailed IRP activities in Tay Ninh include: (i) Vocational training support: Car/truck driver; (ii) Support for vocational training in shoemaking; (iii) Support for vocational training in tailoring; (iv) Agricultural economic combination support; (v) Dissemination of job advertisements; (vi) Dissemination of job advertisements; (vii) Training in household financial management; (viii) Small business training; (ix) Assistance with small business setup/upgrade guidelines; (x) Guidelines for breeding practices; (xi) Training on monitoring and supervision focused on the IRP.

117. According to the report of GMS Tay Ninh GMS and program monitoring results of the IMO-1 (original contract period), 06 activities were carried out with 152 household turn of participation (details in table 9). According to the initial demand assessment and registration, 08 activities were expected to be implemented; however, during the implementation period, 02 households changed their activities, specifically: 01 household registered to participate in small business setup/upgrade and 01 household registered to participate in agricultural economic combination support activities, both switched to driver training classes. Accordingly, only 06 livelihood activities were carried out, specifically presented in the table below.

Table 12 – Livelihood activities implemented

No	Activity	Unit	Time of participation [11]	Timeframe
1	Agricultural economic combination support	Household	15	10/2/2018
2	Car/Truck driver	Household	22	10/12/2017
3	Dissemination of job advertisements	Household	43	05/01/2018
4	Training in household financial management	Household	25	11/01/2017
5	Small business training	Household	25	07/08/2017
6	Dissemination of effective income generation models	Household	22	16/06/2018
Total			**152**	

Source: Summary from periodic monitoring reports every 6 months provided by the Consultant and GMS Tay Ninh PMU July 2022

118. According to reports of GMS Tay Ninh PMU, 05 activities developed for 38 eligible households participating in the IRP have not been implemented due to the following reasons: (i) 03 households already have jobs and stable incomes who no longer need to participate; (ii) 03 households do not have the need to participate because of the elderly; (iii) 02 households switched to other activities (switched to driving lessons); (iv) Training program has been implemented for households, additional programs are not required (30 households). Specifically: M&E training has been held locally by 1 other unit/program, which does not need to be repeated. Details on the number and reasons for IRP activities not being implemented are presented in table 13. Attached in appendix 7 of the report are minutes confirming that participation in IRP activities are not needed.

[11] One household may participate in multiple activities, or 1 household may have multiple members participating. A total of 152 times of household participation from 50 households eligible to the IRP.

Table 13 – Livelihood activities not implemented as originally planned

No	Activity	Time of participation by households	Reason for not being implemented
1	Small business setup/upgrade	1	Switched to driving lessons
2	Guidelines for breeding practices	3	Households do not want training because of old age
3	Agricultural economic combination	1	Switched to driving lessons
4	Shoemaking	2	Already have a stable job, no demand for training
5	Tailoring	1	The affected people no longer have demand for training
6	LIRP-focused M&E training	30	The program was implemented locally by another unit, no additional training required.
Total		**38**	

Source: Summary from periodic monitoring reports every 6 months provided by the Consultant and GMS Tay Ninh PMU July 2022

119. Tay Ninh subproject's IRP has been implemented simultaneously from the first stages of the subproject, complying with regulations and procedures. When being carried out, although five activities planned for the 38 participation were not carried out due to reasons as listed above in table 13, activities of the IRP have been thoroughly implemented for 55 eligible households, including vocational training activities and skills & communication training.

120. Due to local characteristics of vast landscape, expropriating a small land area has almost no impact on the livelihood of households, and at the same time, many industrial parks offer an advantage and abundance of job opportunities. Since changing jobs is easy, several households do not have the need to participate in the IRP or actively change to suitable jobs.

121. **Evaluation:** The IRP in Tay Ninh subproject has brought certain effectiveness. Preliminary assessment shows that the most effective action is improving the households' management and business capacity, as well as their farming and husbandry techniques. At the same time, training for a number of careers and support can be offered for households to get suitable jobs through activities distributing job information. Consultation with local authorities as well as beneficiaries of the IRP shows a common opinion: The IRP is really effective, which has contributed significantly to the restoration and improvement of living standards of households affected by the project.

3.11. Gender issues

122. GMS Tay Ninh PMU and relevant parties always pay attention and follow procedures related to gender issues during the implementation of resettlement. In all activities of the Project, women are involved as equals with men. In information disclosure and public consultation activities, the project encourages women to participate. This is also a required percentage and an indicator of project evaluation.

123. According to the results recorded from periodic monitoring reports, during the implementation, female participation is higher than that of men, especially in activities of the IRP such as vocational training, technical training. Specifically, the communication and training

program, technical training such as farming, husbandry or small business, certain training classes aimed at mainly women have been implemented such as: (i) Communication campaign on hygiene, health and gender equality; (ii) Communication to affected households on "Raising awareness about reducing the rate of third child birth and resolving gender imbalance at birth" and "Raising awareness about child marriage prevention"; and (iii) Communication campaigns on health care, sanitation, gender equality and production diversification, etc.

124. Activities related to compensation and land acquisition, women are also allowed to participate and be equal with men such as: participating in the DMS process and both spouses signing DMS records, receipt of payment, etc. This is noted in all documents of the Project such as: minutes of community consultation meetings, compensation records (DMS minutes, signed payment receipt, etc.).

125. Regarding compensation, gender issues have also been integrated such as special support for female household heads with dependents.

126. Results of questionnaire survey with households also confirmed the presence of women in all compensation, site clearance activities of the Project. Accordingly, the percentage of women participating in information consultations, DMS and receiving compensation is from 21% - 30%. Details of the activities women participated in are presented in table 14.

Table 14 – Gender participation in compensation, site clearance activities of the project

Issue	Male		Female		Both	
	Household	%	Household	%	Household	%
Receiving information	19	35.80%	16	30.20%	18	34%
Participating in DMS	15	29.80%	11	20.80%	11	20.80%
Receiving compensation and support	26	49.10%	15	28.30%	12	26.60%

Source: End-of-project survey results July 2022

127. **Evaluation:** Gender issues for the Tay Ninh GMS project have been paid attention to by the PMU and stakeholders, necessary actions have been fully and effectively implemented, in compliance with policies as well as Vietnamese law and the donor's policies on gender equality.

3.12. Adjustment of LURCs

128. The responsibility of adjusting LURCs belongs to the project implementing unit in coordination with stakeholders and at no cost to people whose land is expropriated. After land acquisition documents are complete, the unit coordinates with Ben Cau district Land Registration Office, and all documents are transferred to this unit for adjustments. After completing, Ben Cau district LFDC returns the LURCs to people.

129. As of the evaluation time, 100% of the households having received compensation and support have had adjusted LURCs. The procedures for adjustment are quick, convenient, and LURCs are returned to the people as soon as possible after land acquisition. Cost of adjusting LURCs are paid by the Project.

130. Consultation with households affected by the project on the process and time of LURC adjustment shows that most households were satisfied with the procedures as well as the duration.

3.13. Assessment on compliance in implementing uRP according to project policies

131. Details of assessment on the Project's compliance with implementing the uRP are presented in the table below.

Table 15 - Summary of assessment on the compliance with implementing resettlement according to project policies

No	Content	Regulations in RP	Actual implementation	Compliance levels	Solutions
1	Information disclosure, public consultation, participation of local people	Consultations with affected people and stakeholders shall be carried out throughout the project implementation (during the preparation, updating and implementation of uRP, etc.). The disclosed documents include: Project information booklet (PIB), resettlement plans, land acquisition decisions, compensation and support and resettlement plans, compensation unit prices and updated RP which shall be made before compensation payment. The information shall be widely distributed at the PMU, commune office and provided to affected households. The final uRP will be published on the ADB website and the provincial website.	Affected households and stakeholders have been consulted and involved in all project processes from the preparation to the implementation phase; Project information booklets (PIB) were delivered and explained to 100% of affected households in public meetings during the RP updating. Land acquisition decisions, compensation and support unit prices of compensation and support and resettlement plans as well as updated RP have been published for the affected households. The information will be widely published at the PMU, DPC, LFCD, People's Committees in communes, villages and in public places of commune offices and provided to affected households. The final uRP will be posted on the ADB website and the provincial portal.	Complied	
2	Detailed measurement survey	The DMS is implemented in an open and transparent manner with the participation of the heads of affected households and stakeholders	Before implementing the DMS, the PMU and the LFCD, through the CPCs, informed households to participate in the DMS. The DMS was open and transparent with the participation of all household representatives. The DMS records were accepted in the field.	Complied	
3	Compensation prices	Follow the replacement cost	Project compensation rates are based on replacement price, determined by the appraising unit;	Complied. Tay Ninh PPC has issued the Decision No. 58/QD-UBND 2019	

No	Content	Regulations in RP	Actual implementation	Compliance levels	Solutions
			The compensation and support prices have been updated when there are changes to match the market prices. Compensation rates for structures, trees and crops on land use unit prices issued by Tay Ninh PPC. Survey and evaluation have been conducted to assess the difference between market rates and prices as issued by Tay Ninh PPC as well as the satisfaction of affected people about these prices. Basically, all households agree with compensation prices and have no question or concern.	for affected houses and structrures, and Decision No.02/QD-UBND 2020 for trees and crops	
4	Payment of compensation, support	The compensation payment is made before construction activities commence. Payment is made once and in person.	The compensation has been paid at the CPC head offices or at the cultural houses of the villages/groups. The compensation has been paid once for a decision approving compensation plan and/or including compensation and support money (except site clearance bonus) and directly to affected people. The payment procedure has been fast and convenient. One case exceed the time as prescribed by law (more than 30 days from the time the compensation plan was approved)	Complied. Regarding the household with civil dispute over land use rights transfer contract since 2012, the household received compensation in two payments: once after a preliminary judgment from Tay Ninh People's Court, and once after appeal decision from Tay Ninh People's Court As of now, households have received the full payment.	

No	Content	Regulations in RP	Actual implementation	Compliance levels	Solutions
5	Resettlement	There are multiple resettlement options for people to choose from including building their own homes on the remaining land, if possible, relocating themselves or relocating to existing resettlement areas. Compensation and support include: (i) Compensation for land and assets at replacement prices; (ii) Life stabilization support (iii) Support for moving (iv) Participation in the IRP.	Affected people are consulted to choose the appropriate resettlement option. Accordingly, households choose to receive compensation, support and self-resettlement. Compensation and support include: (i) Compensation for land and assets at replacement prices; (ii) Support for moving; (iii) Life stabilization support; and (iv) Participation in the IRP. In addition, affected households are also assisted in LURC procedures at no cost.	Complied	
6	Impact on income/livelihood due to losing agricultural land	In addition to compensation at market prices, households who lose agricultural land are also supported to change careers and find new jobs; The households losing 10% or more of productive land will be supported with living stabilization allowance and participate in the IRP. Specifically: - AHs losing from 10% to under 30%: Monetary support 30kg rice/month for each household member for 03 months, if not resettled, for 12 months if moving; - AHs losing from 30 to 70% of productive land: Monetary support 30kg rice/month for each household member for 06 months, if not resettled, for 12 months if moving; - AHs losing from 70% of productive land: Monetary support 30kg rice/month for each	The compensation for acquired land has been based on the market prices. The support for job changes and job search at 1.5 times of compensation price has been integrated into the compensation and payment plan for the affected people. Depending on the proportion of land loss, affected households are received a living stabilization allowance corresponding to that proportion. This allowance has been paid. Specifically as follows: + AHs losing from 10% to under 30%: Monetary support 30kg rice/month for each household member for 03 months, if not resettled, for 12 months if moving; + AHs losing from 30 to 70% of productive land: Monetary support 30kg rice/month for each	Complied. - Rates of support for job change and new job search do not follow the replacement price but the provincial regulations (lower than the replacement price by 900 VND/m^2). After comments from the consultant as well as from ADB, the PMU has noted and adjusted. As of now, households have received support allowances (quarter IV 2021).	

No	Content	Regulations in RP	Actual implementation	Compliance levels	Solutions
		household member for 12 months, if not resettled, for 24 months if moving;	household member for 06 months, if not resettled, for 12 months if moving; + AHs losing from 70% of productive land: Monetary support 30kg rice/month for each household member for 12 months, if not resettled, for 24 months if moving; All eligible households could participate in the IRP.		
7	Support for vulnerable households	Households in the vulnerable household group including (i) Female household heads; (ii) Poor households; (iii) Elderly households with no support; (iv) Ethnic minority households; and (v) Social policy beneficiaries will receive additional assistance, specifically: - Vulnerable households are supported with an additional VND 7,000,000/household; - Poor households are supported with VND 650,000/household/month for 5 years; - Beneficiaries of governmental subsidy policy (certified by a governmental authority) are supported as follows: ● Mother of Vietnamese hero, hero of the people's armed forces, hero of labor: VND 7,500,000/ household. ● Wounded soldiers, families of martyrs: VND 5,000,000/ household. ● Families contributed to the revolution, elderly revolution families, retired families, and others who are receiving regular benefits: VND 2,500,000/ household.	Additional support of VND 7,000,000/household was provided to 100% of affected households. - Poor households are supported with VND 650,000/household/month for 5 years; - Beneficiaries of governmental subsidy policy (certified by a governmental authority) are supported as follows: ● Mother of Vietnamese hero, hero of the people's armed forces, hero of labor: VND 7,500,000/ household. ● Wounded soldiers, families of martyrs: VND 5,000,000/ household. ● Families contributed to the revolution, elderly revolution families, retired families, and others who are receiving regular benefits: VND 2,500,000/ household. The project has integrated IRP training programs with Government annual vocational training programs.	Complied.	

No	Content	Regulations in RP	Actual implementation	Compliance levels	Solutions
		(A household can be eligible for multiple support policies as mentioned above, the household may receive only one highest support). Support of free vocational training as prescribed in Decision No. 63/2015/QD-Ttg of the Prime Minister. Participation in the IRP.			
8	Grievance redress	Complaints under two mechanisms administrative and judicial. The administrative mechanism consists of 3 levels and the time limit for settlement is in accordance with the Law on Complaints in 2011. The judicial mechanism shall be the last resort.	Settlement of complaints is mainly based on the administrative mechanism. The project has no record of a lawsuit relating to the project. Complaints were received by multiple relevant agencies such as PMU, LFCD, CPCs, etc. which was done well, avoiding nuisances for people. The complaint settlement has been paid due attention for implementation.	Complied	.

IV. SOCIO-ECONOMIC SITUATION IN THE AREA OF LAND ACQUISITION

4.1. Socio-economic changes in the project area

132. The GMS Tay Ninh project is implemented in Ben Cau district (Moc Bai border gate economic zone), and Trang Bang district in Tay Ninh province. The main source of income is agriculture, but they also have multiple other types of livelihoods to diversify household income sources such as service business, working in industrial parks and factories, etc.

133. Living standards of people in Tay Ninh province in general and the GMS project area in particular improved annually despite the impact of climate change, natural disasters, and partially of Covid-19. In addition, the biggest impact is the change in investment, trade mechanisms and policies, causing Moc Bai border gate economic zone to not achieve its goal of economic development at the border in recent years.

134. For Moc Bai border gate economic zone to develop in accordance with its position, role, potential, advantages, reputation of being the gateway, the foreign policy image of the country at the southwest border, district leaders, local authorities and agencies have coordinated to campaign and guide businesses as well as people to proactively and flexibly respond to climate change and market developments: actively invest, expand business, trade services, tourism, import and export, etc. In addition, Tay Ninh province is focusing on developing the economy at border gate, adjusting the general planning of Moc Bai border gate economic zone to attach the industrial value chain in scale and organization to the goal of planning orientation for developing urban industrial chain Moc Bai – Ho Chi Minh City – Cai Mep Port – Thi Vai associated with the cross-Asian economic corridor.

135. Population: Family and labor planning at localities in the past time has remained stable. According to survey data in localities, the population in the project area is mainly Kinh.

136. Education: All localities in the project area have educational institutions in the area from preschool. Localities have now invested in facilities to develop education, from preschool to higher education. Many schools are accredited to meet standards. Investment in education is focused on, the annual rate of children attending school is maintained at over 95% for the preschool and over 98% for primary school. Every year, many districts hold exams for teachers, students, high achievements.

137. Public health: people's health care is increasingly improved. Infrastructure and medical team are focused on and invested in terms of both quantity and quality by localities. People in the project area receive regular medical examination and treatment. Health care and disease are well controlled in the region.

138. Transportation: Moc Bai border gate economic zone has special advantages as the connection between national and international traffic axes in the South such as: National Highway 14, National Highway 14C, National Highway 22A, National Highway 22B, Ho Chi Minh road, etc. In Moc Bai border gate area, currently 100% of the roads are concreted and upgraded which are no longer muddy during rainy seasons.

139. Electricity, water and communications:

- In the project area, there is a grid power system, providing electricity to households in the area.
- People's water sources for domestic use are tap water and well water;
- People currently have a fairly high level of mobile phone use, replacing traditional methods of communication (landlines).

140. **Evaluation**: according to assessment results from meetings and consultations with the PMU, representatives of the LFDC and commune leaders: currently, people's lives have been stable, the project does not affect the income or business of households, since before the project and after the project, income sources of the households have little to no change, with the tendency of increasing income because of economic shift and household economic scale: from agricultural-livestock development to business-service investment.

4.2. Socio-economic situation of affected households

141. Survey results with 53 households representing affected households by GMS Tay Ninh subproject (July 2022) show that there is not much difference in work and occupation before and after the project, 34% (18 households) of households surveyed, before the project, worked in agriculture and husbandry, this figure decreased to 26.4% (14 households); there is an increase in sales (small service business) by 01 household after the project. The rest are either officers, employees, factory workers, stay-at-home or contractors. There is no significant change in occupational structure among the surveyed households due to local characteristics, vast landscape, small expropriated land area and still enough land for farming activities.

142. In addition, the project area is located in Moc Bai border gate economic zone, many households, after receiving compensation and support from the project, household members have invested in business/services such as: opening transport services. Therefore, job changes after the project is mainly due to the following reasons: elderly households retired; stay-at-home; due to the impact of the Covid-19 epidemic and crop failure. Pre- and post-project occupation details of surveyed households are presented in table 16.

Table 16 – Pre- and post-project occupations of surveyed households (n=53)

Occupation	Before the project		After the project	
	Household	***%***	***Household***	***%***
Agriculture	16	30.2%	13	24.5%
Breeding	2	3.8%	1	1.9%
Sales	13	24.5%	14	26.4%
Workers in factories and factories	1	1.9%	1	1.9%
Officers and employees	5	9.4%	2	3.8%
Stay-at-home	4	7.5%	6	11.3%
Contractors	4	7.5%	3	5.7%
Other	7	13.2%	13	24.5%
N/A	1	1.9%	0	0.0%
Total	**53**	**100.0%**	**53**	**100%**

Source: End-of-project survey results July 2022

143. When asked about their level of satisfaction with their current job compared to before the project, more than 50% said they were satisfied with their current job, 43% of the households rated their current job as acceptable and 6.8% were dissatisfied with their current jobs due to job changes caused by Covid-19 (some households are engaged in daily hired labor activities).

144. Survey results with 53 households representing affected households by the project show that land acquisition did not affect or have very little impact on their income sources. Accordingly, the income from salaries of household members (salaries of officers, employees, salaries of workers in plants and factories in industrial parks, etc.) is the highest (42/53

households), income from business/services ranked 2nd (21/53 households) and from agriculture-forestry-fishery (21/53 households), animal husbandry ranked 3rd (6/53 households), and 02 households have income from other sources such as: income sent from relatives working far away, investment profits from the compensation of the Project. In addition, 40 out of 53 households claimed that the family saved money every month after deducting all household expenses and costs.

145. Regarding changes in households' income level, according to questionnaire results: 50.9% (27 households) of the respondents asserted that their post-project income level is better than the pre-project level. 30.2% of the respondents said their income level remains unchanged; and 18.9% of the respondents said they are not aware if their income level has changed, since they are not the household heads. According to FGDs, most groups said that if their income level decreases, the change would most likely result from decreases in income from livestock raising and agriculture. Regarding business-services, a declining trend in income level has been observed at Moc Bai border gate economic zone in the past seven years, due to changes in the border gate's structure and closing. Additionally, in-depth interviews with households regarding changes in their income level show that the reasons for decreases are mainly: (i) persisting challenges (2 years) during Covid-19 time (especially households in services and businesses); (ii) increasing investing costs – low selling prices – decreasing profits, lean harvest.

146. Interviews with local authorities as well as households in the subproject area have shown clear and positive improvements thanks to the invested works. Local leaders as well as people in the project area affirmed that the living conditions of people have changed significantly and more positively than in the previous period when the project's construction works were being implemented. Details on changes in living conditions of local people are as follows:

Table 17 – Changes in living conditions of local people compared to pre-land acquisition

Evaluation criteria	Better		Unchanged		Worse		Unaware/ Irrelevant/ Criteria not applicable	
	No. of AHs	%	No. of AHs	%	No. of AHs	%	No. of AHs	%
Living conditions	24	45.3%	24	45.3%	5	9.4%	0	0.0%
Income	27	50.9%	16	30.2%	0	0.0%	10	18.9%
Job	22	41.5%	25	47.2%	6	11.3%	0	0.0%
Traveling conditions	37	69.8%	13	24.5%	1	1.9%	2	3.8%
Cultural exchange	34	64.2%	14	26.4%	0	0.0%	2	3.8%
Production conditions	10	18.9%	17	32.1%	5	9.4%	21	39.6%
Consumption	22	41.5%	18	34.0%	0	0.0%	13	24.5%
Service businesses	14	26.4%	9	17.0%	4	7.5%	26	49.1%
Children's study conditions	22	41.5%	7	13.2%	0	0.0%	24	45.3%
Safety and order	31	58.5%	21	39.6%	1	1.9%	0	0.0%
Environmental pollution	28	52.8%	21	39.6%	2	3.8%	2	3.8%

General assessment of living conditions post-project	28	52.8%	24	45.3%	0	0.0%	1	1.9%

Source: End-of-project survey results July 2022

147. People directly benefit from the project's works; the newly built transportation system helps local people save time and reduce travel costs in the area. The convenience in travel as well as trade not only improves the socio-economic conditions of local people but also serves as an important premise for the socio-economic development of Moc Bai border gate economic zone.

148. Thus, it can be seen that despite the impact of land acquisition for implementing the Project and the impact of the Covid-19 pandemic, extreme weather leading to crop failure, the economy of affected households by the project is still ensured to be adequate and stable.

4.3. Assessment of the affected households' satisfaction

149. Regarding land acquisition, construction works of the subproject are designed in accordance with local planning in particular and urban planning in the Mekong region in general, carefully calculated to minimize impacts on land and assets of people.

150. Based on site clearance for implementing the subproject, 100% of the people agree with, are satisfied and support the project, giving premises to the construction contractor. People are satisfied with the project because it brings practical value to local people particularly in the Moc Bai border gate economic zone and generally in the cross-Asia economic corridor. *Images of Moc Bai urban roads; Moc Bai water supply system; Moc Bai wastewater collection and treatment plant system are attached to the report appendix*.

V. CONCLUSIONS, RECOMMENDATIONS AND LESSONS LEARNED

5.1. Conclusions and recommendations

151. Compensation and support policies for affected households by the project basically have the harmonization between Vietnamese policies under the 2013 Land Law and ADB's SPS 2009, after uRPs and DDRs for subprojects have been approved by Tay Ninh PPC and ADB. For some construction works, compensation and payment were carried out in 2015, 2016 (while uRPs and DDRs were approved and disclosed on ADB's website in 2017, 2019 and 2020). Therefore, allowances according to the project policy are: (i)

152. Assistance for households losing agriculture land not directly engaged in production; (ii) Assistance for job change and job search; (iii) Assistance for life stabilization regarding households losing from 10% of their productive land and vulnerable groups. Accordingly, the review, adjustment and amendment of the project's policy had been carried out from 2016 – 2021.

153. Up to now, the compensation and site clearance work has been completed on all construction works under the GMS Tay Ninh subproject. The implementation of uRP and uREMDP basically complies with regulations of the Project Policy and principles of the donor.

154. Information disclosure and public consultation are carried out synchronously, in compliance with the policies of the Vietnamese Government and the regulations of the donor. People participate in meetings of information, compensation and support policies disclosure. More than 93% of affected households affirmed that they had a clear understanding of the project and benefits from the project implementation.

155. Replacement price is applied to compensation, according to decisions of the District People's Committee at the time of land acquisition. However, regarding the support for life stabilization, job change and job search for affected households, these are not calculated based on replacement price but the provincial regulations. The PMU has noted the External Monitoring Consultant's feedback, ADB's comments, and committed to providing adjustments. As of now, households have received all support allowances in accordance with the project policies.

156. Compensation and support plans for affected households are prepared and approved in accordance with the regulations of ADB and Tay Ninh PPC. The draft compensation plans are publicly posted at the CPC/TPC head offices, where public and easily accessible to affected households.

157. Compensation payment for affected households of the subproject was completed in October 2021. Payment of compensation and support complies with the requirements of the Project. Payment of compensation for each plan was carried out once to each affected household, in an open and transparent manner at the CPC/TPC head offices. Only one household was paid in 2 times due to civil disputes and the inability to arrange funding after the court's decisions

158. The project's IRPs have been implemented and brought economic efficiency, contributing to stable lives of affected households after site clearance and resettlement.

5.2. Lessons learned

159. This is one of the successful projects in terms of site clearance. However, for the project to be more successful, attention must be paid to the timely preparation of documents related to Social Safeguards Policy, ensuring that the compensation and site clearance processes are on-schedule. Especially, this will help improve and enhance the capabilities of the project

implementing staff. Preparing uRPs in a timely manner will ensure that the compensation, assistance, and resettlement work is adequate, at-once, taking into account all compensation and assistance entitlements in the same plan, avoiding amendments to the project's policy.

VI. APPENDICES

6.1. Appendix 1 – List of interviewees and participants in FGD

No.	Full name	Position/address
1	Mr. An	Deputy Director of GMS Tay Ninh PMU
2	Mr. Van	GMS Tay Ninh Project Coordinator
3	Phan Thi Kim Loan	In charge of site clearance – GMS Tay Ninh Project
4	Le Viet Thanh	Director of Ben Cau district LFDC
5	Tran Thi Hong Ngoc	Deputy Director of Ben Cau district LFDC
6	Nguyen Vu Hong	Site clearance department specialist
7	Tran Thien Trang	Chairman of Loi Thuan CPC
8	Le Van Minh	Chairman of Loi Thuan Fatherland Front
9	Le Van Cua	Cadastral official
10	Nguyen The Tai	Affected person – Ben Cau town
11	Truong Minh Tan	Affected person – Ben Cau town
12	Nguyen Van Hoa	Affected person – Ben Cau town
13	Cao Thi Dac	Affected person – Ben Cau/Cross-Asia road
14	Nguyen Thi Hong	Affected person – Loi Thuan commune Ben Cau district Tay Ninh province
15	Dang Van Phu	Affected person – Loi Thuan commune Ben Cau district Tay Ninh province
16	Nguyen Thi Nhe	Affected person – Loi Thuan commune Ben Cau district Tay Ninh province
17	Vo Thanh So	Affected person – Loi Thuan commune Ben Cau district Tay Ninh province
18	Nguyen Thi Phuong	Affected person – DN.1B road in Loi Thuan commune Ben Cau district
19	Nguyen Van Cu	Affected person – Loi Thuan commune Ben Cau district Tay Ninh province
20	Le Van Long	Affected person – Loi Thuan commune Ben Cau district Tay Ninh province
21	Nguyen Thi Rieng	Affected person – DD.10
22	Tran Thi Le	Affected person – Loi Thuan commune Ben Cau district Tay Ninh province
23	Le Thi Thu Hong	Affected person – Loi Thuan commune Ben Cau district Tay Ninh province
24	Cao Van Buu	Affected person – Loi Thuan commune Ben Cau district Tay Ninh province

6.2. Appendix 2 – Summary of in-depth interview results

No	Interviewee	Topics covered at interview meetings	Obtained information
1	GMS PMU	Evaluation of project preparation, preparation of documents for social safeguards policy Implementation phase: advantages, difficulties, issues; Grievance redress Stakeholder coordination; Evaluation of the project/provincial compensation policies Evaluation of the project effectiveness	Particularly, resettlement of Moc Bai project: convenient, easy, 6 bidding packages, three of them caused resettlement impacts. (i) Landfill and sorting facility, (ii) An Thanh – Phuoc Chi road (using residual capital), only compensation on roof (structures, trees), (iii) package: Ben Cau wastewater collection system. No affected houses, no relocation, trees, land. Highest amount of compensation is on the internal road system Wastewater collection and treatment system – plant and 6 pumping stations Water supply system - in-plant impacts (3ha – agricultural land, crops, fruit trees) Compensation prices according to the project policy framework (compensation

No	Interviewee	Topics covered at interview meetings	Obtained information
			is higher than compensation for domestic projects). The higher compensation also affects other projects (people have concerns with the low compensation of other projects). Up to now, 100% compensation has been made, mostly made in 2016 (90%), the rest was additional compensation and corrective actions. Complaint: so far, the PMU has not received any petition, only one household of Lam Thi Xung had a petition before implementing the project (waiting for the court's results), first instance (the household expressed initiative to receive compensation, but since they lost and disagreed, the family made an appeal). Court decision must be available to proceed – as soon as the appellate result is available, the PMU and LFDC immediately resolved this.
1	Land Fund Development Center	Payment of compensation; Problems in compensation (if any); Coordination between relevant units in site clearance Are compensation expenses arranged in a timely manner? Are there any complaints about compensation? How are these complaints resolved? People's satisfaction with the settlement of complaints at all levels. Assessment on compensation for site clearance by the project (satisfaction of households, restoration of livelihoods, overcoming impacts in construction, returning the premises, etc.) Assessment on the effectiveness of the project in the area.	During compensation, compensation funds were fully arranged by the PMU, the time for transferring payments was the latest (usually 30 days after decisions to approve compensation plans), but payments have been made in full, properly, and in line with implementation procedures. However, there was a period when funding could not be allocated at the end of 2020 and the beginning of 2021, so compensation was slow compared to the regulations (in the case of Ms. Lam Thi Xung). During site clearance, conerns and petitions on compensation price list, issues related to missing damages are unavoidable: land area, crops, etc. However, the on-site team has added DMS in a timely manner, consulted and fully implemented advocacy campaigns, explaining the meaning of the project and the rights of people whose land is recovered, etc. So far, there have been no other complaints. The affected households agree with the project, have received compensation and used the payments effectively, people's questions or petitions on issues related to site clearance were not detected.
2	Representatives of local government leaders	Progress of compensation payments? Are compensation expenses arranged in a timely manner? Is the cost of compensation correct, is it sufficient? Are there any complaints on the process of clearance, compensation & support payments?	Communes are the unit that coordinates site clearance with districts and LFDCs; therefore, regarding concerns of affected persons, CPCs encourage people to comply and follow the Government regulations and the law. Documents are provided related to households' land for districts to complete land acquisition documents, helping the project and bringing about national benefits.

No	Interviewee	Topics covered at interview meetings	Obtained information
		Complaint of affected persons (if any) Changes in socioeconomic conditions (income, occupation, etc.) of households? Assessment on compensation, support and clearance of the project.	Currently, people's lives have been stable, the project does not affect the income or livelihood of households because before the project, thier income sources remained stable until after the project, except for several household members having worked in companies and industrial parks, due to the impact of covid-19, were stay-at-home and then switched jobs after the epidemic was under control. Correction of pink book: for households whose land was expropriated for the construction of works, they are assisted in the procedures for adjusting LURCs immediately after decisions on land acquisition were available and compensation was received. Households are satisfied with the implementation process and have no questions.
3	Affected households	Assessment of affected households on compensation, support, site clearance: information disclosure, DMS, compensation payment, compensation price, etc. Problems arising after land acquisition (impacts during construction, returning premises, etc.) Household satisfaction on: information disclosure, community consultation, compensation price list, compensation payment, grievance redress, etc. Assessment on effectiveness of the project...	Information disclosure and public consultation are carried out multiple times by the project during site clearance and compensation for households. Information disseminated: compensation, support policies of the project, eligible households for compensation, support and resettlement, public listing of DMS results, etc. Households have time to check and review the actual data with measured data, differences will be proposed to compensation team for adjustment. In addition to consulting and disseminating information of the project, people also received information through other channels such as: notifications on message boards at head offices of CPCs, local authorities, community meetings, outreach, shared from people affected by the project in the community, etc. Most households participated in DMS and signed the records. Compensation rates are generally acceptable due to the insignificant impacts; besides, many households received compensation and invested this for profits in other fields than agriculture. Multiple households bought cars, learned to drive and started transportation services People have received compensation and no longer have questions.

6.3. Appendix 3 – list of households responding to questionnaire

No.	Full name of household head	Slightly AH	Affected house	Loss from 10% of productive land	Vulnerable household				
					Total	Female household head	Disabled household	Elderly household with no support	Policy beneficiary
I	**DD.11**								
1	Cao Van Buu			1					
2	Le Thi Thu Hong			1					
3	Tham Thi Thanh Thuy					1			
4	Nguyen Van Vien			1					
5	Le Van Xiem			1					
6	Nguyen Van Ngan			1					
7	Nguyen The Nang	1							
II	**DD.10**								
8	Nguyen Thi Rieng					1			
III	**DN.1A Moc Bai border gate economic zone**								
9	Le Thanh Hai			1					
10	Diep Van Luong								1
11	Tran Thi Nguy (deceased)							1	
12	Tran Thi Le			1					
13	Le Trung Luong			1					
14	Le Van Long			1					
15	Nguyen Van Khoa			1					
16	Nguyen Van Lam	1							
17	Doan Van Nho	1							
18	Phan Van Loc	1							
19	Phan Van Co	1							
20	Phan Van Nen	1							
21	Le Thi Ai	1							
III	**DN. 51**								
22	Cao Thi Dac		1						
23	Nguyen Thi Gai		1						
24	Thach Van Ninh		1						1
25	Dang Van Phu		1						
26	Cao Thi Nghi					1			
27	Nguyen Van Cu			1					
28	Ngo Van Long			1					
29	Nguyen The Tai			1					
30	Vo Thanh So		1						
31	Nguyen Van Su			1					
32	Le Thi Minh Kiem	1							
33	Pham Thi Diep	1							
34	Pham Thi Mieng	1							

No.	Full name of household head	Slightly AH	Affected house	Loss from 10% of productive land	Vulnerable household				
					Total	Female household head	Disabled household	Elderly household with no support	Policy beneficiary
V	**DN. 1B**								
35	Nguyen Thi Phuong		1			1			
36	Vo Thi Phuong					1			
37	Nguyen Thi Nhen			1					
38	Ho Thi Hoa			1					
39	Tran Anh Dung			1					
40	Nguyen Van Cu		1	1					
41	Huynh Thi Rum			1					
42	Ha Van Ren			1					
43	Huynh Van Xieu			1					
44	Ha Van Thao		1						
45	Vo Huu Que		1						
VI	**Water Supply Plant**								
46	Nguyen Thi Nhe			1					
47	Nguyen Thi Ban			1					
48	Vu Thi Dung					1			
49	Nguyen Thi Diep			1					
50	Nguyen Van Hoa			1					
51	Nguyen Thi Duy						1		
V	**Wastewater Treatment Plant**								
52	Nguyen Van Giao			1					
53	Do Xuan Tuoi			1					

6.4. Appendix 4 – Minute of meeting with local authority

6.5. Appendix 5 – Judgment on civil dispute for Le Thi Xung

TÒA ÁN NHÂN DÂN
TỈNH TÂY NINH

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - hạnh phúc

Bản án số: 257/2020/DS-PT
Ngày: 29-12-2020
V/v tranh chấp hợp đồng chuyển nhượng quyền sử dụng đất

VĂN PHÒNG HĐND-UBND
HUYỆN BẾN CẦU
ĐẾN Số: 634
Ngày: 27/01/2021
Chuyển: .....
Lưu hồ sơ số: .....

NHÂN DANH
NƯỚC CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
TÒA ÁN NHÂN DÂN TỈNH TÂY NINH

ĐỂ THI HÀNH

- Thành phần Hội đồng xét xử phúc thẩm gồm có:

Thẩm phán - Chủ tọa phiên tòa: Bà Trần Thị Kim Sang

Các Thẩm phán: Ông Mai Văn Triển;
Ông Phạm Văn Diệp.

- Thư ký phiên tòa: Bà Thái Thị Thúy Vân, Thư ký Tòa án nhân dân tỉnh Tây Ninh

- Đại diện Viện Kiểm sát nhân dân tỉnh Tây Ninh: Bà Đặng Thị Châu, Kiểm sát viên tham gia phiên toà.

Trong các ngày 07, 14 và 29 tháng 12 năm 2020, tại trụ sở Tòa án nhân dân tỉnh Tây Ninh, xét xử phúc thẩm công khai vụ án thụ lý số: 82/2019/TLPT-DS, ngày 22 tháng 01 năm 2019, về việc: "Tranh chấp hợp đồng chuyển nhượng quyền sử dụng đất".

Do bản án dân sự sơ thẩm số: 21/2018/DS-ST ngày 29 tháng 10 năm 2018 của Tòa án nhân dân huyện Bến Cầu, tỉnh Tây Ninh bị kháng cáo.

Theo Quyết định đưa vụ án ra xét xử phúc thẩm số: 221/2020/QĐPT-DS ngày 01 tháng 9 năm 2020, giữa các đương sự:

- Nguyên đơn: Bà Lâm Thị Xứng, năm sinh: 1967; cư trú tại: Số nhà 389/3 Đường Trần Bình Trọng nối dài, Phường 1, Quận 10, Thành phố Hồ Chí Minh, có mặt.

Người đại diện theo ủy quyền của nguyên đơn - Bà Lâm Thị Xứng:

+ Ông Nguyễn Văn Tiệt, sinh năm: 1960; cư trú tại: Số 381 Ngãi Lợi B, Lợi Bình Nhơn, thành phố Tân An, tỉnh Long An. (Theo hợp đồng ủy quyền ngày 28-02-2017 và ngày 18-5-2018). Vắng mặt

+ Ông Nguyễn Văn Thường, sinh năm 1963; cư trú tại: Số 2/18A ấp 11, thị trấn Thủ Thừa, huyện Thủ Thừa, tỉnh Long An. Có mặt

- Bị đơn: Bà Nguyễn Thị Nguyên, sinh năm: 1963; cư trú tại: Ấp Thuận Đông, xã Lợi Thuận, huyện Bến Cầu, tỉnh Tây Ninh. Có mặt

Người đại diện theo ủy quyền của bị đơn bà Nguyễn Thị Nguyên: Ông Nguyễn Văn Thông, sinh năm: 1959; cư trú tại: 54/29/34 Đường Chiến Lược, phường Bình Trị Đông, quận Bình Tân, Thành phố Hồ Chí Minh. (Theo giấy ủy quyền ngày 22-12-2016). Có mặt

Người bảo vệ quyền và lợi ích hợp pháp của bị đơn bà Nguyễn Thị Nguyên: Luật sư Nguyễn Hữu Lộc của Chi nhánh Văn phòng Luật sư Tài Lộc tỉnh Tây Ninh, thuộc Đoàn Luật sư Thành phố Hồ Chí Minh. (Phiên tòa ngày 07-12-2020, 14-12-2020 Luật sư Lộc có mặt; phiên tòa ngày 29-12-2020 Luật sư Lộc có đơn xin vắng mặt)

- Người có quyền lợi nghĩa vụ liên quan:

1. Công ty TNHH Đầu tư Phi Long.

Trụ sở: D14/391A Trịnh Quang Nghị, xã Phong Phú, huyện Bình Chánh, Thành phố Hồ Chí Minh.

Người đại diện hợp pháp: Bà Nguyễn Thị Thảo - sinh năm: 1985; cư trú tại: Ấp Chánh, xã An Thạnh, huyện Bến Cầu, tỉnh Tây Ninh (Theo giấy ủy quyền ngày 04-10-2017). Có đơn xin vắng mặt

2. Ủy ban nhân dân huyện Bến Cầu, tỉnh Tây Ninh.

Địa chỉ trụ sở: Khu phố 1, thị trấn Bến Cầu, huyện Bến Cầu, tỉnh Tây Ninh.

Người đại diện theo pháp luật: Ông Phan Văn Hòa - Chức vụ: Chủ tịch, có yêu cầu xét xử vắng mặt

3. Bà Bùi Thị Được, sinh năm: 1945; cư trú tại: Ấp Thuận Tây, xã Lợi Thuận, huyện Bến Cầu, tỉnh Tây Ninh. Có đơn xin vắng mặt

4. Anh Nguyễn Văn Cu, sinh năm: 1973; cư trú tại: Ấp Thuận Tây, xã Lợi Thuận, huyện Bến Cầu, tỉnh Tây Ninh. Có đơn xin vắng mặt

5. Công ty Điện lực Tây Ninh.

Trụ sở: Số 607 đường Cách Mạng Tháng 8, khu phố 2, phường 3, thành phố Tây Ninh, tỉnh Tây Ninh.

Người đại diện hợp pháp của công ty Điện lực Tây Ninh: Ông Cao Minh Thiện, Ông Nghiêm Đình Anh Khoa, Ông Nguyễn Thế Trung (Theo giấy ủy quyền ngày 12-10-2017). Có đơn xin vắng mặt.

6. Ông Phan Văn Vũ, sinh năm: 1963; cư trú tại: Ấp Thuận Đông, xã Lợi Thuận, huyện Bến Cầu, tỉnh Tây Ninh. Có mặt.

7. Anh Nguyễn Văn Đực, sinh năm: 1978; cư trú tại: Ấp Thuận Tây, xã Lợi Thuận, huyện Bến Cầu, tỉnh Tây Ninh. Có đơn xin vắng mặt

8. Chị Lê Thị Thu Vân, sinh năm: 1983; cư trú tại: Ấp Thuận Tây, xã Lợi Thuận, huyện Bến Cầu, tỉnh Tây Ninh. Có đơn xin vắng mặt

9. Ông Nguyễn Văn Thường, sinh năm: 1963; cư trú tại: Số 2/18A ấp 11, thị trấn Thủ Thừa, huyện Thủ Thừa, tỉnh Long An. Có mặt

10. Ban quản lý khu kinh tế tỉnh Tây Ninh.

Người đại diện hợp pháp: Ông Thái Bình An- Phó giám đốc Ban quản lý dự án phát triển Đô thị dọc hành lang tiểu vùng sông Mê Kông tỉnh Tây Ninh (Theo giấy ủy quyền ngày 31-5-2018). Có đơn xin vắng mặt

11. Bà Nguyễn Thị Ngọc, sinh năm: 1967, cư trú tại: Ấp Trâm Vàng 1, xã Thanh Phước, huyện Gò Dầu, tỉnh Tây Ninh. (Tại phiên tòa ngày 07-12-2020 bà Ngọc có mặt; tại phiên tòa ngày 14 và ngày 29-12-2020 bà Ngọc vắng mặt)

Người làm chứng:

Bà Ngô Thị Mờ, sinh năm 1957; cư trú tại: Ấp Chánh, xã An Thạnh, huyện Bến Cầu, tỉnh Tây Ninh. Có mặt

Người kháng cáo: Bị đơn – Bà Nguyễn Thị Nguyên

NỘI DUNG VỤ ÁN:

- Theo các đơn khởi kiện, các lời khai và các biên bản tại Tòa của nguyên đơn bà Lâm Thị Xứng do ông Nguyễn Văn Tiệt, ông Nguyễn Văn Thường đại diện theo ủy quyền trình bày:

Vào năm 2002 bà Xứng và bà Nguyễn Thị Ngọc được bà Mờ giới thiệu đến thỏa thuận sang nhượng phần đất diện tích 6.631m^2 của cụ Huỳnh Thị Diệp, với giá tiền 300.000.000 đồng. Ngày 15-02-2002, bà Xứng, bà Ngọc, bà Nguyên, cụ Diệp ký hợp đồng chuyển nhượng quyền sử dụng đất (sau đây viết tắt là GCNQSDĐ) phần đất diện tích 6.631m^2, đất tọa lạc tại ấp Thuận Tây, xã Lợi Thuận, huyện Bến Cầu, tỉnh Tây Ninh, đất đã được cấp GCNQSDĐ số 00650 QSDĐ/GT do Ủy ban nhân dân (UBND) huyện Bến Cầu cấp ngày 15-12-1993 đứng tên cụ Huỳnh Thị Diệp; phần đất có tứ cận: Đông giáp: tỉnh lộ 786; Tây giáp: đất bà Phạm Thị Náo; Nam giáp: thửa 320, 321 theo bản đồ 299; Bắc giáp: đất của bà Xứng; nhưng do nhầm lẫn nên trong hợp đồng chuyển nhượng thể hiện năm 2001. Cùng ngày khi ký hợp đồng bà Xứng đã trả đủ tiền cho cụ Diệp, bà Nguyên tại nhà bà Mờ, có sự chứng kiến của bà Mờ, bà Ngọc, cụ Diệp. Bà Nguyên giao đất và giấy chứng nhận QSDĐ cho bà Xứng cùng ngày, thỏa thuận bà Xứng có nghĩa vụ làm thủ tục sang tên Giấy CNQSDĐ nêu trên. Khi bà

Xứng cùng bà Ngọc, bà Mờ, bà Nguyên, cụ Diệp đến Phòng Tài nguyên và Môi trường huyện Bến Cầu để làm thủ tục sang tên thì bà Xứng được cơ quan này cho biết là đất nằm trong khu quy hoạch nên chưa được sang tên chuyển QSDĐ, do đó chưa hoàn tất thủ tục chuyển nhượng. Tại thời điểm đó, bà Ngọc không đồng ý mua nữa mà sang lại hợp đồng cho bà Xứng nhưng do trong hợp đồng soạn sẵn ghi tên bên nhận chuyển nhượng là bà Nguyễn Thị Ngọc, nên bà Xứng xóa tên bà Ngọc bên nhận chuyển nhượng đất ghi thành tên Lâm Thị Xứng.

Sau khi ký hợp đồng chuyển nhượng và trả tiền đủ cho bà Nguyên, cụ Diệp thì bà Xứng canh tác ổn định (trồng cây tràm trên đất) không ai tranh chấp, cho đến năm 2009 Nhà nước làm tỉnh lộ 786, giải tỏa đền bù trên phần đất bà đã nhận chuyển nhượng của cụ Diệp và bà Nguyên với diện tích 2.226,8m^2 do chưa sang tên được nên khi bồi thường ghi tên người nhận theo giấy chứng nhận QSDĐ; số tiền đền bù là 1.558.760.000 đồng theo Quyết định số 824/QĐ-UBND ngày 25-02-2010 (sau đây viết tắt là quyết định số 824) của UBND huyện Bến Cầu và Quyết định 843/QĐ-UBND ngày 01-3-2010 (sau đây viết tắt là quyết định số 843) của Chủ tịch UBND huyện Bến Cầu cho cụ Huỳnh Thị Diệp (bà Diệp mất năm 2011, bà Nguyên là người thừa kế duy nhất) được nhận. Đối với phần đất không nằm quy hoạch còn diện tích 4.404,2m^2 đo đạc thực tế là 4.881,9m^2 (tăng 477,7m^2).

Bà Lâm Thị Xứng khởi kiện yêu cầu buộc bà Nguyễn Thị Nguyên có nghĩa vụ thực hiện Hợp đồng chuyển nhượng QSDĐ, yêu cầu Hủy quyết định số 824 của UBND huyện Bến Cầu và quyết định số 843 của Chủ tịch UBND huyện Bến Cầu để cho bà Xứng được công nhận quyền bà được nhận số tiền bồi thường thu hồi đất là 1.558.760.000 đồng, đối với diện tích Nhà nước đã thu hồi. Đối với diện tích đất bị công ty TNHH Đầu tư Phi Long (sau đây viết tắt là Công ty Phi Long) đã tự ý san lấp và phần đã cấp đất cho hộ ông Nguyễn Văn Cu và hộ ông Nguyễn Văn Đực xây nhà có một phần lấn trên đất của bà đã nhận chuyển nhượng thì bà sẽ tự thương lượng với những người này, bà không yêu cầu Tòa án giải quyết, chỉ yêu cầu tuyên xử giao đất như hiện trạng đã thẩm định. Ngày 25-9-2018 ông Tiệt (đại diện cho bà Xứng) có đơn xin rút yêu cầu Tòa án xem xét hủy quyết định 824 của UBND huyện Bến Cầu và 843 của Chủ tịch UBND huyện Bến Cầu.

Tại phiên Tòa, người đại diện theo ủy quyền của bà Xứng là ông Nguyễn Văn Thường giữ nguyên yêu cầu khởi kiện đối với bà Nguyên: Đề nghị Hội đồng xét xử cho lưu thông hợp đồng chuyển nhượng QSDĐ năm 2002 giữa bà Xứng với cụ Diệp, bà Nguyên theo quy định tại Điều 11 Nghị định số 84/2007/NĐ-CP ngày 25-5-2007 của Chính phủ đối với giao dịch chuyển nhượng QSDĐ trước năm 2004 mà hợp đồng chưa được công chứng, chứng thực. Buộc bà Nguyên phải thực hiện HĐCNQSDĐ cho bà Xứng đối với diện tích 4.881,9m^2 đất còn lại theo đo đạc thực tế trị giá 4.462.000.000 đồng

(BL424) để bà Xứng thực hiện thủ tục đứng tên giấy CNQSDĐ và có quyền nhận tiền đền bù đối với dự án làm đường ĐD10 và đường 51 khi nhà nước thu hồi. Rút yêu cầu hủy quyết định số 824 của UBND huyện Bến Cầu và quyết định số 843 của Chủ tịch UBND huyện Bến Cầu, lý do là UBND huyện Bến Cầu đã xác định sẽ điều chỉnh đền bù cho người có QSDĐ khi Tòa án giải quyết xong vụ án. Đối với yêu cầu phản tố của bà Nguyên thì bà Xứng không chấp nhận, lý do là việc giao kết hợp đồng bên bà Xứng đã thanh toán tiền xong, nhận giấy CN.QSDĐ và đã được bên chuyển nhượng đã giao đất cho bà Xứng quản lý sử dụng ổn định nên không thể hủy việc chuyển nhượng. Về thiệt hại mà bà Nguyên yêu cầu bồi thường là không có căn cứ, cơ quan có thẩm quyền chưa giao tiền đền bù và do các bên có tranh chấp, nguyên nhân do bà Nguyên không thực hiện đúng cam kết, thực tế chưa có thiệt hại xảy ra. Do đó bà Xứng không có nghĩa vụ bồi thường. Đối với yêu cầu khởi kiện của ông Phan Văn Vũ thì bà Xứng không chấp nhận bồi thường do cây trồng trên đất là của bà Xứng trồng nên bà có quyền khai thác. Ông xác định giá trị cây tràm đã thu hoạch trên đất là 5.300.000 đồng. Không ý kiến gì đối với hộ dân có nhà ở trên đất, đường dây điện và công ty Phi Long, nếu có tranh chấp sẽ khởi kiện vụ án khác. Bà Xứng không có yêu cầu nào khác.

Bị đơn bà Nguyễn Thị Nguyên (người đại diện theo ủy quyền là ông Nguyễn Văn Thông) trình bày: Không chấp nhận yêu cầu khởi kiện của bà Xứng, lý do vào năm 2002 bà Xứng và bà Mờ có tới nhà bà Nguyên nhận chuyển nhượng quyền sử dụng đất với giá 300.000.000 đồng toàn bộ diện tích đất là 6.631m^2, tọa lạc tại ấp Thuận Tây, xã Lợi Thuận, huyện Bến Cầu, tỉnh Tây Ninh, đất đã được cấp giấy CN.QSDĐ số 00650 QSDĐ/GT do UBND huyện Bến Cầu cấp ngày 15-12-1993 đứng tên Huỳnh Thị Diệp như bà Xứng trình bày là đúng. Bà Xứng giao tiền cọc cho bà Nguyên là 15.000.000 đồng và hứa trong vòng 3 tháng bà Mờ làm giấy sang tên xong sẽ trả đủ tiền. Khi nhận tiền cọc bà Nguyên chỉ ký vào sổ tay của bà Xứng do bà Xứng giữ, chứ không có làm HĐCNQSDĐ. Do chưa trả đủ tiền nên bà Nguyên không đồng ý giao giấy CN.QSDĐ cho bà Xứng giữ, nhưng do tin tưởng bà Mờ là người quen biết nên sau khi nhận cọc thì bà Nguyên giao giấy CN.QSDĐ cho bà Mờ để bà Mờ làm thủ tục chuyển nhượng, bà Mờ cam kết trong thời gian 03 tháng sẽ làm giấy tờ xong và bà Xứng sẽ thanh toán đủ tiền, việc thỏa thuận này cũng không lập thành văn bản. Hợp đồng mà bà Xứng cung cấp cho Tòa án là giả mạo. Sau khi thỏa thuận mua bán và nhận cọc thì bà Nguyên vẫn tiếp tục canh tác cho tới năm 2008, đến năm 2009 biết việc bà Xứng tự ý trồng tràm trên đất của gia đình bà. Do bà Xứng đã vi phạm nghĩa vụ thanh toán do không chứng minh được bà Xứng đã trả tiền cho cụ Diệp và bà Nguyên, ngoài ra bà Xứng không đủ điều kiện nhận chuyển nhượng QSDĐ do không có nhu cầu sử dụng đất, không trực

tiếp sản xuất và nhận chuyển nhượng là vượt quá hạn mức theo quy định của pháp luật.

Tại phiên tòa ông Nguyễn Văn Thông là người đại diện theo ủy quyền của bà Nguyên trình bày: Yêu cầu đình chỉ vụ kiện do bà Xứng không có quyền khởi kiện, giữ nguyên ý kiến bà Nguyên không chấp nhận yêu cầu khởi kiện của bà Xứng. Bà Nguyên có yêu cầu phản tố đề nghị hủy giao dịch chuyển nhượng QSDĐ giữa cụ Diệp, bà Nguyên với bà Xứng vào năm 2002, đối tượng là diện tích đất 6.631m^2 tọa lạc tại ấp Thuận Tây, xã Lợi Thuận, huyện Bến Cầu, tỉnh Tây Ninh, bà Nguyên trả cho bà Xứng 15.000.000 đồng tiền đặt cọc đã nhận, bà Xứng phải giao trả lại giấy CN.QSDĐ cho bà Nguyên, bà Nguyên tiếp tục sử dụng QSDĐ diện tích 4.881,9 m^2 (diện tích đo thực tế tăng 477,7m^2 so với diện tích trong giấy CNQSDĐ) và bà Nguyên được quyền nhận tiền đền bù đối với dự án làm đường ĐD10 và đường 51, không có yêu cầu gì với số cây trồng bà Xứng đã thu hoạch trên đất. Ông yêu cầu công nhận cho bà Nguyên có quyền nhận số tiền đền bù là 1.558.760.000 đồng đối với diện tích 2.226,8m^2 đã thu hồi; yêu cầu bà Xứng bồi thường số tiền lãi mỗi năm 10% trên số tiền đền bù 1.558.760.000 đồng tính đến 01-6-2017 là 87 tháng: 1.130.100.000 đồng và tính lãi lũy tiến trên tổng số tiền đền bù 1.558.760.000 đồng cộng với số tiền lãi luỹ tiến tỷ lệ 0,83%/tháng đến ngày 30-9-2018 là 357.080.608 đồng. Tổng số tiền yêu cầu bà Xứng bồi thường là 1.130.100.000 + 357.080.608 = 1.487.180.608 đồng. Đối với nhà của ông Nguyễn Văn Cu và nhà của ông Nguyễn Văn Đực và bà Lê Thị Thu Vân hiện có một phần diện tích xây dựng trên quyền sử dụng đất đứng tên Huỳnh Thị Diệp thì bà Nguyên không có yêu cầu khởi kiện, bà đề nghị Tòa án giao đất theo hiện trạng đã thẩm định xem xét tại chỗ, sau khi bà nhận đất nếu có tranh chấp với các hộ trên thì bà sẽ yêu cầu khởi kiện trong một vụ án khác. Bà Nguyên không có yêu cầu gì khác.

Người có quyền lợi nghĩa vụ liên quan:

1. Đại diện hợp pháp của công ty TNHH Đầu tư Phi Long (sau đây viết tắt là công ty Phi Long) trình bày: Tại bản giải trình ngày 07-7-2014 (BL 243) ông Phan Mộng Hoàng- Tổng giám đốc công ty trình bày Công ty Phi Long được UBND tỉnh Tây Ninh giao đất để đầu tư xây dựng dự án khu nhà ở dân cư 1 (bước 1) theo quyết định số 517/QĐ-CT ngày 24-11-2003, theo thỏa thuận tại văn bản ngày 28/3/2002 với Ban quản lý khu kinh tế cửa khẩu Mộc Bài (nay là Ban quản lý khu kinh tế tỉnh Tây Ninh) (sau đây viết tắt là Ban quản lý) thì công ty Phi Long có trách nhiệm cung cấp vốn cho Ban quản lý có trách nhiệm thực hiện lập danh sách, chi trả tiền bồi thường giải phóng mặt bằng. Trong đó có các thửa đất số 143; 132; 131; 126; 114 thuộc tờ bản đồ số 9 của bà Diệp với tổng diện tích 2.579,1m^2. UBND huyện Bến Cầu đã có Quyết định số 1449/QĐ-CT ngày 19-9-2003 thu hồi của bà Diệp 5.464,2 m^2 và giao cho công ty Phi Long 2.579,1m^2 để đầu tư xây dựng khu dân cư nhà ở, đồng thời Quyết định số

1450/QĐ-CT ngày 19-9-2003 chi trả đền bù cho bà Diệp tổng số tiền 50.788.093 đồng.

Trong quá trình giải quyết vụ án, công ty không chứng minh được việc đã cung cấp vốn cho ban quản lý để chi trả bồi thường trước khi tiến hành san lấp. Công ty thừa nhận đã cấp đất tái định cư tại chỗ cho bà Bùi Thị Được trên diện tích anh Cu xây nhà ở hiện nay, công ty chịu trách nhiệm nếu có tranh chấp liên quan đến phần đất đã giao cho bà Được.

Bà Nguyễn Thị Thảo là người Đại diện theo ủy quyền của công ty Phi Long trình bày: tại biên bản ghi lời khai bà Nguyễn Thị Thảo ngày 05/10/2017 (BL 705a) là công ty Phi Long không lấn chiếm, không có ý kiến yêu cầu gì trong vụ án và có đơn xin vắng mặt không tham gia tất cả các thủ tục tố tụng tại Tòa án.

2. Đại diện hợp pháp của UBND huyện Bến Cầu trình bày:

Tại Công văn số 205/UBND, ngày 18-3-2014 Ủy ban nhân dân huyện Bến Cầu có ý kiến như sau: Quyết định số 824 về việc thu hồi đất của UBND huyện bến Cầu là phù hợp theo quy định của pháp luật. Quyết định số 843 của Chủ tịch UBND huyện về việc chi trả bồi thường là chi trả cho người đứng tên giấy CN.QSDĐ. Việc chuyển nhượng QSDĐ của bà Xứng với bà Huỳnh Thị Diệp chưa thực hiện đúng theo trình tự thủ tục quy định. Cho nên việc chi trả bồi thường phải chờ Tòa án giải quyết, khi bản án có hiệu lực pháp luật theo đó QSDĐ của người nào thì UBND huyện sẽ điều chỉnh phương án và quyết định chi trả cho người đó. Việc bà Xứng yêu cầu hủy 2 quyết định nêu trên đề nghị Tòa án xem xét giải quyết theo quy định.

Tại công văn số 938/UBND ngày 16-11-2017 Chủ tịch UBND huyện Bến Cầu xác định các Quyết định số 1449/QĐ-CT ngày 19-9-2003 và 1450/QĐ-CT ngày 19-9-2003 không còn hiệu lực vì UBND huyện Bến Cầu đã có Quyết định số 2940/QĐ-UBND hủy Quyết định số 1449/QĐ-CT ngày 19-9-2003 và Quyết định số 3162/QĐ-UBND ngày 16-10-2017 hủy Quyết định số 1450/QĐ-CT ngày 19-9-2003.

Năm 2015, UBND huyện Bến Cầu có Quyết định 3727/QĐ-UBND ngày 17/12/2015 (BL 625) thu hồi tổng diện tích 2.078,10m^2 thuộc 05 thửa gồm: 318/868m^2, 321/21,3m^2, 317/60,5m^2, 316/556,3m^2, 319/572m^2 để xây dựng công trình đường 51 và Quyết định số 3756/QĐ-UBND ngày 18/12/2015 thu hồi tổng diện tích 39,0m^2 thuộc 02 thửa gồm: 316/4,30m^2, 319/34,70m^2 để xây dựng công trình đường DĐ10. Ngày 07-8-2017 UBND huyện có công văn số 578/UBND (BL 695) đề nghị Tòa án xét xử vụ án này để UBND huyện có cơ sở thực hiện việc chi trả bồi thường và bàn giao mặt bằng cho Ban quản lý triển khai thi công công trình đúng quy định.

án phí dân sự sơ thẩm bà Xứng đã nộp theo biên lai thu số 000065 ngày 10-10-2012 của Chi cục Thi hành án dân sự huyện Bến Cầu, tỉnh Tây Ninh.

[10.2] Về án phí dân sự phúc thẩm: Do yêu cầu kháng cáo không được chấp nhận nên bà Nguyên phải chịu 300.000 đồng tiền án phí dân sự phúc thẩm. Khấu trừ 300.000 đồng tiền tạm ứng án phí đã nộp theo Biên lai thu số 0021682 ngày 12-11-2018 Chi cục Thi hành án dân sự huyện Bến Cầu, tỉnh Tây Ninh. Ghi nhận bà Nguyên đã nộp xong.

Vì các lẽ trên;

QUYẾT ĐỊNH:

Căn cứ khoản 2 Điều 308 của Bộ luật Tố tụng dân sự

- Không chấp nhận yêu cầu kháng cáo của bị đơn bà Nguyễn Thị Nguyên

- Sửa bản án sơ thẩm số 21/2018/DS-ST ngày 29 tháng 10 năm 2018 của Tòa án nhân dân huyện Bến Cầu, tỉnh Tây Ninh.

Tuyên xử:

- Căn cứ các Điều 147,148, 161, 165, 217, 228 của Bộ luật tố tụng dân sự.

- Căn cứ Điều 688 của Bộ luật dân sự 2015; các Điều 401, 697, 698, 699, 700, 701 và 702 của Bộ luật dân sự năm 2005; Khoản 1 Điều 38, Điều 39, Điều 41, Khoản 1 Điều 42 của Luật đất đai năm 2003; các Điều 129, 130, 167, 188, 193 Luật đất đai năm 2013; Điều 48 Nghị quyết 326/2016/UBTVQH14 ngày 30-12-2016 của Ủy ban thường vụ Quốc hội về án phí, lệ phí Tòa án, Pháp lệnh số 10/2009/PL-UBTVQH12 ngày 27-02-2009 của Ủy ban thường vụ Quốc hội.

1. Đình chỉ yêu cầu hủy Quyết định số 824/QĐ-UBND ngày 25-02-2010 của Uỷ ban nhân dân huyện Bến Cầu và Quyết định 843/QĐ-UBND ngày 01-3-2010 của Chủ tịch Uỷ ban nhân dân huyện Bến Cầu, tỉnh Tây Ninh của nguyên đơn bà Lâm Thị Xứng.

2. Chấp nhận yêu cầu khởi kiện của bà Lâm Thị Xứng đối với bà Nguyễn Thị Nguyên về tranh chấp hợp đồng chuyển nhượng quyền sử dụng đất.

3. Không chấp nhận yêu cầu phản tố hủy hợp đồng chuyển nhượng quyền sử dụng đất của bà Nguyễn Thị Nguyên đối với bà Lâm Thị Xứng.

- Bà Lâm Thị Xứng được quyền sử dụng phần đất có diện tích 2.764,8m^2 bao gồm các thửa 319/978,8m^2, 320/646m^2, 321/302,1m^2, 316/1476m^2, 317/632,4m^2, 318/1.670m^2 tờ bản đồ số 7 bản đồ 299 (thửa 4 và 18 tờ bản đồ số 52 theo BĐĐC VN 200). Đất có tứ cận:

Đông giáp: tỉnh lộ 786;

Tây giáp: thửa đất số 422, 421 theo bản đồ 299;

Nam giáp: thửa đất số 420 theo bản đồ 299;

Bắc giáp: thửa đất số 295, 296, 312, 313, 314, 315 theo bản đồ 299.

(*có sơ đồ đo đạc kèm theo*)

Bà Xứng có quyền liên hệ với cơ quan Nhà nước có thẩm quyền làm thủ tục cấp giấy chứng nhận quyền sử dụng đất đối với diện tích đất nêu trên theo quy định của pháp luật.

- Bà Lâm Thị Xứng được quyền liên hệ với cơ quan Nhà nước có thẩm quyền để nhận số tiền đền bù làm tỉnh lộ 786 diện tích 2.226,8m^2 là 1.558.760.000 (một tỷ năm trăm năm mươi tám triệu bảy trăm sáu mươi nghìn) đồng và được nhận số tiền đền bù khi UBND huyện Bến Cầu triển khai thực hiện thu hồi đất và chi trả bồi thường theo Quyết định 3727/QĐ-UBND ngày 17-12-2015 và Quyết định số 3756/QĐ-UBND ngày 18-12-2015 của UBND huyện Bến Cầu.

4. Không chấp nhận yêu cầu bồi thường tiền lãi đối với số tiền đền bù và tính lãi lũy tiến đến ngày xét xử là 1.487.180.608 (một tỷ bốn trăm tám mươi bảy triệu một trăm tám mươi nghìn sáu trăm lẻ tám) đồng của bà Nguyễn Thị Nguyên đối với bà Lâm Thị Xứng.

5. Không chấp nhận yêu cầu bồi thường thiệt hại ngoài hợp đồng số tiền 30.000.000 (ba mươi triệu) đồng của ông Phan Văn Vũ đối với ông Nguyễn Văn Thường và bà Lâm Thị Xứng.

6. Bà Nguyễn Thị Nguyên có nghĩa vụ di dời cây xanh trên đất tranh chấp trong thời hạn 60 ngày, kể từ ngày bản án có hiệu lực pháp luật. Nếu quá thời hạn trên bà Nguyên không di dời thì bà Xứng được quyền xử lý các cây xanh do bà Nguyên trồng trên đất tranh chấp.

7. Về chi phí tố tụng khác:

7.1. Chi phí giám định: Bà Nguyên phải chịu 1.599.000 đồng. Do bà Xứng đã nộp tạm ứng nên bà Nguyên có nghĩa vụ hoàn trả lại cho bà Xứng 1.599.000 đồng.

Chi phí giám định lại: Bà Nguyên phải chịu chi phí giám định lại là 4.000.000 đồng; ghi nhận bà Nguyên đã nộp xong.

7.2. Chi phí đo đạc định giá: Bà Nguyên phải chịu 7.746.000 đồng, chi phí đo đạc, định giá lần thứ nhất, do bà Xứng đã tạm nộp cho Toà án dùng vào việc định giá xong nên bà Nguyên phải hoàn trả cho bà Xứng 7.746.000 đồng.

Bà Xứng phải chịu chi phí định giá lại là 7.500.000 đồng; ghi nhận bà Xứng đã nộp xong.

7.3. Chi phí thẩm định lại: Bà Nguyên phải chịu 2.000.000 đồng; ghi nhận bà Nguyên đã nộp xong.

Kể từ ngày có đơn yêu cầu thi hành án của người được thi hành án (đối với các khoản tiền phải trả cho người được thi hành án) cho đến khi thi hành án xong tất cả các khoản tiền, hàng tháng bên phải thi hành án còn phải chịu khoản tiền lãi của số tiền còn phải thi hành án theo mức lãi suất quy định tại khoản 2 Điều 468 của Bộ luật Dân sự 2015.

8. Về án phí:

8.1. Án phí dân sự sơ thẩm:

- Bà Nguyên phải chịu án phí dân sự sơ thẩm tranh chấp hợp đồng chuyển nhượng QSDĐ 200.000 (hai trăm nghìn) đồng, khấu trừ 200.000 (hai trăm nghìn) đồng tiền tạm ứng án phí đã nộp theo biên lai thu số 0020560 ngày 20-12-2016 của chi cục Thi hành án dân sự huyện Bến Cầu và phải chịu 56.615.500 (năm mươi sáu triệu sáu trăm mười lăm nghìn năm trăm) đồng, đối với yêu cầu bồi thường thiệt hại, khấu trừ số tiền 22.951.500 (hai mươi hai triệu chín trăm năm mươi mốt nghìn năm trăm) đồng, bà Nguyên đã nộp tạm ứng theo biên lai thu số 0020848 ngày 12-6-2017 của chi cục Thi hành án dân sự huyện Bến Cầu. Bà Nguyên phải nộp thêm 33.664.000 (ba mươi ba triệu sáu trăm sáu mươi bốn nghìn) đồng án phí dân sự sơ thẩm

- Ông Phan Văn Vũ phải chịu án phí 1.500.000 (một triệu năm trăm nghìn) đồng, khấu trừ 750.000 (bảy trăm năm mươi nghìn) đồng tạm ứng án phí đã nộp theo biên lai thu số 0021245 ngày 16-01-2018 của Chi cục Thi hành án dân sự huyện Bến Cầu, tỉnh Tây Ninh. Ông Vũ phải nộp thêm 750.000 (bảy trăm năm mươi nghìn) đồng.

- Chi cục Thi hành án dân sự huyện Bến Cầu hoàn trả cho bà Xứng 56.931.000 (năm mươi sáu triệu chín trăm ba mươi mốt nghìn) đồng tiền tạm ứng án phí dân sự sơ thẩm đã nộp theo biên lai thu số 000065 ngày 10-10-2012 của Chi cục Thi hành án dân sự huyện Bến Cầu, tỉnh Tây Ninh.

8.2. Về án phí dân sự phúc thẩm: Do yêu cầu kháng cáo không được chấp nhận nên bà Nguyên phải chịu 300.000 đồng tiền án phí dân sự phúc thẩm. Khấu trừ 300.000 đồng tiền tạm ứng án phí đã nộp theo Biên lai thu số 0021682 ngày 12-11-2018 Chi cục Thi hành án dân sự huyện Bến Cầu, tỉnh Tây Ninh. Ghi nhận bà Nguyên đã nộp xong.

9. *Trường hợp bản án, được thi hành theo quy định tại Điều 2 Luật Thi hành án dân sự thì người được thi hành án dân sự, người phải thi hành án dân sự có quyền thoả thuận thi hành án, quyền yêu cầu thi hành án, tự nguyện thi hành án dân sự hoặc bị cưỡng chế thi hành án theo quy định tại các Điều 6, 7 và*

9 Luật Thi hành án dân sự; thời hiệu thi hành án được thực hiện theo quy định tại Điều 30 Luật Thi hành án dân sự.

10. Bản án phúc thẩm có hiệu lực pháp luật kể từ ngày tuyên án.

Nơi nhận:
- VKSND tỉnh Tây Ninh;
- TAND huyện Bến Cầu;
- Chi cục THADS huyện BC;
- Các đương sự;
- Lưu hồ sơ vụ án.

TM. HỘI ĐỒNG XÉT XỬ PHÚC THẨM
THẨM PHÁN – CHỦ TỌA PHIÊN TÒA

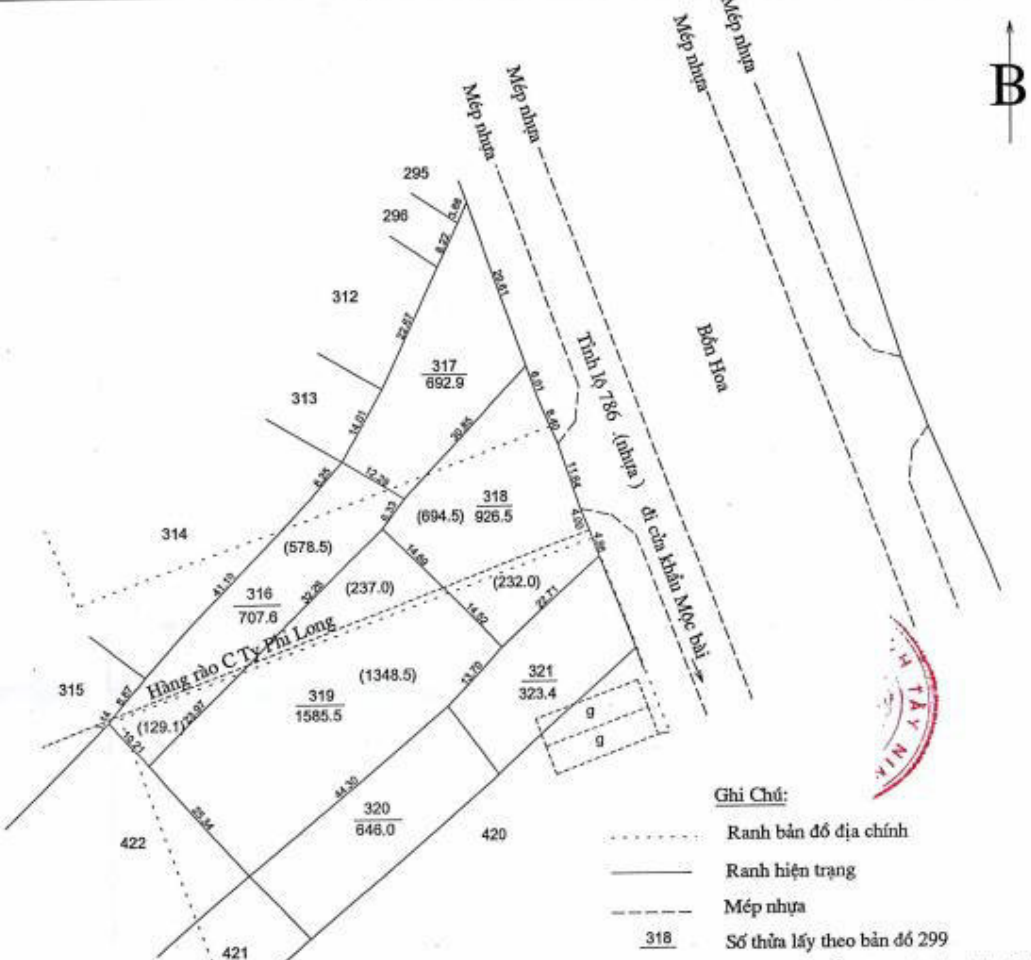
TÒA ÁN NHÂN DÂN TỈNH TÂY NINH

Trần Thị Kim Sang

CÔNG TY CP ĐO ĐẠC ĐỊA CHÍNH TÂY NINH
SỐ: 10 /SĐHT-ĐC

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
ĐỘC LẬP - TỰ DO - HẠNH PHÚC

SƠ ĐỒ HIỆN TRẠNG SỬ DỤNG ĐẤT



Ghi Chú:

- Ranh bản đồ địa chính
- Ranh hiện trạng
- Mép nhựa
- 318 Số thửa lấy theo bản đồ 299

* Phần diện tích nằm trong ranh đất CTy Phi Long = 2679.0 m². -Diện tích còn lại = 2202.9 m².

* Sơ đồ ranh thửa lấy theo bản đồ 299 - (Theo yêu cầu của tòa án huyện Bến Cầu) .

Tỷ lệ: 1/1000

- Đơn vị hợp đồng : TÒA ÁN NHÂN DÂN HUYỆN BẾN CẦU
- Mục đích sử dụng: Phục vụ giải quyết tranh chấp
- Diện tích: 4881.9 m².
- Trích đo thửa: 14,18 - Tờ bản đồ : 52 Theo BĐĐC mới - (Theo bản đồ 299 thửa : 316,317,318,319,320,321. -Tờ 7)
- Khu vực đất: ấp Thuận Tây - xã Lợi Thuận - huyện Bến Cầu - tỉnh Tây Ninh

Ngày 16 / 01 / 2014 Người đo,vẽ	Ngày 13 / 8 / 2014 Người kiểm tra	Ngày 13 / 8 / 2014 Công ty CP Đo đạc địa chính Tây Ninh
		PHÓ GIÁM ĐỐC CÔNG TY CỔ PHẦN ĐO ĐẠC ĐỊA CHÍNH TÂY NINH Phạm Đăng Minh
Trần Hữu Hải	Lê Văn Tuấn	

6.6. Minutes confirming that participation in IRP activities are not needed by the affected households

BQL KHU KINH TẾ TỈNH TÂY NINH
BQL DỰ ÁN PHÁT TRIỂN ĐÔ THỊ HÀNH LANG TIỂU VÙNG SÔNG MÊ KÔNG TỈNH TÂY NINH

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc

Tây Ninh, ngày 30 tháng 12 năm 2017

BIÊN BẢN

Hôm nay , vào lúc 14 **giờ, ngày** 30 **tháng** 12 **năm 2017**
Tại: UBND TTBC

I. Thành phần:
1.Đ/c: Phan Thị Kim Loan Chức vụ: CB BGS
2.Đ/c: Võ Thị Phượng Chức vụ: hộ dân
3.Đ/c: Chức vụ:

II. Nội dung làm việc:
Xin ý kiến hỗ trợ tìm học nghề chuyển đổi phục hồi SKĐ

III. Đi vào làm việc:
Xin ý kiến hỗ trợ tìm học nghề chuyển đổi phục hồi SKĐ trình bày gia đình tôi đăng ký học nghề lái xe để chuyển đổi nghề nghiệp sau khi ra đi do gia đình tôi buôn bán không ổn định nên không còn nhu cầu học lái xe của dự án tổ chức.
Ý kiến gia đình hỗ trợ phương án do gia đình tôi có công việc ổn định nên quyết định tôi không tham gia lớp đào tạo nghề lái xe của dự án tổ chức

Biên bản kết thức lúc 14 giờ 30 cùng ngày, biên bản có đọc lại mọi người cùng nghe, đồng ý ký tên./.

HỘ DÂN

Võ Thị Phượng

GHI BIÊN BẢN

Phan Thị Kim Loan

BQL KHU KINH TẾ TỈNH TÂY NINH
BQL DỰ ÁN PHÁT TRIỂN ĐÔ THỊ HÀNH LANG TIỂU VÙNG SÔNG MÊ KÔNG TỈNH TÂY NINH

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc

Tây Ninh, ngày 30 tháng 12 năm 2017

BIÊN BẢN

Hôm nay, vào lúc 14h40 **giờ, ngày** 30 **tháng** 12 **năm 2017**
Tại: ấp thanh đông xã hội thuận

I. Thành phần:
1.Đ/c: phan thị kim loan Chức vụ CB BTGPMB
2.Đ/c: nguyễn thị phượng Chức vụ hộ dân
3.Đ/c: ..... Chức vụ .....

II. Nội dung làm việc:
Xác minh lại thông tin học nghề chuyển đổi phục vụ sản xuất

III. Đi vào làm việc:
Xác minh lại thông tin học nghề chuyển đổi phục vụ sản xuất được UBND xã hội thương tổng hợp danh sách nghề nghiệp học để chuyển đổi nghề nghiệp học để ổn định đời sống cán bộ xã đã tham gia lớp đào tạo theo kế hoạch dự án tổng thể hỗ trợ phát triển bền vững vùng hạ lưu đập thủy điện dầu tiếng cần phải cấp lại để do dự án tổ chức

Biên bản kết thúc lúc ...14... giờ 40 cùng ngày, biên bản có đọc lại mọi người cùng nghe, đồng ý ký tên./.

HỘ DÂN
Phượng
nguyễn Thị Phượng

GHI BIÊN BẢN
phan thị kim loan

BQL KHU KINH TẾ TỈNH TÂY NINH
BQL DỰ ÁN PHÁT TRIỂN ĐÔ THỊ HÀNH LANG TIỂU VÙNG SÔNG MÊ KÔNG TỈNH TÂY NINH

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc

Tây Ninh, ngày 30 tháng 12 năm 2017

BIÊN BẢN

Hôm nay , vào lúc 9 giờ, ngày 30 tháng 12 năm 2017
Tại: Ấp Thuận Tây - Xã Thuận Bình Châu - TN

I. Thành phần:
1.Đ/c: Phan Thị Kim Loan Chức vụ CB BQL DAĐT TN
2.Đ/c: Nguyễn Thế Hùng Chức vụ Hộ dân
3.Đ/c: Chức vụ

II. Nội dung làm việc:
Xác minh lại thông tin hộ nghèo chưng trích phục hồi Bình Kế

III. Đi vào làm việc:
Xác minh lại thông tin hộ nghèo chưng trích phục hồi Bình Kế trong tháng qua thì hộ ông Nguyễn Thế Hùng được lại xác thông nhưng nhà cửa gần ao thì thông phát nghèo lại xác trong chương trình hỗ trợ của dự án ý kiến qua thì ông Hùng qua thì thông nhà cửa hộc lại xác nên thông tăng lý hộc trong chương trình hỗ trợ của dự án

Biên bản kết thức lúc 9 giờ 10 cùng ngày, biên bản có đọc lại mọi người cùng nghe, đồng ý ký tên./.

HỘ DÂN | **GHI BIÊN BẢN**

Nguyễn Thế Hùng | Phan Thị Kim Loan

BQL KHU KINH TẾ TỈNH TÂY NINH
BQL DỰ ÁN PHÁT TRIỂN ĐÔ THỊ HÀNH LANG TIỂU VÙNG SÔNG MÊ KÔNG TỈNH TÂY NINH

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc

Tây Ninh, ngày 30 tháng 12 năm 2017

BIÊN BẢN

Hôm nay , vào lúc 10 giờ, ngày 30 tháng 12 năm 2017
Tại: Nhà TTBP

I. Thành phần:
1.Đ/c: Phan thị kim hoàn Chức vụ: CB BQL DA GMS
2.Đ/c: Nguyễn Văn Lân Chức vụ: hộ dân
3.Đ/c: Chức vụ:

II. Nội dung làm việc:
Xác minh lại thông tin học nghề chương trình phục hồi sinh kế"

III. Đi vào làm việc:
Xác minh lại thông tin học nghề chương trình phục hồi sinh kế, trước đây gia đình ông Lân đăng ký học nghề lái xe để chuyển đổi nghề nghiệp lấy đất của Dự án do không còn nhu cầu học lái xe do dự án thu hồi. Nay gia đình ông Lân có tài sản là xe máy nên gia đình tự nguyện tham gia lớp sửa lái xe do dự án tổ chức.

Biên bản kết thức lúc 10 giờ 30 cùng ngày, biên bản có đọc lại mọi người cùng nghe, đồng ý ký tên./.

HỘ DÂN | **GHI BIÊN BẢN**

Lân | Phan thị kim hoàn

Ng Văn Lân (con Trần thị Ngụy)

BQL KHU KINH TẾ TỈNH TÂY NINH
BQL DỰ ÁN PHÁT TRIỂN ĐÔ THỊ HÀNH LANG TIỂU VÙNG SÔNG MÊ KÔNG TỈNH TÂY NINH

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc

Tây Ninh, ngày 30 tháng 12 năm 2017

BIÊN BẢN

Hôm nay , vào lúc 9 giờ, ngày 30 tháng 12 năm 2017
Tại: Ấp Thanh Tân, xã Tân Thành

I. Thành phần:
1.Đ/c: Phan Thái Kim Loan ..... Chức vụ: CB BGL GMS
2.Đ/c: Trần Anh Dũng ..... Chức vụ: hộ dân
3.Đ/c: ..... Chức vụ: .....

II. Nội dung làm việc:
Xác minh thông tin học nghề chăm sóc phục hồi sức

III. Đi vào làm việc:
Xác minh lại thông tin học nghề chăm sóc phục hồi sức trước đây! Qua đó thấy trung tâm học nghề kết hợp với chuyên gia nghề nghiệp, các dự án đã đến thăm cấp phát cây giống tham quan lớp đầu tiên khi về qua đó áp dụng chăm sóc.
Ý kiến của người dân: đề nghị thời gian tới nếu có lớp tiếp theo kêu gọi qua thăm quan lớp đầu tiên kết quả.

Biên bản kết thức lúc 9 giờ 30 cùng ngày, biên bản có đọc lại mọi người cùng nghe, đồng ý ký tên./.

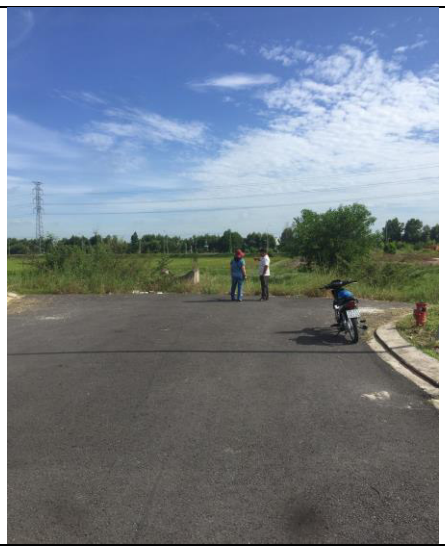
HỘ DÂN	GHI BIÊN BẢN
Dũng	Phan Thị Kim Loan
Trần Anh Dũng	

DANH SÁCH CÁC HỘ DÂN CHUYỂN HOẶC KHÔNG THAM GIA LIRP

STT	Họ và Tên	Hoạt động	Lý do	Ký tên
1	Nguyễn Thế Tài	Hình thành/Nâng cấp cơ sở kinh doanh nhỏ	Chuyển sang học lái xe	
2	Cao Thị Đắc	Hướng dẫn thực hành Chăn nuôi	hộ dân không học nữa vì lớn tuổi;	Đắc
3	Đặng Văn Phu	Hướng dẫn thực hành Chăn nuôi	hộ dân không học nữa vì lớn tuổi;	(Con)
4	Nguyễn Văn Giao	Hướng dẫn thực hành Chăn nuôi	hộ dân không học nữa vì lớn tuổi;	(Vợ)
5	Nguyễn Văn Khoa	Hỗ trợ cải tiến canh tác	Chuyển sang học lái xe	Khoa
6	Cao Văn Bữu	Làm giày (đăng ký 2 xuất)	Đã có công việc ổn định ko còn nhu cầu thực hiện	
7	Lê Thị Ánh	Làm giày	Đã có công việc ổn định ko còn nhu cầu thực hiện	Nguyễn Ngọc Quý (chồng)
8	Nguyễn Thị Bán	May mặc	hộ dân không còn nhu cầu học vì công việc bận rộn không có thời gian tham gia	Ni (chồng)

6.7. Appendix 7 – Field photos

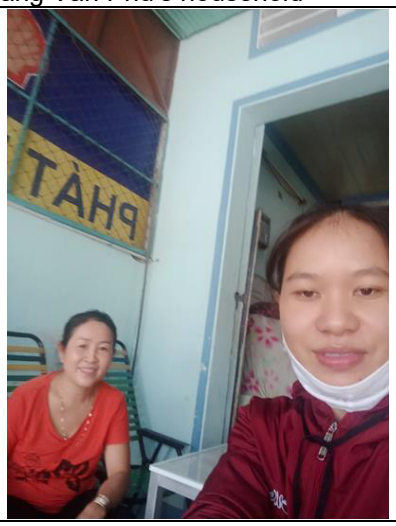
Pumping station no. 4 of five pumping stations of Moc Bai Wastewater Treatment Plant	Moc Bai urban wastewater treatment plant
Pumping station no. 3 of five pumping stations of Moc Bai Wastewater Treatment Plant	DD.11 road
DD.51 road	Water treatment plant
DN.1B road – Moc Bai border gate economic zone	



Consultant visiting the roads with the head of Loi Thuan commune

Interview with Dang Van Phu's household

Interview with Ha Van Ren's household



Interview with Pham Thi Thanh Thuy's household

Interview with Nguyen Thi Diep's household

6.8. Appendix 8 - Household survey questionnaire

HOUSEHOLD QUESTIONNAIRE

SOCIO-ECONOMIC ASSESSMENT OF RESETTLEMENT

GREATER MEKONG SUBREGION CORRIDOR TOWN DEVELOPMENT PROJECT

Questionnaire information:

Subproject Name: ____✍

Questionnaire code (QC): _____✍

Province: _____✍

District: ____✍

Commune: ____✍

A. GENERAL INFORMATION

A1. **Full name of household head:** _____ ✍

A2. **Type of impact on the household**:

Losing 10% or more of productive land/income-generating assets:	☐ 1
Losing less than 10% of productive land/income-generating assets:	☐ 2
Relocated:	☐ 3

A3. **Classification of the household (according to the communes' poor household books) and social policy beneficiary:**

Poor	☐1
Near-poor	☐2
Women-headed household with dependents:	☐3
Disabled household head	☐4
Household of single elderly people or children	☐5
Ethnic minority household	☐6
None of the above	☐7

A4. **Family members** (please note answering options in the section of answer codes in table below)

No	Full name	Sex	Relationship with the household head	Age	Ethnic group	Marital status	Education level	Occupation prior to the project	Current occupation	Reasons for switching jobs
1	Household head									
2	Respondent									
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
	Answer code: **Ethnic group** 1= Kinh 2= Xtieng 3= Tay 4= Nung 5= Khmer 6= Other (specify)___		**Relationship with the household head:** 1= Spouse 2= Parent 3= Biological children 4= In-law children 5= Grandchildren 6= Sibling/other			**Marital status:** 1=Married 2=Single 3=Divorced 4=Widowed		**Education level:** 0= Illiterate 1= Elementary 2= Secondary 3= High school 4= Intermediate and college 5= University and higher education 6= Other (specify)_____		**Sex:** 1= Male 2= Female
Occupation: 1= Agriculture (farming) 2= Livestock 3= Sales		4= Food services 5= Factory, workshop workers 6= Public officials and employees				7= Workers in private sectors 8= Workers in transportation 9= Pupils, students		10= Stay-at-home 11= Day workers 12= Other (specify)		

A5. **Average income of the household in the past year**:

Main sources of income	Income status (VND)	Increased/decreased 1= Increased 2= Decreased	Reasons for the increase/decrease
From salary (including day workers)		☐ 1; ☐ 2	
From agro-forestry-fishery		☐ 1; ☐ 2	
From husbandry		☐ 1; ☐ 2	
From business/services		☐ 1; ☐ 2	
Other (specify) ____✍		☐ 1; ☐ 2	

A6. **Can your household save every month?**

Yes ☐ 1 No ☐ 2

A7. **Is your family currently in debt?**

Yes ☐ 1 No ☐ 2

If yes, reasons for the loan: ✍ _____

_____

A8. **How is your household's current home different from that before land acquisition?** *(Check the box corresponding to your answer)*✓

Type of house	Before land acquisition	After land acquisition
1. Fortified house with a roof, one or multi-stories	☐	☐
2. Brick house, corrugated iron or fibro cement roof	☐	☐
3. Temporary house, corrugated iron, bamboo, leaf roof	☐	☐
4. No house, rent or staying at others Reason _____	☐	☐

B INFORMATION DISCLOSURE

B1a. **Were you informed of the project**?

Yes ☐ 1 No ☐ 2

B1b. **Who received the information**?

Male ☐ 1 Female ☐ 2 Both ☐ 3

B2. **What type of information did you receive?** (*choose multiple answer options*)

Project implementation time ☐1

General information about the project (capital source, investor) ☐2

Implementation time of procurement ☐3

Affected assets ☐4

Compensation policy ☐5

Complaints and settlement mechanism ☐6

Other (specify) ☐ 7✍ _____

_____

B3. **Source of information** (*choose multiple answer options)*

Provincial officials ☐1

District officials ☐2

Commune officials ☐3

Project officials ☐4

Construction unit ☐ 5

Loudspeaker ☐6

Another person ☐7

Community meeting ☐8

Other (specify) ☐ 9✍ _____

_____

B4a. **How satisfied are you with the information you receive**?

Satisfied ☐1

Not satisfied ☐2

Unknown/no opinion (skip to part C) ☐3

B4b. **Reasons for satisfaction/dissatisfaction**

_____✍

_____

B5a. **Do you need additional information**?

Yes ☐ 1 No ☐ 2

B5b. **If yes, which information**? _____✍

_____

C COMPENSATION AND SITE CLEARANCE

C1. **What are you affected by**?

Residential land ☐1

Agricultural/forestry land ☐2

Structures ☐3

Crops ☐4

House relocation ☐5

Other (specify): ____✍ ☐6

C2a. **What is your household's level of participation in the DMS**?

Household representative participated in the DMS ☐1

Checked assets in DMS ☐2

Signed DMS record ☐3

Kept copy of DMS record ☐4

Was not allowed to participate in the DMS [skip to C4] ☐5

Invited but the family did not participate [skip to C4] ☐6

C2b. **From the household, who was involved in the DMS listed above**?

Male ☐ 1 Female ☐ 2 Both ☐ 3

C3. **Satisfaction with the DMS.**

Very satisfied ☐1

Satisfied ☐2

Not satisfied ☐3

Unknown because of no participation ☐4

C4. **How do you assess the compensation rate for your affected assets at the time of compensation**? *1= Close to market price; 2= Acceptable; 3= Slightly lower; 4= Much lower*

Residential land price	☐ 1	☐ 2	☐ 3	☐ 4
Agricultural land price	☐ 1	☐ 2	☐ 3	☐ 4
Housing price	☐ 1	☐ 2	☐ 3	☐ 4
Tree/crop price	☐ 1	☐ 2	☐ 3	☐ 4
Unknown/no comment	☐ 1	☐ 2	☐ 3	☐ 4

C5a. **When do you receive compensation and support**?

Fully paid before handing over premises [skip to C5c] ☐1

Fully paid immediately after handing over premises [C5c skip to] ☐2

Partially paid, the rest is paid immediately after handing over premises [skip to C5c] ☐3

Paid but not accepted because of a complaint ☐4

C5b. **Reasons for not receiving compensation** ✍_____

_____

C5c. **From the household, who receives the compensation, support**?

Male ☐ 1 Female ☐ 2 Both ☐ 3

C6. **How satisfied are you with the compensation payment process**?

Very satisfied ☐1

Satisfied ☐2

Not satisfied ☐3

NA ☐4

C7. **Please indicate if the compensation and support you receive is sufficient to restore the affected assets and/or income at the time of compensation**

More than sufficient ☐1

Just enough ☐2

Slightly not sufficient ☐3

Significantly not sufficient ☐4

NA ☐5

PART D: FOR SEVERELY AFFECTED HOUSEHOLD (*Losing over 10% of the total active agricultural land and relocation*)

D1. **% of affected land area on total active land area**

10 - < 30% ☐ 1
30 - < 70% ☐ 2
> 70% ☐ 3

D2a. **Forms of compensation** (*choose multiple options*)

Land-for-land compensation (skip to E) ☐1

Cash compensation (skip to E) ☐2

Support for job change (skip to E) ☐3

Support for social policy beneficiaries (skip to E) ☐4

Support for livelihood stabilization (Transfer E) ☐5

Other support (specify): _____✍ ☐6

Not yet received ☐7

D2b. **Reason for not yet receiving compensation?**

_____✍

_____

_____

D3. **Recommendation for compensation**

_____✍

_____

_____

PART E: FOR RESETTLEMENT HOUSEHOLDS *(Only for affected households who have to relocate houses)*

E1. **Did you rebuild your home on the remaining land area or move somewhere else?**

On the household's remaining land ☐1

Relocate to the resettlement area ☐2

Move somewhere else ☐3

Other (specify)✍ _____

E2: **Is the compensation and support at the time of payment sufficient for you to rebuild a new home with a similar structure to the demolished house?**

More than sufficient ☐1

Just enough ☐2

Slightly not sufficient ☐3

Significantly not sufficient ☐4

Other (specify)✍ _____

E3: **What are the living conditions in your household's new home compared to the old one?** *1= better; 2= unchanged; 3= worse*

Criteria	Degree of change			Reason
Housing condition	☐ 1	☐ 2	☐ 3	
Environment, hygiene	☐ 1	☐ 2	☐ 3	
Clean domestic water	☐ 1	☐ 2	☐ 3	
Electricity	☐ 1	☐ 2	☐ 3	
Children's schooling conditions	☐ 1	☐ 2	☐ 3	
Conditions for medical examination and treatment	☐ 1	☐ 2	☐ 3	
Production, business, employment conditions	☐ 1	☐ 2	☐ 3	
Relatives, friends	☐ 1	☐ 2	☐ 3	
Integration with the new housing community	☐ 1	☐ 2	☐ 3	
Security, order	☐ 1	☐ 2	☐ 3	
Based on the above, general assessment on living conditions at the new place.	☐ 1	☐ 2	☐ 3	
NA	☐ 1	☐ 2	☐ 3	

E4. **When was the infrastructure of the resettlement area completed**?

Before building a house ☐1

While building a house ☐2

After building the house ☐3

Unfinished ☐4

Not yet built ☐5

E5. **Recommendation for compensation for relocated households**?

_____✍

_____

_____

F. GRIEVANCE AND COMPLAINTS

F1. **What questions do you have about the project**?

On project progress ☐1

On the DMS process ☐2

On the quantity of assets affected ☐3

On the amount of compensation ☐4

On the time of payment compensation ☐5

On the application of compensation rate/price list ☐6

Other (specify) ___✍ ☐7

No questions 8 (skip to part G) ☐8

F2. **In case of questions, who did you contact**?

Village/neighborhood leader ☐1

Commune/town officials ☐2

District/town/city officials ☐3

Provincial officials ☐4

DMS officer ☐5

Other (specify) ___✍ ☐6

F3. **How was your complaint resolved**?

Explanation by an official in-person ☐1

Explanation by meeting at committee ☐2

Added affected assets ☐3

Additional compensation ☐4

Unchanged ☐5

Unsolved ☐6

Other (specify) ____✍ ☐7

F4a. **How satisfied are you with the settlement of grievance and complaints**?

Satisfied ☐1

Not satisfied ☐2

F4b. **Reasons for satisfaction/dissatisfaction**?

_____

_____

_____

PART G: AFFECTED PERSONS' SATISFACTION LEVELS IN TERMS OF COMPENSATION, SUPPORT AND RESETTLEMENT

G1. **Please indicate your level of satisfaction with the implementation of compensation, support and resettlement by the project** (*choose multiple answer options*)

1= Very satisfied; 2= Satisfied; 3= Acceptable; 4=Dissatisfied; 5= Very dissatisfied

No.	Description	Level of satisfaction				
1	Information disclosure and consultation with affected persons	☐1	☐ 2	☐ 3	☐ 4	☐5
2	DMS	☐1	☐ 2	☐ 3	☐ 4	☐5
3	Compensation price for residential land	☐1	☐ 2	☐ 3	☐ 4	☐5
4	Compensation price for agricultural land	☐1	☐ 2	☐ 3	☐ 4	☐5
5	Compensation price for houses/structures	☐1	☐ 2	☐ 3	☐ 4	☐5
6	Compensation payment	☐1	☐ 2	☐ 3	☐ 4	☐5
7	Resettlement area	☐1	☐ 2	☐ 3	☐ 4	☐5
8	Grievance and complaint settlement	☐1	☐ 2	☐ 3	☐ 4	☐5
9	Supports for income restoration	☐1	☐ 2	☐ 3	☐ 4	☐5
10	Coordination between relevant agencies in the implementation of compensation	☐1	☐ 2	☐ 3	☐ 4	☐5
11	Monitoring the implementation of compensation, support, and resettlement by relevant agencies	☐1	☐ 2	☐ 3	☐ 4	☐5

G2. **Based on your answers in section 1 to 11, please indicate a general assessment of your satisfaction with the project's compensation**

Very satisfied ☐1

Satisfied ☐2

Acceptable ☐3

Dissatisfied ☐4

Very dissatisfied ☐5

_____

_____

_____

PART H: LEVEL OF LIVELIHOOD RESTORATION AND THE PROJECT'S IMPACT ON AFFECTED HOUSEHOLDS

H1. **How do you reckon changes compared to the time before land acquisition?** (*1=better; 2= unchanged; 3= worse; 4= NA*)

Criteria	Degree of change				Reason
Living conditions	☐ 1	☐ 2	☐ 3	☐ 4	
Income	☐ 1	☐ 2	☐ 3	☐ 4	
Employment	☐ 1	☐ 2	☐ 3	☐ 4	
Commute conditions	☐ 1	☐ 2	☐ 3	☐ 4	
Cultural exchange	☐ 1	☐ 2	☐ 3	☐ 4	
Production conditions	☐ 1	☐ 2	☐ 3	☐ 4	
Product consumption	☐ 1	☐ 2	☐ 3	☐ 4	
Business/services	☐ 1	☐ 2	☐ 3	☐ 4	
Children's schooling conditions	☐ 1	☐ 2	☐ 3	☐ 4	
Security and order	☐ 1	☐ 2	☐ 3	☐ 4	
Environmental pollution	☐ 1	☐ 2	☐ 3	☐ 4	
Based on the above, provide a general assessment of the household's life after the project	☐ 1	☐ 2	☐ 3	☐ 4	

H2. **Recommendations for the project.**

_____ ✍

_____

_____

_____

PART I: SECTION ONLY FOR ETHNIC MINORITY HOUSEHOLDS

I 1**.** Which following activities of the project could you participate in?

Meeting to disseminate information on projects specifically for ethnic minorities ☐1

Participating in vocational training courses, introducing jobs ☐2

Participating in HIV/AIDS propaganda/training sessions ☐3

Participating in the impact on common property/cultural works of the community ☐4

Hired to work in the construction packages of project ☐5

Receiving preferential policies on credit, tax, etc. ☐6

Other (specified) __ ✍

Thank you very much for taking the time to answer our questions!