

# Resettlement Policy Framework

---

February 2014

## Viet Nam: Ha Noi and Ho Chi Minh City Power Grid Development Sector Project

Prepared by Ha Noi Power Corporation and Ho Chi Minh City Power Corporation for the Asian Development Bank.

## ABBREVIATIONS

ADB	Asian Development Bank
CARC	Compensation, Assistance and Resettlement Committee
CCARB	City Compensation and Resettlement Board
CPC	Commune People's Committee
CityPC	City People's Committee
DCARC	District Compensation, Assistance and Resettlement Committee
DMS	Detailed Measurement Survey
DPC	District People's Committee
EMA	External Monitoring Agency
EVN HANOI	Hanoi Power Corporation
EVN HCMC	Ho Chi Minh City Power Corporation
EVN	Electricity of Viet Nam
HCMC	Ho Chi Minh City
IOL	Inventory of losses
km	kilometer
LURC	Land use rights certificate
ODA	Official Development Assistance
PIB	Public information booklet
PMB	Project Management Board
PPMB	Power Project Management Board
RCS	Replacement Cost Survey
REMDP	Resettlement and Ethnic Minority Development Plan
RoW	Right-of-Way
RPF	Resettlement Policy Framework
SES	Socio-Economic Survey
SPS	Safeguard Policy Statement
UGC	underground cable

## ELECTRICAL TERMINOLOGY

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

**NOTE**

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

This resettlement planning framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

## TABLE OF CONTENTS

1.0	Introduction	5
	1.1 Description of the Non-Core Projects	5
	1.2 Description of future subprojects	6
	1.3 Sub-Projects Screening for Categorisation	6
	1.4 Anticipated Involuntary Resettlement and Ethnic Minority Impact of the Project	7
	1.5 Involuntary Resettlement and Ethnic Minority Impact of Non-Core Subprojects	8
	1.6 Objective of Resettlement Planning Framework	8
2.0	Objectives, Policy Framework, and Entitlements	8
	2.1 Asian Development Bank Policy	8
	2.2 Regulations of Viet Nam Government on Resettlement and Ethnic Minorities	11
	2.3 Subproject principles	15
	2.4 Subproject Entitlements	16
	2.4.1 Eligibility	16
	2.4.2 Entitlements	16
3.0	Socio-Economic Information	28
	3.1 Census and Inventory of Loss (IOL)	28
	3.2 Socio-Economic Survey (SES)	28
	3.3 Social Impact Assessment	28
	3.4 Issues related to Ethnic minorities	29
	3.5 Gender Consideration	30
	3.6 Replacement Cost Study (RCS)	30
4.0	Consultation, participation and Information disclosure	31
	4.1 Public Participation and Consultation	31
	4.2 Consultation with Ethnic Minorities	33
	4.3 Disclosure	33
	4.4 Preparation and Submission of Subproject Resettlement plan	34
5.0	Compensation, Income Restoration and Relocation	34
	5.1 Relocation Strategy	34
	5.2 Income Restoration Strategy	35
6.0	Grievance Redress Mechanisms	35
7.0	Institutional Arrangements and Implementation	36
	7.1 Institutional Arrangements	36
	7.1.1 Institutional Features at Central level	36
	7.1.2 Institutional Features at City Level	37
	7.1.3 District, Ward and Commune Levels	37
	7.2 Implementation	38
8.0	Budget and Financing	40
	8.1 Budget and Financing	40
	8.2 Estimated Budget for Resettlement plan	40
9.0	Monitoring and Reporting	40
	9.1 Monitoring and Reporting	40
	9.2 Internal Monitoring	40
	9.3 Independent External Monitoring	41
	Annex 1 Ethnic Minority Impact Screening Checklist Table	42
	Annex 2 Sample Project Information Booklet (PIB)	44
	Annex 3 List of Non- Core Projects	47
	220 kV Cat Lai - Tan Cangtx	48
	Annex 4 Maps of Project Areas in Ha Noi and Ho Chi Minh City	50

## Definition of Terms

<b>Affected Persons</b>	Refers to any person or persons, household, firms, or public or private institutions who on account of a development project would have their: (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement. affected persons therefore include: (i) persons affected directly by the right-of-way (RoW) or construction work area; (ii) persons whose agricultural land or other productive assets such as trees, standing crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to the project impact; (iv) persons who lose work/employment as a result of project impact; and (v) people who lose access to community resources/property as a result of the project.
<b>Cut-off date</b>	This refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorised as displaced person. In this project, the cut-off date will coincide with the period of the census of affected persons and the inventory of losses (IOL) that will be conducted based on feasibility design documents. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey (DMS).
<b>Detailed Measurement Survey (DMS)</b>	With the aid of the approved detailed engineering design, this activity involves the finalisation and/or validation of the results of the IOL, severity of impacts, and list of affected persons earlier done during resettlement plan preparation. The final cost of resettlement can be determined following completion of the DMS.
<b>Displaced Persons</b>	Per ADB's 2009 Safeguard Policy Statement, displaced persons in a project area could be of three types: (i) persons with legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such land that are recognised or recognisable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognised or recognisable claims to such land.
<b>Entitlements</b>	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the affected persons, depending on the type and severity of their losses, to restore their economic and social base.
<b>Meaningful Consultation</b>	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
<b>Inventory of loss</b>	Is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the project RoW are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the

	affected assets and the severity of impact to the livelihood and productive capacity of affected persons will be determined.
<b>Land acquisition</b>	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
<b>Replacement cost</b>	The term used to determine the value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.

## 1.0 Introduction

1. This Resettlement Policy Framework (RPF) prepared by Vietnam Electricity (EVN) in consultation with the Asian Development Bank (ADB) provides the procedures and key involuntary resettlement and ethnic minority principles that will govern all the work items of projects financed under the HaNoi and Ho Chi Minh City Power Grid Development Sector Project, regardless of the financing sources. The framework is based on the provisions of the policy and legal framework of the Government of Viet Nam and ADB (ADB Safeguard Policy Statement [SPS] 2009 Safeguard Requirements 2 and 3 and cross-cutting policy themes on social development included in the Operation Manual Section F1/OP issued on 4 March 2010).

2. The RPF combines the resettlement and ethnic minority issues together and is developed on the basis of the government's policies and ADB SPS (2009) allowing for involuntary resettlement and indigenous peoples' (ethnic minority) issues to be addressed in a combined document if this is considered necessary based on the assumption that there might be some ethnic minority affected persons especially in peri-urban areas of Ho Chi Minh City (HCMC). The government will cause EVN to ensure that the future resettlement plans will be prepared and implemented following the principles established by this framework.

### 1.1 Description of the Non-Core Projects

3. Hanoi Power Corporation (EVN HANOI) has proposed a list of 20 non-core subprojects. Most of these proposed subprojects will entail the construction of new 110 kilovolt (kV) substations and associated transmission lines. Four of these proposed subprojects involve the upgrading and renovation of existing substations and one project to string a 220 kV transmission line. Ho Chi Minh City Power Corporation (EVN HCMC) has proposed a list of 9 non-core projects. They include two subprojects for new 220 kV substations and associated transmission lines and seven subprojects for new 110 kV substations and associated transmission lines. There are no non-core subprojects proposed by EVN HCMC for renovation or upgrading of existing substations and transmission lines. The full list of these non-core subprojects is included in Appendix 3.

4. The subprojects will also finance non-physical actions including (i) consulting services for (a) procurement, construction supervision and management, and implementation of social safeguards; and (b) on the job-training for preparing and implementing resettlement and ethnic minority development plans, environmental impact assessments and management plans for subsequent financing tranches; (ii) an independent monitoring agency to monitor effective implementation of social safeguards if this is deemed necessary by the ADB based on the performance of the executing agency/ies; and (iii) an independent monitoring consultant as a third-party member for the review of draft bidding documents and to participate in the evaluation of bids and thus, guarantee that affiliation of an eligible bidder with Ministry of Industry and Trade (MOIT)/EVN does not affect the integrity and fairness of the competitive bidding process.

5. **Location.** All non-core subprojects proposed by EVN HANOI and EVN HCMC are located in peri-urban and urban areas of both cities and do not involve impacts beyond the administrative and geographic boundaries of either cities (See Appendix 4 for locations).

6. **Impacts and estimated cost:** For Ha Noi the potential impacts are limited for the core projects are limited to the new 110 kV Noi Bai Airport Substation. There are 57 affected households, 217 affected persons (104 of whom are females), one poor and vulnerable affected household and eight affected households who will lose more than 10% of their productive assets. For the other three core projects of EVN HANOI, there are no involuntary resettlement impacts at this stage but a brief resettlement plan based on the RPF has been prepared in case detailed design generates involuntary resettlement impacts. In HCMC, the new 220 kV District 8 Substation will affect one business which leases land owned by a state enterprise. Through this change, 25 people will lose their jobs, of which three are women. The new 220 kV transmission line and underground cable connecting Binh Chanh Substation with District 8 Substation will affect ten households. These 10 households represent 42 people, of whom 18 are women. One affected household will lose more than 10% of their productive assets and one household will partially lose their physical structures (four of the affected households are poor and vulnerable). The 110 kV underground cable in Tham Luong will affect two households; a total of 13 people, 6 of whom are women. Tham Luong Substation will affect one government entity (Center for Land Development Fund) through land acquisition.

7. **Beneficiaries.** The financed subprojects will expand the country's transmission network. The power transmission network expansion will contribute to improving system reliability and quality of electricity supply to industrial, commercial, and residential consumers in the northern and southern region of Viet Nam. It will (i) facilitate power transfers; (ii) remove transmission bottlenecks; and (iii) reduce transmission losses and voltage fluctuations. Developing an efficient and reliable power sector is essential to sustaining economic growth, to increase employment and income generating opportunities. Improving the efficiency of power transfers will also contribute to the government's climate change mitigation efforts and will facilitate the development of a competitive power market by attracting investments from domestic and foreign Independent Power Producers. In addition, the subprojects will benefit from EVN HANOI and EVN HCMC and its Power Project Management Boards (PPMBs) in facilitating timely subproject implementation. Based on the constraints identified, external consultants will be engaged to support and complement the staff in EVN and the PPMBs with activities involving (i) procurement; (ii) construction, supervision and management; (iii) implementation of social safeguards measures; and (iv) on the job-training to effectively prepare and implement social safeguards measures for subsequent financing tranches.

## 1.2 Description of future subprojects

8. Future subprojects to be funded under the project will be based on the requirements of EVN HANOI and EVN HCMC to be approved by ADB. Detailed work will be completed to prepare future subprojects including preparation of safeguard documentation.

9. **Impacts and estimated cost:** The total impact on land for these subprojects is difficult to estimate but based on the core projects it is estimated that upwards of 300,000 square meters (30 hectares) will be acquired. The total estimated cost for resettlement for these subprojects is estimated at VND 420,000,000 (US\$ 20,000,000).

## 1.3 Sub-Projects Screening for Categorisation

10. Subprojects will tentatively be classified during the initial screening of anticipated impacts and risks, and this classification will be reconfirmed at the stage of ADB management review meeting. However, classification is an on-going process, and the classification will be reviewed as more detailed information becomes available and project processing proceeds

11. The subproject's involuntary resettlement category is to be determined by the category of its most sensitive component in terms of involuntary resettlement impacts. The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan are commensurate with the significance of the potential impacts and risks.

12. In case of likely impacts on ethnic minority peoples, early screening of the subproject and its components is critical to determine (i) whether ethnic minorities are present in, or have collective attachment to the project area; and (ii) whether project impacts on ethnic minorities are likely. ADB, in discussion with the executing agency, will carry out screening of the project component and indigenous people/ethnic minority categorisation at the earliest possible stage of preparation. (Refer to Annex 1 Sample Screening Checklists).

13. Each component of the project is to be categorised in terms of its potential impacts on ethnic minorities as follows as per ADB OM Section F1/OP issued on 4 March 2010 Page 3:

- (i) **Category A.** A proposed component is classified as category A if it is likely to have significant (positive or negative) impacts on ethnic minorities. An EMDP or REMDP, including assessment of social impacts, is required.
- (ii) **Category B.** A proposed component is classified as category B if it is likely to have limited impacts (positive or negative) on ethnic minorities. An EMDP or REMDP, including assessment of social impacts, is required.
- (iii) **Category C.** A proposed component is classified as category C if it is not expected to have impacts on ethnic minorities. No further action is required.
- (iv) **Category FI.** A proposed component is classified as category FI if it involves the investment of ADB funds in, or through, a financial intermediary. This category is not expected to be relevant to this Energy Sector project.

14. However, for this project it has been agreed that only subprojects that can be classified as Category B or C will be approved.

15. The Initial Poverty and Social Analysis (IPSA) for the subprojects will flag the social dimensions of each of the proposed sub-projects and categorise them according to their impacts on involuntary resettlement, ethnic minorities and other social safeguards. If the component is assessed as Category B or C (i.e., any impact on ethnic minorities), then a social impact assessment (explained in following chapter) will be conducted during the project feasibility/design. This may be done as part of the feasibility study or as a standalone activity.

#### **1.4 Anticipated Involuntary Resettlement and Ethnic Minority Impact of the Project**

16. Based on the involuntary resettlement impacts for the core projects for which resettlement plans have already been prepared only where new transmission lines are strung or underground cables laid are there likely to be a range of impacts or where land needs to be acquired for new substations. It is therefore estimated that an upper limit for subprojects with overhead transmission lines (either 110 kV or 220 kV) would be 50 households but a more likely average would be 10 to 15 affected households. Of these affected households no more than 15% would be severely impacted upon: that is losing more than 10% of their income-generating productive assets. Ethnic minority impacts are likely to be very minimal with more than likely none for Ha Noi and a very small number for HCMC.

17. The IOL carried out for the core projects did not identify any affected persons requiring physical displacement. The city government of Ha Noi further confirmed that there are no ethnic minority people residing in the subproject areas but in Ho Chi Minh it was confirmed that there are a small number that might be affected by the proposed non-core subprojects. If required proposed non-core subprojects that affect ethnic minority people will be reclassified but unless they are severely affected (losing 10% or more than of their income-generating productive assets) the non-core subprojects will be classified as Category C.

18. Whereas designers will take care to minimise the amount of land required for the project, construction of these works will require some land to be acquired. Construction is also likely to cause some disruptions to the existing population as a whole, the temporary impacts are to be assessed and made eligible for compensation.



## **1.5 Involuntary Resettlement and Ethnic Minority Impact of Non-Core Subprojects**

19. If unanticipated involuntary resettlement impacts are found during project preparation and or implementation, such as ethnic minority population to be affected the executing agency/ies will explore to the maximum extent possible alternatives to physical displacement but because of the location of these groups the same caveat applies to non-ethnic minority affected persons. Ethnic minority concerns will be addressed as specific ethnic minority actions in any resettlement plan. They will be designed to meet all relevant requirements specified under Safeguard Requirements 3.

## **1.6 Objective of Resettlement Planning Framework**

20. This RPF prepared by EVN in consultation with ADB provides the procedures and key involuntary resettlement and ethnic minority principles that will govern all the work items of subprojects financed under the Ha Noi and Ho Chi Minh Power Grid Development Sector Project, regardless of the financing sources, and implementation based on the provisions of the policy and legal framework of the Government of Viet Nam and ADB (ADB SPS 2009 Safeguard Requirements 2 and 3 and cross-cutting policy themes on social development included in the OM Section F1/OP issued on 4 March 2010).

21. The RPF will concern all the subprojects under this investment programme and adheres to the objectives of the following safeguards principles which are:

- (i) Avoid adverse impacts of subprojects on the environment and affected people, where possible;
- (ii) Minimise, mitigate, and/or compensate for adverse subproject impacts on the environment and affected people when avoidance is impossible; and
- (iii) Develop the capacity to manage the social risks.

22. The resettlement plan will be translated into Vietnamese and distributed to the central and local agencies, affected households, and other individuals responsible for subproject preparation and implementation. It will also be submitted to the ADB for review and approval. The resettlement plan will be publicly disclosed on ADB's website.

23. During the preparation of subprojects the executing agency/ies will explore to the maximum extent possible alternative subproject designs to avoid severe economic displacement (lose 10% or more of income-generating productive assets) of ethnic minority people that will result in adverse impacts on their identity, culture, and customary livelihoods although as the ethnic minority groups (primarily the Khmer in peri-urban areas of Ho Chi Minh City) have livelihoods similar to the Kinh this project is unlikely to have more than minimal impacts on their livelihoods that it would not have on these other lowland groups and hence the issues are not the same as those that apply to upland ethnic minority groups still residing in their traditional habitats. Nevertheless in consultation with the ADB ethnic minority specific actions that meet all relevant requirements specified under ADB SPS Safeguard Requirements 2 and 3 will be included in such a resettlement plan.

## **2.0 Objectives, Policy Framework, and Entitlements**

### **2.1 Asian Development Bank Policy**

24. The new ADB SPS (2009) consolidates three existing safeguard policies: involuntary resettlement, ethnic minorities, and environment. The objectives of the involuntary resettlement policy are:

- (i) To avoid involuntary resettlement wherever possible;
- (ii) To minimise involuntary resettlement by exploring subproject and design alternatives;

- (iii) To enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-subproject levels; and,
- (iv) To improve the standards of living of the displaced poor and other vulnerable groups.

25. Involuntary resettlement covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas - regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary. Moreover, the Policy also applies to associated facilities funded through other sources and involuntary resettlement actions conducted by the borrower/client in anticipation of ADB support.

26. In case of ethnic minority population affected, the overall objectives will be: (i) minimise and mitigate project impact on the livelihoods of ethnic minority people in the area affected by the project; and (ii) ensure that the process of project implementation fosters full respect for the dignity, human rights and cultural uniqueness of ethnic minorities in the project affected area, and takes into account their development needs and aspirations

27. Subprojects financed by ADB, including associated facilities that are financed by the government or other sources, are expected to observe the following policy principles:

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with displaced persons, host communities, and concerned non-government organisations. Inform all displaced persons of their entitlements and resettlement options and ensure their participation in various stages of the subproject especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation, assistance at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation, assistance at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of subproject benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women head of households, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognisable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.

- (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose both the draft and final resettlement plan in a form and language understandable to displaced persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development subproject or programme. Include the full costs of resettlement in the presentation of subproject's costs and benefits. For a subproject with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the subproject as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout subproject implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.
- (xiii) In case of Indigenous people/Ethnic Minority population, undertake meaningful consultations with affected ethnic minority Peoples communities and concerned ethnic minority Peoples organisations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimise, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected ethnic minority Peoples communities in a culturally appropriate manner. To enhance ethnic minority Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the ethnic minority Peoples' concern.
- (xiv) Ascertain the consent of affected ethnic minority Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of ethnic minority Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of ethnic minority Peoples. For the purposes of policy application, the consent of affected ethnic minority Peoples communities refers to a collective expression by the affected indigenous Peoples communities, through individuals and/or their recognised representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.
- (xv) Continue consultation with the affected ethnic minority Peoples communities during project implementation; specifies measures to ensure that ethnic minority Peoples receive culturally appropriate benefits; identifies measures to avoid, minimise, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.

28. Calculation of full replacement cost will be based on the following elements: (i) fair current market value at the time of compensation; (ii) transaction costs; (iii) interest accrued; (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, depreciation of structures will not be taken into account. It is expected that qualified and experienced experts will undertake the valuation of acquired assets<sup>1</sup>.

29. Persons or households without formal legal rights nor recognised or recognisable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as

---

<sup>1</sup>Refer to Appendix 2 (Involuntary Resettlement) and Appendix 3 (Indigenous People), Safeguards Policy Statement, June 2009, ADB.

dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

## **2.2 Regulations of Viet Nam Government on Resettlement and Ethnic Minorities**

30. The Constitution of the Socialist Republic of Viet Nam (2013) confirms the right of citizens to own and protect the ownership of a house. In addition, the Government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation, assistance and resettlement. The principal documents include the Law on Land of 2003, providing Viet Nam with a comprehensive land administration law; Decree N° 197/2004/ND-CP, on compensation, assistance and resettlement in the event of land recovery by the State, Decree N° 17/2006/ND-CP amending and supplementing a number of articles of the Decrees guiding the implementation of the Land Law and Decree No. 187/2004/ND-CP on transformation of state companies into joint-stock companies; Decrees N° 188/2004/ND-CP and 123/2007/ND-CP, Decree N° 84/2007/ND-CP specifying the methods for land pricing and land price frameworks in the event of land recovery by the State and Decree N° 69/2009/ND-CP dated 13 August 2009 providing additional guidelines on land use, compensation, assistances and resettlement.

31. Laws, decrees and decisions relevant to public disclosure of information include the Law on Land, N° 13/2003/QH11, Article 39, requiring disclosure of information to the displaced persons prior to recovery of agricultural and non-agricultural lands of a minimum of 90 and 180 days minimum respectively. Ministry of Natural Resources and Environment also issued Circular N° 14/2009/TT-BTNMT on the allocation of new residential land or a resettlement house or monetary compensation for displaced persons that need to relocate and the People's Committees as the authorized level to determine whether certain structures built after 1 July 2004 violated approved land use.

32. Decrees relevant to Detailed Regulations and Guidelines on some articles implementation in Electricity Law on safety protection for high voltage power network. That is Decree N°106/2005/ND-CP by GOV, date on 17 August 2005 and Decree N°81/2009/ND-CP dated 12 October 2009 by GOV on amendment and adjustment some articles of Decree N° 106/2005/ND-CP dated 17 August 2008.

33. At the local level, the cities have issued a City Decision complying with Decree 69/2009/ND-CP and other legal documents relevant to planning and implementation of resettlement at the city level. The City Decision stipulates that compensation for land shall be calculated at the market rate following the provincially/city regulated price-frame, which is issued each January, and provides for assistance/allowances for relocation, livelihood and production stabilisation as well as occupational training and other changes.

34. There is basic congruence between Viet Nam's laws and ADB's Resettlement Policy especially with regard to the entitlement of persons with legal rights/titles. Existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation, assistances for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) Assistance to livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.

35. In the case of Viet Nam, there is a high degree of consistency between the Vietnamese definition of ethnic minorities and ADB's definition of Indigenous People. The main point of divergence is that, in the case of ADB's policy, a group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage. National legislation, customary law, and any international conventions to which Viet Nam is a party are taken into account for application of the ADB policy.

36. The Indigenous People's safeguards of the ADB's SPS 2009 focus on the following points:
- (i) The consent of affected ethnic minority communities must be obtained for three types of activities: displacement from traditional or customary lands; Commercial development of the cultural resources and knowledge of ethnic minority and Physical Commercial development of natural resources within customary land under use
  - (ii) Greater stress is placed on culturally appropriate measures, and gender and intergenerational considerations.
  - (iii) Use of qualified and experienced experts.
  - (iv) The conduct of consultation, social impact assessment, EMDP, monitoring and grievance redress will be commensurate with the nature of the project and the scale of impacts on ethnic minorities.
  - (v) When the borrower/client and the affected ethnic minorities have major disagreements, the borrower/client will adopt "good faith" negotiations in resolving those disagreements.
  - (vi) If there is not broad community support for the project then it will not go ahead.

37. However, ADB Policy does not consider the absence of legal rights of affected persons on the acquired land as an impediment to receiving compensation for other assets and for rehabilitation assistance. Non-registration of an affected person business also does not bar them from being assisted in restoring their business. Key differences between ADB Resettlement Policy and Viet Nam's resettlement legislation, including measures to address the differences, are outlined in the table below.

**Table 2-1 : Discrepancies between Decree 197/2004/ND-CP, Decree 69/2009/ND-CP and ADB SPS**

	<b>197/2004/ND-CP, 69/2009/ND-CP</b>	<b>ADB SPS 2009</b>	<b>Subproject Policy</b>
<b>Severely impacted affected persons losing productive land</b>	<b>Decree 69, Art 20:</b> For significantly impacted affected persons, livelihood restoration measures cut in when affected persons loses at least 30% of productive agriculture land.	The involuntary resettlement impacts of an ADB-supported subproject are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	Losing 10% or more of the household's assets shall be considered as threshold.
<b>Affected persons without LURC</b>	<b>Decree 69: Article 23:</b> Persons whose main income is derived from agricultural production whose land is acquired by the Government and cannot satisfy LURC and compensation conditions stipulated in Article 8 of Decree N° 197/2004/ND-CP and Articles 44, 45 and 46 of Decree N° 84/2007/ND-CP will be referred to the City/ Provincial Peoples' Committee for consideration of the level of assistance to be provided in conformity with the locality's actual conditions	Those affected persons without legal title to land will be included in consultations. Ensure that affected persons without titles to land or any recognisable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses.	Subproject affected people, without legal or recognisable legal claims to land acquired, will be equally entitled to participation in consultations and subproject benefit schemes where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-subproject living standards and income levels.
<b>Compensation for lost land</b>	<b>Article 9, Decree 197:</b> The compensation rates for land shall be determined by the CityPC/ City PC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition. <b>Decree 69, Art 11, Art 16:</b> Compensation is land for same-use land or if not available the affected persons can be compensated in cash based upon the market transfer price of such land at the time of the decision to acquire. Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land use plan approved by the authorities. If not, compensation only for improvements on that land.	Land based livelihoods restoration based upon land based strategies where possible, or cash compensation at replacement value provided loss of land does not undermine livelihoods for those with legal rights to land. Provide adequate and appropriate replacement land. If land not available non-land based options built around opportunities for employment, self-employment should be provided in addition to cash compensation for land and non-land assets lost.	Where appropriate land-based compensation is not viable, replacement cost surveys will be carried out by the subproject staff to ensure that subproject rates for all categories of loss will be equivalent to replacement cost at current market value. This work will be updated at the time of compensation and will combined with other assistance and livelihood restoration measures to ensure full restoration and improvements.  Provided displaced persons has legal or recognisable claim, compensation will be for full amount of land acquired.  Based on the ADB SPS 2009 land-for-land compensation strategy is mandatory in the case

	197/2004/ND-CP, 69/2009/ND-CP	ADB SPS 2009	Subproject Policy
			of involuntary resettlement impact on Ethnic Minorities.
<b>Differences between compensation rates and market rates</b>	<b>Dec 69 Art 14(2):</b> If compensation is through new land or allocation of land at a resettlement area or by housing and the replacement is valued at less than the land acquired, the price difference will be paid in cash. <b>Dec 69 Art 14(2a)</b> If replacement residential land or the amount compensated to purchase a replacement house is more than the actual replacement cost, the affected persons still receives the full amount. <b>Dec 69 Art 14(2b)</b> if the compensated amount is less than the replacement residential land and house the affected persons will pay the difference themselves except for cases covered by Art 19 (1) - this will not apply to (poor) affected persons who will be assisted by the State. If the affected persons do not receive land or house at the resettlement site the affected persons will receive the cash difference.	Provide physically and economically affected persons with needed assistance including i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of affected persons economically and socially into host communities, ii) transitional support and development assistance such as land development, credit facilities, training or employment opportunities, and, iii) civil infrastructure as required.	Physically displaced (relocated) affected persons are to receive relocation assistance, secured tenure to relocated land, with comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.
<b>Compensation for registered businesses</b>	<b>Articles 26, Decree 197:</b> Only registered businesses are eligible for assistance. <b>Decree 69 Art 20 (2)</b> if business must be suspended affected persons is compensated with max 30% of after tax income in one year, averaged over last 3 years as certified by Tax Dept.	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.	Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.
<b>Compensation for non-registered businesses</b>	<b>Decree 69</b> only recognises formal registered businesses as entitled to compensation for lost income based upon Tax Office records	No distinction between registered or non-registered businesses in regards to compensation entitlement for lost income and other assistance.	The DPC must certify that the affected persons has a business in current operation and approve the level of lost income.
<b>Monitoring</b>	No monitoring indicators indicated	Monitoring indicators specified for internal and external monitoring and reporting	The executing agency/ies must appoint an independent external monitor and undertake internal monitoring according to the critical indicators.

38. It should also be noted that as per Decree N° 197/2004 (i) Article 1, Item 2 states that for subprojects financed from Official Development Assistance (ODA), if the compensation, assistance and resettlement required by the financiers are different from Decree 197/2004/ND-CP, before signing the international loan agreement, the subproject owner must report to the Prime Minister for his considerations and decision. Article 32 of this Decree also states that "Apart from the supports prescribed in Articles 27, 28, 29, 30 and 31, basing themselves on the local realities, the provincial-level People's Committee presidents shall decide on other supporting measures to stabilise life and production of persons who have land recovered; special cases shall be submitted to the Prime Minister for decision."

## 2.3 Subproject principles

39. To address the discrepancies between ADB SPS and relevant GOV regulations as described in the table above, the subproject principles on resettlement policy are as follows:

- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimised where possible by exploring all alternative options.
- (ii) Compensation and assistance will be based on the principle of replacement cost at the time of implementation.
- (iii) Severely affected households are considered when losing 10% or more of their productive assets.
- (iv) Displaced persons without title or any recognisable legal rights to land are eligible for compensation for non-land assets at replacement cost.
- (v) Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to displaced persons.
- (vi) Meaningful consultation will be carried out with the displaced persons and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the affected persons and communities will be taken into account.
- (vii) The RPs will be disclosed to affected persons in a form and language(s) understandable to them
- (viii) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- (ix) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- (x) Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- (xi) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the subproject.
- (xii) Resettlement transition stage should be minimised. Restoration measures will be provided to displaced persons before the expected starting date of construction in the specific location.
- (xiii) Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during subproject implementation and by the Project Management Board.
- (xiv) Reporting and independent monitoring (independent monitoring of subprojects will be at the discretion of the ADB if it is not satisfied with the implementation of the RPs) should be defined clearly as part of the management system of resettlement. Independent assessment of the duration and results of the land recovery should be carried out.
- (xv) EVN HANOI and EVN HCMC will not issue notice of possession to contractors until it is officially confirmed in writing that (i) payment has been fully disbursed to the displaced persons and rehabilitation measures are in place; (ii) already-compensated, assisted displaced persons have cleared the area in a timely manner; and (iii) the area is free from any encumbrances. The satisfactory resettlement to be ascertained by the independent monitor before start of the civil works.



- (xvi) Cut-off date is the date of completing DMS for which land and/or assets affected by the subproject are inventoried.

## **2.4 Subproject Entitlements**

### **2.4.1 Eligibility**

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

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

### **2.4.2 Entitlements**

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

43. The unit rates or amount for allowances indicated in the entitlement matrix can be adjusted during resettlement plan updating to reflect actual situation at the time of implementation. However, the adjusted amounts and unit rates cannot be lower than the provisions in the entitlement matrix. Below is the entitlement matrix that should be followed for the items affected only within the subprojects when preparing the resettlement plan.

**Table 2-2 : Entitlement Matrix**

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

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

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	No suitable replacement land available	OR Cash compensation at replacement cost at current market prices for entire landholding, if remaining holding is not viable.	
	Affected landholding located in urban, peri-urban or rural residential area, as per approved land use plan	a/ Cash compensation at replacement cost for affected land; and  b/ Additional cash allowance equal to 20 percent of the agricultural land value but the supported area is not exceeding 5 (five) times of the land quota in the locality.	Implemented by DCARCs Decided by DPCs
	Affected land lying intermixed with residential areas but un-certified as residential land; pond and garden land lying the same area containing residential houses along canals and along transportation lines.	a/ Cash compensation at replacement cost for affected land; and  b/ Additional cash allowance equal to 40 percent of the agricultural land value but the supported area is not exceeding 5 (five) times of the land quota in the locality.	Implemented by DCARCs Decided by DPCs
	Affected landholding is under dispute.	Compensation (for land and all non-land affected assets on the affected land) held in escrow account until land dispute is resolved.	Implemented by DCARCs Decided by DPCs
User with lease or temporary rights	Any impacted items	Cash compensation equivalent to 30 percent of replacement cost for affected land;  OR, Cash compensation for loss of net income for the remaining leased or assigned period, whichever is higher.	Preceding note on viability of remaining (unaffected) portion of plot also applies  Implemented by DCARCs
Non-titled user	Any impacted items	a/ No compensation but to be supported for affected land at the same compensation price for the land with lowest position in the land categories of the city, and  b/ Economic rehabilitation package in lieu of compensation (see G, below).	For non-titled affected persons with no other productive landholdings, local authorities will allocate replacement land with temporary or lease land rights
Eligible organisations	Any impacted items	a/ No compensation for affected land but support equivalent with 70% of compensation value of the affected land; and  b/ Cash compensation at current market prices for all non-land affected assets on the affected land and allowance for	The compensation amount must be paid to account of affected commune and used for infrastructure improvement of the commune

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		transfer assets, if any.	
<b>A.3 Impact on productive land in RoW</b>			
All affected households with trees/fruit trees in RoW	Partially impact or totally impact	a/ No compensation for land. b/ Compensation for fruit trees and others at market price.	Affected land in RoW will be rehabilitated by contractors after the subproject construction and land in RoW could be used with the restricted purposes. (Described in Decree 81, 2009, article 1) Affected households can be required to cut affected trees, subproject will pay for this work.
<b>B. RESIDENTIAL AND/OR NON-AGRICULTURAL LAND (e.g., commercial)</b>			
<i>B.1. Temporarily Affected Residential and/or Non-Agricultural Land</i>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Temporary loss of use of land	No compensation for land; however, a/ The subproject will pay rent to affected persons during temporary use; and b/ Compensation for any demolished structures at replacement cost; and c/ Restore land within 1 month after use to its previous or better.	Rent will be determined so as to be not less than the amount of income foregone due to the temporary loss of this land  PPMBs and EMA are in charge of monitoring contractors on restoration of the affected land.
User with lease or temporary right	Temporary loss of use of land	No compensation for land; however,  a/ The subproject will pay rent to affected persons during the temporary use or compensation for the remaining value of the contract; and b/ Compensation for any demolished structures at replacement cost; and c/ Restore land within 1 month after use of land to its previous or better quality.  OR, if affected persons opts: a/ Compensation for any demolished structures at replacement cost; and b/ Compensation for the remaining value of the contract.	Rent will be determined so as to be not less than the amount of income foregone due to the temporary loss of this land  PPMBs and EMA are in charge of monitoring contractors on restoration of the affected land.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		c/ Restore land within 1 month after use of land to its previous or better quality.	
<i>B.2. Permanently Affected Residential and/or Non-Agricultural Land</i>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of residential and/or non-agricultural landholding without houses and structures built thereon	<p>As a priority, allocation of replacement land: (i) equal to area of affected land up to a maximum of land quota in city of subproject; (ii) of same type (e.g., residential, commercial); (iii) at a location satisfactory to affected persons; (v) with full title in the names of both the household head and his/her spouse; and (vi) without charge for taxes, registration and land transfer charges;</p> <p>OR, if affected persons opts, Cash compensation at replacement cost for the affected land. The compensated area does not exceed the residential land quota in the locality; and</p>	<p>a/ The DPC will determine availability of replacement land b/ Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved. c/ Full payment for affected households at least 03 months before site clearance</p>
	Affected landholding exceeds area of land quota.	<p>a/ Cash compensation for the area greater than land quota at replacement cost based on current market prices for agricultural land plus an allowance equal to 40% of the affected residential land value; and b/ Cash compensation at replacement cost for non-land affected asset (see C below).</p>	
	Loss of residential land/or non-agricultural landholding with houses and structures built thereon.	<p>Affected persons will be entitled to one of the following options: (i) Stay and rebuild their houses/structures on the remaining land if viable, and cash compensation at replacement cost for the affected land area and the affected house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (see G); OR (ii) Relocation in resettlement site with cash compensation at replacement cost for the affected house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (See G). If amount of compensation is lower than value of a standard plot or apartment in resettlement site, the difference payment is not required; OR</p>	<p>a/ Infrastructure in relocation site will be constructed by subproject. The resettlement sites are all close to the affected area and with completed infrastructures.  b/ Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved.</p>

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		(iii) Self-relocation with cash compensation at replacement cost for affected land and house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (see G); and relocation household is entitled to support by cash for preparation of housing foundation equal to the average investment value in infrastructure of a standard plot in resettlement site.	
User with lease or temporary rights	Loss of residential land/or non-agricultural land	a/ Cash compensation for the remaining value of contract, and b/ Cash compensation at replacement cost for house/structures on affected land, and c/ Package of rehabilitation assistance (see G below).	Local authorities assist Affected persons to find alternative land.
Non-titled user	Loss of residential land or non-agriculture land	No compensation for affected land; however, a/ Non-titled Affected person entitled to compensation for affected structures (see C, below), and b/ Package of rehabilitation allowances (see G below)	a/ In case of non-titled Affected person has no other residential land/or non-agriculture land: Local authorities should consider to allocate replacement residential land or house with full title and plus package of rehabilitation allowances  b/ In case of non--titledAffected person has no other non-agriculture land: Local authorities should consider to allocate replacement non-agriculture land with temporary of lease land right.
Eligible organisations	Loss of non-agricultural land	a/ No compensation for land if land use fee is unpaid or paid by state funds, otherwise cash compensation for land at replacement cost; and b/ Cash compensation for affected structures and allowance of relocation if any.	
<b>B3.Impact on residential land in RoW</b>			
affected households with	Partially impact on house or structures in RoW (affected area	a/ No compensation for land. b/ Retain their houses in RoW according to the conditions	Affected households will demolish the impacted part/structures and

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
house or other physical structures and trees in RoW	less than 50% of total land area without any impact to the remaining structures of the house/building	regulated by Article 6 of Decree N° 106/2005/ND-CP and Cash compensation for directly affected parts of the houses at the replacement cost and cost for demolishing the affected part. C/ Support for utilisation restricted land	reconstruct or improve their houses themselves. Affected land in RoW will be rehabilitated by contractors after the subproject construction and land in RoW could be used with the restricted purposes. Consulting with affected households on options of retaining their house in RoW or removing out of RoW
	Demolishing partial or totally impact on house/structures (impact > 50%, or less than 50%)	a/ No compensation for land. b/ affected household could chose one of the following options:c/Retaining their houses or building in RoW according to the conditions regulated by Article 6 of Decree 106/2005/ND-CP. Allowance for purchasing fireproof materials and lightning arrestors for the existing house/building. d/ Cash compensation at replacement cost for full areas of affected house/structure and cost for demolishing affected households' houses in RoW. c/ Support for utilisation of restricted land	
<b>C. MAIN HOUSES AND/OR SHOPS AND OTHER STRUCTURES OR PROPERTY</b>			
<i>C.1. Main Structures (Houses and/or Shops)</i>			
Owners of houses/ structures	House/Structure partially affected and remaining portion can be used	a/ Cash compensation at replacement cost for materials and labour for affected portion with no deduction for depreciation or salvageable materials; and b/ Repair allowance (see G, below).	
Owners of house or combined house/shop structures	Structure totally affected OR Structure partially affected and remaining portion no longer viable	a/ Cash compensation at replacement cost for materials and labour for whole affected structure with no deduction for depreciation or salvageable materials; and b/ Relocation and subsistence allowances (see G, below).	
Owners of shop	Structure totally affected OR Structure partially affected and remaining portion no longer viable	a/ Cash compensation at replacement cost for whole affected structure for materials and labour with no deduction for depreciation or salvageable materials; and b/ Relocation allowance (see G, below).	
Tenant	Structure partially affected and remaining portion viable	a/ Cash compensation to the structure owner for the whole affected structure at replacement cost with no deduction for depreciation or salvageable materials; and	Notice to tenants by owner at least two (2) months in advance



Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
	<p>Remaining structure no longer viable, OR Tenant opts to move</p>	<p>b/ Repair allowance to the structure owner (see G, below). c/ Tenant may remain with owner's agreement.</p> <p>a/ Cash compensation to the structure owner for the whole affected structure at replacement cost with no deduction for depreciation or salvageable materials; and b/ Rent allowance equivalent to 6 months' rent or the remaining value of the rental contract (whichever is higher); and, c/ Assistance to find new, affordable rental accommodation; and d/ Relocation allowance (see G, below)</p>	
<i>C.2. Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.</i>			
Owners of structures	<p>Partially or totally affected structures or other property</p> <p>Graves / tombs-yard/cemetery</p>	<p>Cash compensation at full replacement cost for materials and labour and with no deduction for depreciation or salvageable materials; OR</p> <p>Cash or in-kind assistance to relocate affected structures or property; OR</p> <p>Cash assistance to repair of property to original or better condition (see G, below).</p> <p>All costs of excavation, relocation and reburial will be reimbursed in cash to the affected family as prescribed in CityPC's regulation. If the tombs-yard is required, the place and layout of the yard shall be decided by the affected households and the costs for the yard constructions shall be made by the subproject.</p>	<p>Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) construction permits for the structures</p> <p>Compensation to be paid directly to Affected persons. For ownerless affected graves / tombs, compensation will be given to Commune PC to relocate them to new site. Graves to be exhumed and relocated in culturally sensitive and appropriate ways according to Customary rights. The place and layout of the yard shall be consulted with communities and affected peoples</p>
<b>D. ANNUAL AND PERENNIAL CROPS, FRUIT AND TIMBER TREES AND TREE/PLANT FENCES</b>			
Owners of crops	Loss of annual crops	If standing crops are ripening and cannot be harvested, cash	A minimum of 2 months' notice to

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
and/or trees		compensation of un-harvested crops at market values based on the average production over past 3 years.	harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights
	Loss of perennial crops, fruit and timber trees and tree fences	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	Compensation must equal in value to crops that would be harvested had acquisition not occurred. A market survey shall be carried out when updating the resettlement plan or REMDPs
<b>E. COMMUNITY AND PUBLIC RESOURCES/ASSETS</b>			
Village, Ward, Government Unit	Loss of community buildings and infrastructure (School building, Hospital, offices buildings, religious infrastructures etc.)	<p>Repair or restoration to original or better conditions of affected community buildings and infrastructures at no cost to community; OR</p> <p>Replacement, if necessary, at locations identified in consultation with affected communities and relevant authorities, at no cost to community; OR</p> <p>Cash compensation at replacement cost based on current market prices for affected community assets.</p>	If income loss is expected (e.g. irrigation, community forest, community grazing land, income from fishpond), the village, commune or district authority is entitled to compensation for the total production loss (over 3 years); this compensation should be used collectively for income restoration measures and/or new infrastructure.
	Publicly owned utilities	<p>Relocation and/or rehabilitation to original or better conditions of affected public utilities, at no cost to public utility; OR</p> <p>Cash compensation at replacement cost based on current market prices for affected public utilities.</p>	Relocation or reconstruction of public facilities will be done with minimal disruption to public service
<b>F. LOSS OF BUSINESSES AND INCOME SOURCES (NON-LAND BASED)</b>			
<i>F.1. Businesses that relocate and/or rebuild structures</i>			
Households with businesses without tax declarations, e.g., small shops (including un-registered	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt.	<p>a/ Cash assistance for loss of income based on the minimum wage in the respective city for the period of 3 months; and</p> <p>b/ Cash compensation for affected structures at replacement costs; and</p> <p>c/ Cash assistance for relocation (see G1), if any</p>	Affected businesses will be notified 2 months in advance to relocate and/or rebuild new structures, so as to be able to continue to operate businesses while resettling.

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
business owners)			
Registered business owners	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt.	a/ Cash assistance for loss of income equal to 30% of taxable revenues of one year. Average annual taxable revenues determined on basis of financial statements for the past 3 years; And b/Cash compensation for affected structures at replacement costs. c/ Cash assistance for relocation (see G1) , if any	
<i>F.2 Employees and Hired Labourers</i>			
Employees and hired labourers	Temporary loss of employment/work while employers re-organise, relocate and/or rebuild.	Cash compensation for lost wages or salary equal to basic wages or salary for (each day or month) they cannot work.	
	Permanent loss of employment/work due to land acquisition or relocation of employer.	a/ Cash assistance equal of up to six months wages or salary <u>or</u> the value of a remaining contract, whichever is higher; and  b/ Assistance to secure new employment including relevant skills training expenses if required.	
<b>G. REHABILITATION ASSISTANCE</b>			
<i>G.5 Economic Rehabilitation Package</i>			
Severely affected persons, displaced from housing or losing 10 percent or more of their productive, income generating irrespective of tenure status.	Assistance to restore livelihoods and incomes following acquisition of agricultural land or other productive assets	affected households directly cultivate on the affected land to be entitled: (i) Losing from 10 to 30% of agricultural land holding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area; (ii) Losing more than 30% to 70% of total agriculture landholding. Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area; (iii) Losing more than 70% of total agriculture landholding Cash assistance equal to 30 kg of rice (valued at market	Value of in kind assistance to be determined during RPI implementation.  Income Restoration Programmes will be designed during subproject implementation with the assistance of an agency specialised in livelihoods/labour or vocational assistance and with the active involvement of the affected households.  Resettlement plan shall be updated following the needs

Entitled Persons	Type & Level Of Impact	Compensation Policy	Implementation Issues
		price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND (iv) In-kind assistance to be decided in consultation with eligible Affected persons. Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. And (v) Participating in income restoration programmes (resettlement plan or REMDP).	assessment of the Affected persons during the resettlement plan implementation.
	Assistance for job changing and creation.	Cash assistance equal from 1.5 to 5 time of compensation value for affected for acquired land area but not exceed 5 (five) times of land quota in locality. If Affected person has demand for training, he/she will be entitled to a free training course	Eligibility will be confirmed during DMS.
<i>G.6. Special allowance for social and economically vulnerable households</i>			
Vulnerable Affected persons (the poor, war invalid person, woman headed household, the elderly)	Assistance to the poor and vulnerable households to improve their social and economic conditions.	For the poor households, cash assistance equal to 30 kg of rice (at market price) per each family member per month for at least 6 months.  For other vulnerable Affected persons, assistance of VND 2,000,000 per household to improve their social and economic conditions	Eligible households are those who are classed as vulnerable under MOLISA definition.
<i>G.7 Assistance for physical structures located in the RoW of Transmission Lines</i>			
All Affected persons affected with infrastructures	<i>Infrastructures below the 110 kV and 220 kV TLs within the RoW</i>	Support provided to protect the infrastructures affected with necessary equipment as per regulations	The support level for protection are based on regulations of Ha Noi and Ho Chi Minh City.

### **3.0 Socio-Economic Information**

#### **3.1 Census and Inventory of Loss (IOL)**

44. The census and inventory of loss (IOL) will collect data on the affected persons and assets from 100% of affected persons following basic design. The data collected during the IOL as well as SES will constitute the formal basis for determining affected persons entitlements and levels of compensation. For each affected persons, the scope of the data will include:

- Total and affected areas of land, by type of land assets;
- Total and affected areas of structures, by type of structure (main or secondary);
- Taking of photos of the assets to be affected together with the respective affected persons
- Legal status of affected land and structure assets, and duration of tenure and ownership;
- Quantity and types of affected crops and trees;
- Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops;
- Quantity/area of affected common property, community or public assets, by type;
- Summary data on affected persons households, by ethnicity, gender of head of household, household size, primary and secondary source of household income vis-a-vis poverty line, income level, whether household is headed by women, elderly, disabled, poor or indigenous peoples;
- Identify whether affected land or source of income is primary source of income; and
- Affected persons knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.
- Information dissemination to affected persons about the principles of Land Acquisition and compensations according to ADB policies and national and city Decrees and explanation about the cut off date.

#### **3.2 Socio-Economic Survey (SES)**

45. At a minimum, the SES will collect information from a sample of 10% of displaced people and 20% of severely affected households, disaggregated by gender and ethnicity. The purpose of the socio-economic survey is to provide baseline data on affected households to assess resettlement impacts, and to be sure that proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:

- Household head: name, sex, age, livelihood or occupation, land holding, income, education and ethnicity;
- Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender;
- Living conditions: Housing, access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and
- Access to basic services and facilities.

#### **3.3 Social Impact Assessment**

46. A social impact assessment is an activity to assess potential project component impacts, both positive and adverse, on ethnic minorities. The social impact assessment will be done in a gender-sensitive way and in consultation with ethnic minority communities. Qualified and experienced experts will be used to conduct the social impact assessment. Field-based research methods will include focus groups discussions, interviews with key informants, household surveys and secondary data sources.

47. The social impact assessment will include:
- (i) Baseline socio-economic profile of the project area and impact zone, including identifying all ethnic minority groups and affected ethnic minority groups; and the current access ethnic minorities has to social and economic services. Specifically for the transmission lines project crossing mountainous areas, a project component profile would include information on:
  - (ii) Ethnicity; occupation; income; education; access to water for multiple purposes (e.g., drinking, cooking, bathing, washing, and latrine); use of latrine; sanitation and hygiene condition, hygiene behaviours; water borne diseases; poverty rate and situation; expenditure on water and sanitation and willingness to pay.
  - (iii) Social and cultural aspects of water and sanitation behaviour.
  - (iv) Period of time living in the sub-project area; number of households or communities that have resettled in the area.
  - (v) Poverty programmes of the Government and Non-Government organisations that are operating in the sub-project area.
  - (vi) Language and communication mechanisms: Identification and analysis of short and long-term impacts; direct and indirect impacts; and positive and negative impacts for ethnic minorities.
48. Using information on the proposed subprojects, impacts on ethnic minorities will be determined including:
- (i) Land acquisition; temporary construction impacts and disruption of business, production, sites of cultural value; and transport routes.
  - (ii) Employment opportunities (short and long term).
  - (iii) Benefits of water and sanitation in the subproject area.
49. Recommendations on the strategies will include culturally appropriate and gender-sensitive measures to avoid, minimise and mitigate negative impacts.
50. The social impact assessment must:
- (i) Be culturally appropriate and gender sensitive.
  - (ii) Consider Vietnamese laws and obligations under international treaty to which Viet Nam is a signatory.
  - (iii) Give full consideration to ethnic minority-preferred options in relation to the provision of subproject benefits and the design of mitigation measures.
  - (iv) Be detailed commensurate to the scale of expected impacts.
51. If the social impact assessment indicates that the proposed project will have significant impacts, positive or negative, on ethnic minorities, the executing agency/ies will ensure that ethnic minority specific actions are included in the resettlement plan, and are designed through meaningful consultations.

### **3.4 Issues related to Ethnic minorities**

52. Ethnic minority people in upland areas are closely tied to land, forests, water, wildlife, and other natural resources but the proposed non-core subprojects are to be located in peri-urban and urban areas of Ha Noi and Ho Chi Minh and such issues are not relevant.
53. For subprojects with potential impacts on ethnic minority people, the executing agency/ies will ensure their meaningful consultation and facilitate their informed participation on matters affecting them directly, such as proposed mitigation measures, sharing of project benefits and opportunities, and implementation arrangements.
54. Where broad community support has been ascertained, the executing agency/ies will provide documentation that details the process and outcomes of consultations with ethnic minority people and

ethnic minority peoples' organisations. The executing agency/ies will submit documentation of the engagement process to ADB for review and for ADB's own investigation to assure itself of the existence of broad community support for the project activities. ADB will not finance the project if such support does not exist. (Details to be found in the ADB SPS SR 3).

### 3.5 Gender Consideration

55. Gender and social economic analysis, gender division of labour related to the potentially affected people in the specific subproject area must be conducted. Based on these analyses, special attention will be given to address women's concerns during the preparation of resettlement plan, updating process and implementation. Participation and involvement of the Women's Union at all levels should be encouraged especially for supervision and monitoring of the resettlement process and its implementation, and to help inform communities and women's groups as to subproject potential impacts. Insurances should be given that women have full and equitable access to the subproject's resources and benefits including income restoration programmes and skills training.

56. Adequate resources including a financial and social safeguard specialist must be allocated to support the resettlement process and its implementation. Women must be present during consultations made when conducting the detailed measurement survey and visit to resettlement site. This is to ensure that all information and opinions can be collected and that they include the women's perspectives. Names of both husband and wife must be in the land use rights certificates. Women must be present when compensation payments are made to ensure that any decisions regarding use of compensation monies will be open to decisions made by husband and wife. Sex-disaggregated data must be collected in the socio-economic survey and inventory of loss. The same applies to ethnic minority women.

57. Key Gender issues in the management of the subprojects include the need to ensure that employment and income raising activities, both during project's component construction and in the post construction period, are equally available to women and to men; that measures are taken to prevent the spread of sexually-transmitted diseases and human trafficking and that measures are taken to allow women to maximise new opportunities.

### 3.6 Replacement Cost Study (RCS)

58. This evaluation report will describe results of property valuation and cost of affected structures, crops and trees within a subproject area.

59. **Objective:** The study aims to establish compensation rates for structures, trees, and other non-land based income (e.g., businesses, fishponds, etc.) to ensure full restoration value of subproject-affected/expropriated assets.

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

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

61. The evaluation of replacement costs will be carried out based on information collected from both desk research and field work including surveys and data collection from people in the affected and adjacent areas, both those affected and those not affected.

62. Desk research will focus on relevant publications, decisions of Government authorities at national, provincial, city and district levels. However, these materials will play the supporting role only. As the work is aimed at obtaining reasonable replacement costs for different types of affected assets, market evidence is the factor that will most influence this assessment. It also needs to be noted that with proposed amendments to the 2003 Land Law, it will be a legal requirement that the executing agency/ies secure the services of an independent valuer. Surveys with people in the affected area, both those, whose assets are affected by the subproject, and those whose assets are not, will produce reliable data for assessing the real market value of the assets affected.

## **4.0 Consultation, participation and Information disclosure**

### **4.1 Public Participation and Consultation**

63. The consultative process will include not only affected people, but also representatives of local governments in the subproject areas, community leaders of host communities, civil society organisations such as nongovernment organisations and members of local people's organisations (e.g., Women's Union, Fatherland Front and Farmer's Association) and, as relevant, members of ethnic minority communities. Special attention will be paid to identifying the needs of vulnerable groups such as the poorest, ethnic minorities, women and elderly, and ensure that their views are considered in the formulation of the resettlement plan.

64. Participation provides for the occasion and the process by which stakeholders influence and become co-responsible for development initiatives and decisions that affect them. Through participation, the needs and priorities of the local population are expressed and can be addressed in subproject and resettlement planning. The affected households and other stakeholders will continue to be consulted during resettlement plan updating and implementation, following a two-way process - information dissemination and gathering of feedback and suggestions.

65. All the consultation events with different stakeholders and at different phases of the subproject will be documented in writing. The results of the participation and consultation during the preparation up to implementation of the resettlement process will be made available to the subproject authorities and the monitoring cell.

66. Affected households will be notified at least 6 months prior to the date that the land will be acquired by the subproject

67. Public consultations: A first public consultation with the affected households and other stakeholders will be held prior to the start of the inventory of losses (IOL), as a way of introducing the subproject and the resettlement policy to the local population. Focus groups are to be held with representatives of households affected by land acquisition and with all households affected by loss of a dwelling. During the focus groups meetings participants can express their concerns that should be addressed in the resettlement process and on their preferences for compensation and income restoration.

68. The relevant information about the subproject will be provided in a timely manner, in an accessible place and in a form and language(s) understandable to the affected ethnic minority peoples and other stakeholders. If affected people are illiterate, other appropriate communication methods will be used.

69. A second public consultation will take place to share the results of the IOL, the entitlements and the resettlement plan. This public consultation will include discussing the results of the impacts



survey with the affected households and getting feedbacks and suggestions on their compensation and entitlements, including income restoration and relocation options.

70. Further public consultations will continue during implementation. These consultations should take place (i) following completion of the DMS and review and updating of unit costs for affected assets, where the CARC consults with the affected households individually and/or in group in connection with the updating of compensation and entitlements and, as warranted, income restoration programmes and relocation plans; and (ii) following approval of the updated resettlement plan, to present to the affected households in the communes (i.e., also referred to as “final disclosure meeting”) the validated/updated list of affected people, compensation and entitlements due to them, and schedule of delivery of compensation and entitlements.

71. During the meeting, information will be presented in verbal and graphic format. Affected persons will be provided with the information in a written form, with extra copies made available at district, ward and commune offices throughout the subproject area. Adequate opportunities will be provided during the meeting for affected persons to respond with questions and comments (See Annex 2 Sample PIB). The DCRCs compile a list of affected persons present at the meeting, as well as a complete record of questions, comments, opinions, decisions and follow-up actions that arise from the meeting. A report will be prepared and submitted to the PPMBs.

72. The information to be provided to affected persons during the consultation meeting shall include:

- (i) Description of the sub-subproject.
- (ii) Maps showing the extent of land and property acquisition.
- (iii) Overall resettlement plan or resettlement plan policy, i.e. the primary objective that affected persons are able to regain their pre-subproject living standards or better and an assurance that resettlement plan or resettlement plan policies and procedures are designed to safeguard the rights of the affected persons.
- (iv) Affected persons’ entitlements and rights to compensation by category of affected household, e.g. those with and without legal documentation, those losing physical structures and/or agricultural land.
- (v) Compensation standards (including method of calculation and compensation rates) and options, e.g. cash or land for land; relocation options (if applicable); and, opportunities for subproject-related employment.
- (vi) Organisational responsibilities for the land acquisition process, including the city and local government departments and agencies involved in land acquisition, their responsibilities and contact details so that affected persons can obtain more information.
- (vii) The grievance redresses procedure for dealing with affected persons complaints.
- (viii) Affected persons’ rights to participate in, and be consulted about, all aspects of resettlement planning and implementation, particularly with reference to their preferences for resettlement, compensation and rehabilitation measures, and special measures for vulnerable affected persons.
- (ix) The implementation schedule for payments of compensation and other resettlement activities including the time table for site clearance (with an assurance that this will only occur after full payment of compensation), construction activities and monitoring procedures.

73. **Consultations with severely affected and vulnerable affected households:** The DCRCs and the PPMBs will carry out detailed consultations individually and/or in small groups with severely affected, female household heads and other vulnerable households, in order to determine their specific requirements and preferences for rehabilitation assistance and, as required, relocation.

74. The PPMBs will work closely with the resettlement committees and local officials in the districts and communes to carry out a comprehensive consultation process including regular meetings with affected persons, their representatives and local authorities. Specific key activities will be summarised as table below:

**Table 4-1 : Summary results of consultation meetings**

<b>Time</b>	<b>Location</b>	<b>Consultation with</b>	<b>Topics</b>	<b>Feedback</b>
First consultation				
Second consultation				

## **4.2 Consultation with Ethnic Minorities**

75. Broad community support is not an issue for this project because it does not have the potential to create any of the following impacts on (i) commercial development of cultural resources; (ii) physical displacement of ethnic minorities; and (iii) commercial development of the natural resources within the ethnic minority lands under use that that would impact the livelihoods or the cultural, ceremonial, or spiritual uses.

## **4.3 Disclosure**

76. Consistent with the requirements of ADB SPS, a PIB will be prepared and translated into Vietnamese (Annex 10.2). It will be distributed to the affected households at the second public consultation. The following information will be provided in the PIB: (i) a brief background of the subproject, specifically the civil works to be undertaken and the adverse social impacts; (ii) IOL results, with a statement that detailed information is available at the commune office; (iii) bases used for asset valuations, stating also that detailed information is available at the commune office; (iv) the entitlements due to the affected households; (v) timing of payments and the schedule of displacement; (vi) grievance redress mechanism; and (vii) contact persons at executing agency/ies and local authorities.

77. Disclosure of resettlement plan: The PPMBs in combination with DCARCs will make available the approved resettlement plan or REMDP including all attachments in Vietnamese at commune offices and the DCARCs' office.

78. The draft resettlement plan will be uploaded on the ADB website. Following approval of the draft resettlement plan by executing agency/ies and ADB, the final resettlement plan will again be disclosed to the affected households and uploaded on the ADB website.

79. The updated resettlement plan (draft and approved) to be prepared following detailed design will likewise be disclosed to the affected households and uploaded on the ADB website.

80. Information disclosure is an on-going process beginning early in the subproject cycle and continuing throughout subproject preparation and implementation. The process must provide timely information to communities in order that they may meaningfully contribute to subproject design, decisions and also mitigation. Provision of timely and accurate information will avoid misinformation and inaccurate rumours from circulating in communities. During consultations particular attention is given to vulnerable subgroups in the community to ensure their understanding and active participation. For public information, an information booklet with questions and answer should be used and distributed during consultation to explain the subproject and the entitlements see sample PIBin Annex 10.2. In accordance with both ADB and GOV policy (contained in Decree 69 Articles 29, 30 and 31 and 2) the CityPC and DPC must ensure that public notice is given and details of the approved draft resettlement plan and/or ethnic minority development plan and/or framework are disseminated before the subproject fact finding mission by the ADB. This draft will also be disclosed on the ADB website. Following the census of affected persons, the final resettlement plan, as endorsed by EVN HANOI and EVN HCMC and ADB, is further disseminated to the affected communities and posted on the ADB website. Any updates or revisions to the final resettlement plan must be further disseminated to affected communities and again, posted on the ADB website.

81. The PPMBs, with assistance from relevant city and district agencies, will conduct a series of public meetings to provide information regarding subproject activities and the proposed resettlement and compensation arrangements as specified in the entitlement matrix. These public meetings will be needed to: (i) disseminate information on inventory and pricing results, (ii) inform the affected persons on amounts of compensation and supports of each affected household, (iii) to listen to their feedback and suggestions, and (iv) for revising or adjusting the inaccurate data, if any. It is important that affected persons are informed well in advance of the date; time and location of each meeting, and those reminders are also provided. It is essential that these meetings enjoy maximum participation as this will reduce misunderstandings and potential for conflict. For removal or relocation of tombs/graveyards or other religious or cultural significant items, special consultation should take place and a record of consultation should be made available which includes: (i) nature and type of tombs; (ii) how old are the tomb and status of land where the tombs are located; (iii) new location and status of land; (iv) if the tombs are owned by ethnic minorities or not and the implications of impact on the religious and cultural sentiments of the community; (v) agreed ritual process, cost and time of removal of tombs, and other arrangements as deemed necessary.

82. In accordance with Decree 69/ND-CP Article 30(2b) the posting must be recorded in official minutes and confirmed by the W/CPC, the Ward/Commune Fatherland Front and affected persons. As per Decree 69/ND-CP Article 30 Clause 3(a), following expiration of this period the agency in charge of compensation will summarise all opinions and comments received, including numbers of affected persons and stakeholders who agree and disagree, with the compensation and land acquisition and assistance offered in the resettlement plan. Interviews with affected persons will be conducted in order to check the adequacy of compensation prices issued by the cities. Further public consultations will be carried out during the implementation stage with a focus on specific activities including assessment of compensation, acquisition of land, and design of rehabilitation assistance planning. These measures are undertaken to ensure that affected persons are satisfied with the compensation arrangements and will not object to the disruption and that they will not suffer enduring negative impacts due to the subproject and be able to fully restore and further improve their livelihoods.

#### **4.4 Preparation and Submission of Subproject Resettlement plan**

83. The resettlement plan for the subproject will be submitted to EVN HANOI or EVN HCMC for review before submitting to ADB for review and approval. The resettlement plan shall follow the provisions and procedures specified in the resettlement policy framework.

84. The resettlement plan must be updated following the completion of the detailed designs and conducting of the DMS. This will provide up-to-date and accurate figures regarding the scope of impacts, identification of affected persons and severity of impact, as well as an updated compensation calculation. The resettlement plan should be reviewed to update any changes in market prices for replacement values and would need to be reviewed again at the time compensation is due for payment. If rates and prices are found to be out of date, revised updated costs based on the latest market rate must be used. Also in the resettlement plan updating process, the Income Restoration Programme will be developed. Affected people must be consulted before finalisation of the updated resettlement plan. The initial resettlement plan and the updated resettlement plan will be sent to ADB for approval and uploaded to ADB's website. During the DMS ethnic minority people may be identified and if even if there are significant numbers (unlikely based on existing records of each city) because the impacts are likely to be very limited a standalone EMDP or combined REMDP will not be prepared. Rather ethnic minority concerns will be incorporated into the resettlement plan as ethnic minority specific actions.

### **5.0 Compensation, Income Restoration and Relocation**

#### **5.1 Relocation Strategy**

85. No relocation strategy because this project will not finance subprojects that involve the physical displacement of affected persons.

## 5.2 Income Restoration Strategy

86. In order to assist affected persons restore livelihoods and income levels, the subproject will provide an income restoration programme that is adapted to the needs and situation of the affected persons as determined in the socio-economic surveys. The affected persons covered by the income restoration programme are identified in the entitlement matrix.

87. The scope of the entitlements includes an allowance to cover living costs during a period of reduced income while affected persons restore current livelihood and income-generating activities or make a transition to new income-generating activities. In-kind assistance to strengthen or initiate income-generating activities will also be provided. In-kind assistance to strengthen or initiate income-generating activities will be decided in consultation with local authorities and affected persons eligible for the income restoration, and will be fully developed in the resettlement plans for each subproject. Forms of assistance may include, but are not limited to:

- (i) Agricultural extension assistance, to improve the productivity of remaining or newly allocated agricultural land and fishponds.
- (ii) Assistance to restore or replace affected tree plantations, provision of seedlings and technical assistance to help severely affected persons to restore income from cash-crop tree plantations although in the peri-urban areas of Ha Noi and Ho Chi Minh such cash-crop tree plantations (e.g. rubber) do not exist.
- (iii) Support for income-generating activities including appropriate technical support, assistance in vocational planning, small business planning, financial planning and to access and utilise credit, and other measures to promote existing or new income-generating activities.
- (iv) Subproject-related employment whereby priority will be given to severely affected and vulnerable affected persons for work on construction.

## 6.0 Grievance Redress Mechanisms

88. In order to ensure that all affected persons' grievances and complaints on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to affected persons to air their grievances, a well-defined grievance redress mechanism needs to be established. All affected persons can send any questions to implementation agencies about their rights in relation with entitlement of compensation, compensation policy, rates, land acquisition, resettlement, allowance and income restoration. Otherwise, all affected persons are not ordered to pay any fee during the grievance and complaints at any level of trial and court. Complaints will pass through 4 stages before they could be elevated to a court of law as a last resort.

89. **First stage, Ward/Commune People's Committee:** An aggrieved affected household may bring his/her complaint before any member of the Ward/Commune People's Committee, either through the Chairperson or directly to the W/CPC, in writing or verbally. It is incumbent upon said member of CPC or the Chairperson to notify the W/CPC about the complaint. The W/CPC will meet personally with the aggrieved affected household and will have 15 days following the lodging of the complaint to resolve it. The W/CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

90. **Second stage, District People's Committee:** If after 15 days the aggrieved affected household does not hear from the W/CPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the DPC or the DRC. The DPC in turn will have 30 days following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DRC of any determination made. The DRC must ensure this decision is notified to the displaced persons.

91. **Third stage, CityPeople's Committee:** If after 30 to 45 days the aggrieved affected household does not hear from the DPC, or if the affected household is not satisfied with the decision taken on his/her complaint, the affected household may bring the case, either in writing or verbally, to any member of the City PC. The CityPC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The CityPC is responsible for documenting and keeping file of all complaints that reaches the same.

92. **Final stage, the Court of Law Arbitrates:** If after 45 days following the lodging of the complaint with the CityPC, the aggrieved affected household does not hear from the CityPC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication. Decision by the court will be the final decision.

93. Where complaints about administrative decisions or administrative acts regarding land management are settled for the first time by the presidents of the People's Committees of rural districts, urban districts, provincial capitals or provincial towns, but the complainants disagree with the settlement decisions, they are entitled to initiate lawsuits at people's courts or continue to complain with presidents of the provincial/municipal People's Committees. Since Ha Noi and Ho Chi Minh City are municipalities, when complaining with municipal People's Committee presidents, the decisions of the municipal People's Committee presidents shall be the final ones (According to clause 2, Article 138, Land Law 2003).

94. The above grievance redress mechanism needs to be disclosed and discussed with the affected persons to ensure that the affected persons understand the process. PPMBs and DCARCs are responsible to follow up the grievance process from the affected persons. Records of the complaints will be recorded and monitored by the project and the external independent monitor.

## **7.0 Institutional Arrangements and Implementation**

### **7.1 Institutional Arrangements**

95. Implementation of the resettlement plan requires the participation of relevant agencies from the central to city, district, and commune/ward level. The executing agency has the overall responsibility for implementation of the resettlement plan or REMDPs. District Compensation, Assistance and Resettlement Committees (DCARCs) will be established at district level according to Decree 197/2004/NĐ-CP and Decree 69/2009/NĐ-CP.

#### **7.1.1 Institutional Features at Central level**

96. EVN HANOI and EVN HCMC through EVN is the executing agency/ies, through its PPMBs to manage the resettlement issues. The PPMBs are implementing agencies mandated for the overall management and supervision of subprojects funded by ODA.

97. EVN and the PPMBs have limited experience in delivering ADB funded projects although they have some experience with other ODA funded projects (e.g. World Bank). Necessary capacity support will be provided within each PPMB to prepare and update the resettlement plan as well as ensuring implementation of resettlement in accordance with the approved documentation. This support will comprise one full-time qualified and experienced social safeguard specialist to manage the resettlement related issues. In addition to this support within the PPMBs, the PPMBs will be responsible for the hiring of project implementation consultants (PICs) for each subproject. Each project implementation consultant will be required to include a qualified and experienced social safeguard consultant on an intermittent basis who provides guidance and instruction for the PPMBs.

98. No civil works in any geographical area will commence until all compensation and relocation entitlements including any transitional and/or livelihood related entitlements have been paid in full to the satisfaction of the affected persons.

99. EVN HANOI and EVN HCMC will:
- (i) Provide overall management and coordination of the subproject;
  - (ii) Liaise with implementing agencies to carry out all subproject components;
  - (iii) Coordinate with ADB in providing resettlement consultant services for the subproject;
  - (iv) Support the PPMBs for updating resettlement plan of the subproject's components;
  - (v) Consolidate subproject progress reports on land acquisition and resettlement submitted by the PPMBs for relevant ministries and ADB; and
  - (vi) Recruit and supervise the external independent organisation (or consultants) for external resettlement monitoring if this is considered necessary by the ADB.
100. Role of PPMBs
- (i) Actively participate in the resettlement plan updating and implementation activities in collaboration with the concerned organisation at the City, District, Ward and Commune levels;
  - (ii) Liaise with the City People's Committee (CityPC) to facilitate the establishment of the CARB at the city and district levels;
  - (iii) Provide an orientation, to the concerned People's Committees of the city, districts, and communes/wards, the CARB and related groups on the project, its Resettlement Policy;
  - (iv) Process flow, and on the specific tasks of these groups relative to the updating and implementation of the resettlement plan;
  - (v) Take the lead in the public disclosure of the project resettlement plan in coordination with the concerned People's Committees, and participate in project information dissemination and holding of consultation meetings with affected households and other stakeholders;
  - (vi) Monitor grievances related to the project and call the attention of concerned government offices where complaints have remained outstanding beyond prescribed action periods;
  - (vii) Design and implement an internal monitoring system that shall capture the overall progress of the resettlement plan updating and implementation; and prepare six monthly progress reports for submission to EVN HANOI and EVN HCMC and ADB;
  - (viii) Hire and closely coordinate with an External Monitoring Agency (EMA) that shall perform a third-party monitoring and evaluation of the resettlement plan - if considered necessary by the ADB even for the core subprojects - updating and implementation.

### **7.1.2 Institutional Features at City Level**

101. City People's Committee: The main responsibilities of the CityPC include: (i) establishment and mobilisation of City Compensation and Resettlement Board (CCARB); (ii) organisation and mobilisation of all organisations and individuals concerning compensation, support and resettlement policies and ground clearance according to the land recovery decisions of competent State bodies; (iii) updating the unit costs to reflect the replacement cost of project-affected private and public assets; (iv) planning resettlement arrangements, job change training plans according to their assigned competence; (v) authorising the DPC to approve compensation, assistance support to affected persons; (vi) providing guidance to concerned agencies on the neutral settlement of citizens' complaints, denunciations related to compensation, support and resettlement; (vii) authorising the DPC to apply coercion to cases of deliberately failing to abide by the State's land recovery decisions; and (viii) responsible for the resettlement budget.

### **7.1.3 District, Ward and Commune Levels**

102. *District People's Committee*: the DPC will be responsible for the following: (i) extension of support for updating and preparation as well as implementation of the resettlement plan; (ii) review and submit resettlement plan to cityPC as endorsed by DCARB; (iii) review the accuracy of and validate the cost estimates for compensation and assistance; (iv) acquisition of Land Use Rights

Certificates (LURCs) for households and individuals who have lands and/or houses entirely-recovered; (v) adjustment of LURCs for households and individuals whose lands and houses have been partially affected; (vi) assist in the redressed of complaints and grievance from affected persons; (vii) concurrence with the schedule of resettlement plan implementation and monitor the progress thereon; and (viii) mobilisation of the respective DCARB that will appraise the compensation and assistance to affected persons; as well as (ix) the provisions of lands to affected persons.

103. District Compensation and Resettlement Board: The responsibilities of the DCARB will be the following: (i) organise and carry out resettlement activities in the district on behalf of the DPC; (ii) implement in the DMS, public consultations and disclosure activities; (iii) review and submit to DPC proposed compensation, assistance and resettlement alternatives; (iv) assist in the identification and allocation of land for the affected persons; (v) along with the CPC, assist HPPMB in the timely delivery of compensation payment and other entitlements to affected persons; and (vi) assist in the resolution of complaints and grievances:

- The dissemination of the Public Information Booklet and other publicity material; ensuring that affected persons are aware of the LAR process.
- Planning and carrying out the DMS and the disbursement of compensation payments.
- The identification of severely affected and vulnerable affected persons and the planning and implementation of rehabilitation measures for these affected persons.
- Help identify any resettlement sites and new farming land for affected persons who cannot remain in their present location.
- Assist in the resolution of affected persons grievances.
- Facilitate the work of the agency appointed to undertake the external monitoring.

104. Ward/Commune People's Committee. The W/CPCs will assist the HPPMB and the DCARBs in the following tasks: (i) remind the affected persons about the compensation plan and the process of delivery, income restoration plans, relocation strategies and land clearance requirements based on the approved resettlement plan; (ii) maintain the list of eligible affected persons that will be provided after the DMS has been conducted; (iii) assign commune officials to extend assistance in the update and/or preparation as well as the implementation of the resettlement plan; (iv) identify replacement lands for the affected persons; (v) sign the Agreement Compensation Forms along with the affected persons; and (vi) assist in the resolution of grievances and in other related-resettlement activities and concerns.

## 7.2 Implementation

105. The implementation process will be as follows:

- (i) Establishment of the DCARBs. The DPC will establish DCARBs for the subprojects, and entrust tasks to relevant agencies and entities.
- (ii) Land clearance/boundary setting for the subproject. After receiving the CityPC and DPCs in revoking land and handing over land to the PPMB for implementing the subprojects, PPMB will cooperate with the City Department of Natural Resources, Environment and the specialised cadastral agency having a contract with PPMB to determine the subproject land clearance red line and setting out boundary at the field, handing over land to implement resettlement tasks for the displaced persons, in order to clear land for the subproject. Relevant Offices of Natural Resources, Environment of districts and Commune People's Committees of the subproject will assign their staff working as members of DCARBs to implement this task.
- (iii) Engagement of External Monitoring Agency: EVN HANOI and EVN HCMC will engage the services of an external monitoring agency to carry out independent monitoring and evaluation of resettlement plan preparation and implementation activities if this is considered necessary by the ADB based on either its assessment of resettlement implementation being less than satisfactory or affected persons submitting grievances directly to the ADB. Semi-annual progress reports will be

- submitted by the EMA to EVN HANOI and EVN HCMC and ADB if such engagement is considered necessary.
- (iv) Information campaign before DMS. According to Decree N°181/2004/ND-CP, before land acquisition, within 90 days in case of agricultural land and 180 days in case of non-agricultural land, the DCARCS must send written notices to affected land owners in respect of reasons for land acquisition, time and plan of displacement, resettlement options, land clearance and resettlement.
  - (v) Before census and detailed measurement survey, PPMBs in cooperation with local authorities of districts and communes will provide subproject information to residents in the subproject area. Information will be broadcasted via the public address system of the locality in combination with other multi-media such as radios, press, television, brochures or letters delivered to households to be open posted in public areas.
  - (vi) Orientation meetings will be held in the subproject affected commune to notify the affected community about the scope and scale of the subproject, impacts, policies and rights for all kinds of damages, implementation schedule, responsibilities for organisation, and complaint mechanism. Brochures including (images, photos or books) related to subproject implementation will be prepared and delivered to all affected communes in the meetings.
  - (vii) Conduct of Replacement Cost Survey by a Qualified Agency. A qualified agency will be engaged by EVN HANOI and EVN HCMC to assist CityPC in determining the current market price under normal condition of land and non-land assets. If there is a significant difference between compensation price and market price as per replacement cost survey carried out by a qualified agency, CityPC will update the compensation unit price according to regulations and implementation guidance of Decree N°69/2009/CP (Article 11).
  - (viii) Detailed Measurement Survey: DMS will be undertaken once detailed design is finalised. These surveys will be the basis for the preparation of compensation plan and for preparation of the resettlement plan.
  - (ix) Preparation of Compensation Plan: DCARBs are responsible for applying prices and preparing compensation tables for each affected commune. PPMB and People's Committees of districts will appraise these tables in respect of prices, quantities of affected assets, rights that the displaced persons are entitled to, etc. before notifying each commune for review and comments. All tables of compensation price application must be checked and signed by the displaced persons to prove their consensus. PPMB and DCARBs will submit the proposed unit rates as per result of the replacement cost survey to CityPC for review and approval. The unit rates to be applied will be based on the approved unit rates of CityPC.
  - (x) Submission of resettlement plan and ADB concurrence. PPMB will prepare updated resettlement plan, disclose key information of the updated resettlement plan to the displaced persons and submit the same to ADB for review and concurrence.
  - (xi) Uploading on ADB website. Once the resettlement plan is acceptable to ADB, the resettlement plan will be uploaded on the ADB website.
  - (xii) Implementation of resettlement plan. Compensation and assistance will be paid directly to the affected persons under the supervision of representatives of DCARBs, commune authorities and representatives of the displaced persons. Income restoration and relocation plan will be implemented in close consultation with the affected persons and concerned agencies.

106. **Monitoring.** Internal monitoring and external monitoring, the latter if considered necessary by the ADB, will be implemented from resettlement plan preparation to implementation. Grievances received, will be addressed through the grievance redress mechanism set up for the subproject. One post-subproject assessment survey will be undertaken - if necessary by an EMA - within 6 to 12 months after completion of compensation and resettlement activities.



## **8.0 Budget and Financing**

### **8.1 Budget and Financing**

107. Resettlement budget is required for all resettlement activities, including compensation for land acquisition, affected assets, administrative cost, monitoring, income restoration, resettlement site for relocation if required, etc. and included in subproject cost. Estimated costs will be updated based on the DMS and RCS results following detailed designs. ADB may finance part of Resettlement Plan costs if the government wishes (land acquisition costs shall not be financed). The CityPCs, PPMBs, EVN HANOI and EVN HCMC and the ADB will review and revise the resettlement plan and budget should unforeseen obligations related to the agreed RPF arise during implementation of the subproject resettlement plan. The updated resettlement plan will identify key activities for which funds will be used.

### **8.2 Estimated Budget for Resettlement plan**

108. The total resettlement estimated costs for all 27 subprojects is estimated at VND 420,000,000,000 (US\$20,000,000). The CityPCs, PPMBs and the ADB will review and revise the resettlement plan and budget should unforeseen obligations related to the agreed RPF that arise during implementation of the subproject. The updated resettlement plan will identify key activities for which funds will be used.

## **9.0 Monitoring and Reporting**

### **9.1 Monitoring and Reporting**

109. The project will establish systems for internal and external (if necessary) monitoring and evaluation. The main purpose of the monitoring and evaluation programme is to ensure that resettlement and acquisition of land and properties has been implemented in accordance with the policies and procedures of the resettlement plans.

110. The objectives of the monitoring and evaluation programme are to (i) ensure that the standard of living of affected persons is restored or improved; (ii) monitor whether the time lines are being met; (iii) assess if compensation, rehabilitation measures and social development support programmes are sufficient; (iv) identify problems or potential problems; and (v) identify methods of responding immediately to mitigate problems.

### **9.2 Internal Monitoring**

111. The PPMBs will conduct the internal monitoring of resettlement plan implementation for EVN HANOI and EVN HCMC to identify as early as possible the activities achieved and the cause(s) of problems encountered so that arrangements in resettlement plan implementation can be adjusted. Related information will be collected monthly from the field to assess the progress of resettlement plan implementation and will be consolidated. Results of the internal monitoring are to be reported quarterly to EVN HANOI and EVN HCMC.

112. An initial key indicator will be, as per assurances to the ADB, the payment of compensation, relocation to new sites, and rehabilitation assistance being in place before award of civil contracts and these will be monitored under each of the Civil Contracts. The other main indicators that will be monitored regularly are:

- (i) Payment of compensation to all affected persons in various categories, according to the compensation policy described in the resettlement plan.
- (ii) Delivery of technical assistance, relocation, payment of subsistence and moving allowances.
- (iii) Delivery of income restoration and social support entitlements.
- (iv) Public information dissemination and consultation procedures.

- (v) Adherence to grievance procedures and outstanding issues requiring management's attention.
- (vi) Priority of affected persons regarding the options offered.
- (vii) Coordination and completion of resettlement activities and award of civil works contract.
- (viii) The EVN HCMC and EVN HANOI will incorporate the status of resettlement plan implementation in the overall project progress report to ADB.

### 9.3 Independent External Monitoring

113. The general objective of the external monitor is to provide an independent verification of the borrower's monitoring information through the conducting of a periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and to learn strategic lessons for future policy formulation and planning. This normally applies for Category A projects and should not be considered necessary for this project. In general, external monitoring is not required. Rather, social impact monitoring and evaluation of resettlement plan implementation shall be conducted by EVN HCMC and EVN HA NOI. However, ADB reserves the right to request EVN HCMC and EVN HA NOI to appoint an external monitoring agency acceptable to the ADB at the expense of EVN HCMC or EVN HA NOI if it is dissatisfied with important aspects of resettlement implementation.

114. The following indicators will be monitored, upon approval of this resettlement plan and evaluated by the EVN HANOI and EVN HCMC and if considered necessary by the ADB and EMA:

- (i) Payment of compensation will be as follows: (a) Full payment to be made to all affected persons sufficiently before land acquisition; adequacy of payment to replace affected assets; and (b) Compensation for affected structures should be equivalent to the replacement cost of materials and labour based on standards and special features of construction with no deductions made for depreciation or the value of salvageable materials.
- (ii) Coordination of resettlement activities with construction schedule: the completion of land acquisition and resettlement activities for any component should be completed prior to award of the civil works contract for that component.
- (iii) Provision of technical assistance for house construction to affected persons who are rebuilding their structures on their remaining land, or building their own structures in new places as arranged by the subproject, or on newly assigned plots.
- (iv) Provision of income restoration assistance under the income restoration programme
- (v) Public consultation and awareness of compensation policy: (a) All affected persons should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) The monitoring team should attend at least one public consultation meeting each month to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) Public awareness of the compensation policy and entitlements will be assessed among all affected persons; (d) Assessment of awareness of various options available to affected persons as provided for in the resettlement plan.
- (vi) Affected persons should be monitored regarding restoration of productive activities.
- (vii) The level of satisfaction of affected persons with various aspects of the resettlement plan will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored.
- (viii) Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

115. The PPMBs shall submit six monthly reports to EVN HANOI and EVN HCMC unless either request more frequent reports. One post-subproject assessment survey will be undertaken by the EVN or if considered necessary, an EMA within 6 to 12 months after completion of compensation and resettlement activities.

## Annex 1 Ethnic Minority Impact Screening Checklist Table

Table 10.1. Ethnic Minority Impact Screening Checklist Table

<b>KEY CONCERNS (Please provide elaborations on the Remarks column)</b>	<b>Yes</b>	<b>No</b>	<b>Not known</b>	<b>Remarks</b>
<b>A. Ethnic Minority Identification</b>				
1. Are there socio-cultural groups present in or who use the project area who may be considered as "tribes" (hill tribes, scheduled tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?				
2. Are there national or local laws or policies as well as anthropological research/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?				
3. Do such groups self-identify as being part of a distinct social and cultural group?				
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				
6. Do such groups speak a distinct language or dialect?				
7. Have such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?				
<b>B. Identification of Potential Impacts</b>				
9. Will the project directly or indirectly benefit or target Ethnic Minority people?				
10. Will the project directly or indirectly affect Ethnic Minorities traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)				
11. Will the project affect the livelihood systems of Ethnic Minorities? (e.g., food production system, natural resource management, crafts and trade, employment status)				
12. Will the project be in an area (land or territory) occupied, owned, or used by Ethnic Minorities, and/or claimed as ancestral domain?				
<b>C. Identification of Special Requirements</b> Will the project activities include:				
13. Commercial development of the cultural resources and knowledge of Ethnic Minorities?				
14. Physical displacement from traditional or customary lands?				
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial,				

spiritual uses that define the identity and community of Ethnic Minorities?				
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by ethnic minority people?				
17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by ethnic minorities?				

**Anticipated project impacts on Ethnic Minorities**

**Table 10.2. Anticipated project impacts on Ethnic Minorities**

Project component/ activity/ output	Anticipated positive effect	Anticipated negative effect
1		
2		
3		
4		
5		

Note: The ADB project team may attach additional information on the project, as necessary.

## **Annex 2 Sample Project Information Booklet (PIB)**

### **Question 1: What is the ADB Project?**

**Answer:** ADB is to help EVN mobilise long-term and competitive funding from commercial banks to sustain the GOVs initiatives reducing the cost of electricity and improve the reliability of the electricity supply so as to promote economic growth and improve the living standard of the poor.

### **Question 2: how will the ADB Project affect the local population?**

**Answer:** The development of new substations and transmission lines and/or upgrading the existing ones city and district roads will/may require some land acquisition. However, their design will attempt to avoid or at least to minimise the negative impacts on households and communities. The final location of Power Substations and transmission line's alignments will be selected after public consultations have been carried out.

If land acquisition is necessary, the Project displaced people will be properly compensated for their affected land, houses, structures, crops and/or trees. Income restoration assistance will also be provided to Displaced Persons who will be severely affected by the project. Details are included in a Resettlement Plan that is available at your ward/commune office. Please also refer to other relevant Public Information Brochures.

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

**Answer:** The main objective of the resettlement plan is to ensure that all displaced persons will be at least as well-off, if not better-off, than they would have been in the absence of the project.

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

**Answer:** If land is available, your affected land will be replaced with land of equal area and productive capacity and at a location suitable and acceptable to you; or if, after being fully informed about your options, you prefer cash, compensation can be paid in cash at replacement value at current market prices, or a compensation partly in cash and partly in land might be possible.

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

**Answer:** No, lack of formal legal rights to land does not prevent any affected persons from receiving compensation or assistance measures. Those affected persons who possess a land use rights certificate (LURC) or any other form of written or verbal agreement to utilize the land are entitled to compensation for the lost land as well as assets on the land. Those affected persons who do not have legal/legalize or temporary/lease rights for land will still be compensated for the assets on the land, such as any structures, crops and trees.

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

**Answer:** Yes. Compensation will be applied for all affected assets including houses, shops and other structures as well as other fixed assets at replacement value at current market prices (including material and labour) without any deductions for building depreciation or salvageable building materials. This will ensure that the Displaced Persons are able to reconstruct houses and other structures of better or at least the same quality as before. However, this project is designed to ensure that no affected person will be physically displaced.

### **Question 7: What about affected crops and trees?**

**Answer:** Affected crops, fruit and timber trees and tree fences will be compensated in cash at current market prices. Compensation for non-harvested crops will be based on the average production in the past 3 years multiplied by current market prices. Compensation for trees will be based on the type, age and productivity of trees. A Replacement Cost Survey will be conducted during detailed design of the project to establish market prices for compensation. If there are delays in paying compensation, prices will be updated to take inflation into consideration.

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

**Answer:** In addition to compensation for loss of land and other assets, the project will provide rehabilitation assistance to eligible affected persons to ensure that their standard of living is

maintained or improved after the project. Eligible affected persons for rehabilitation assistance include:

**Severely affected households:** Households that lose 10% or more of their total productive landholdings will receive an economic rehabilitation package in accordance with provisions of Decree 69/2009/CP.

**Business owners that lose income while they relocate or rebuild their shops/businesses:** Households with small, unregistered businesses will receive cash compensation equal to the city minimum wage for three months. Owners of registered businesses will receive cash compensation at maximum equal to 30% of their after-tax annual revenue as provided by Decree 69/2009/CP.

**Employees and hired labourers who lose their jobs:** will receive cash compensation for lost salary/wages for each month they cannot work, if the loss is temporary; or, if the loss is permanent, cash compensation equivalent to the city minimum wage for six months or cash compensation for remaining contract period whichever is higher.

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

**Answer:** N° Entitled affected persons are those persons or households that are surveyed during the detailed measurement survey (DMS) activities. The affected persons and local authorities will be informed of the cut-off date (the date of DMS) for the sub-project. Anyone moving into the project area after cut-off date will not be entitled to compensation and assistance under the project.

**Question 10: What if I have been told to move but was not included in the survey?**

**Answer:** During the detailed design of the project, some minor changes may occur. This could affect the results of original inventory of losses. These affected persons will be entitled to the same compensation as all other affected persons. Once the actual position and alignment of the road are known, a detailed measurement survey (DMS) will be conducted in the presence of affected persons to inventory the losses for compensation and rehabilitation.

**Question 11: How will affected persons be consulted and informed?**

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

This program will enable the project to design the resettlement and rehabilitation program to meet the needs of affected persons, and help affected persons to make informed decisions about compensation and relocation. Consultations with affected persons and local authorities will reduce the potential for conflicts and minimise the risk of project delays, and maximize the economic and social benefits of the project.

**Question 12: If there are any disagreements or problems about land acquisition, compensation or other general disputes during project implementation, do affected persons have the right to voice their complaints?**

**Answer:** Yes, affected persons can voice their complaints (in verbal or written form) to responsible local authorities and resettlement committees. Their complaints can be filed first at the ward or commune level, and can be elevated to the district and city level and taken to district court if the affected persons are not satisfied with the decision of lower levels. Affected persons will be exempted from all taxes, administrative and legal fees. All complaints of affected persons on any aspect of land acquisition, compensation, resettlement and implementation will be addressed in a timely and satisfactory manner.

**Question 13: As a resident in the project area, how can I help?**

**Answer:** We would like you to participate in all consultation meetings and other project related activities in order to ensure that you are fully informed and consulted. Your active participation during

the detailed measurement survey (DMS) and implementation will allow us to determine measures to mitigate impacts, to identify problems or potentials problems and to identify ways of responding immediately to solve these problems.

**Question 14: How will you know if the objectives of this project are met?**

**Answer:** PPMB will ensure internal monitoring of all project activities. In addition, PPMB will engage an independent external monitoring agency to conduct external monitoring of resettlement activities during project implementation. Every 6 months, the independent monitoring agency will submit a report to PPMB and ADB on resettlement implementation progress. A post-resettlement impact evaluation will assess whether negative impacts have been mitigated adequately and pre-project standards of living of affected persons have been restored as a result of resettlement and the project.

**FOR FURTHER INFORMATION AND SUGGESTIONS -**

Please contact the PPMB or DCARC where you live:

1. Project Power Management Board (PPMB)s:

Address.....  
Person in charge:.....Tel.....

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

Address:.....  
Person in charge:.....Tel.....

### Annex 3 List of Non- Core Projects

EVN HANOI has proposed a list of 20 non-core projects, mostly for new building of 110 kV substations and transmission lines, and 04 projects for upgrading and renovation of existing substation, and one project concerning 220 kV transmission line. EVN HCMC has proposed a list of 9 non-core projects. They include 2 projects for new substation and transmission at 220 kV, 7 projects for new substation and transmission lines at 110 kV. There is no renovation or upgrade project in the EVNHCM list.

**Table 20.3: EVN HANOI Non-Core Projects**

N°	List	Total investment costs	Breakdown items					Count erpart costs (Base costs + VAT)
			ADB sources					
			Total	Details				
				Base cost	Physical contingencies (10%)	Prices contingencies (5%)	IDC + Financial commitment charges (5.5%)	
	<b>Total</b>	<b>117.07</b>	<b>92.29</b>	<b>76.59</b>	<b>7.66</b>	<b>3.83</b>	<b>4.21</b>	<b>24.77</b>
1	Transmission line 220 kV Chem - Tay Ho	12.000	9.461	7.851	0.785	0.393	0.432	2.539
2	substation Mo Lao and connecting line 110 kV	7.714	6.082	5.047	0.505	0.252	0.278	1.632
3	substation 110 kV Tay Ho and connecting line 110 kV	8.571	6.758	5.608	0.561	0.280	0.308	1.814
4	Upgrade transfo T2, rennovatesubstation 110 kV Tía - E10.4	4.190	3.304	2.742	0.274	0.137	0.151	0.887
5	Add new transfo T3, substation 110 kV ThanhXuan - E1.20	1.781	1.404	1.165	0.117	0.058	0.064	0.377
6	Extend substationThuongĐinh - E5	3.095	2.440	2.025	0.203	0.101	0.111	0.655
7	New substation 110 kV PhuNghia and connecting line 110 kV	5.000	3.942	3.271	0.327	0.164	0.180	1.058
8	New substation 110 kV Ba Vi	8.810	6.945	5.764	0.576	0.288	0.317	1.864
9	UGC 110 kV Tay Ho - YêePhu	14.286	11.263	9.347	0.935	0.467	0.514	3.023
10	New substation 110 kV Thi Tran Phung and connecting line	4.048	3.191	2.648	0.265	0.132	0.146	0.857
11	New substation 110 kV Ngoc Hoi and connecting line	3.333	2.628	2.181	0.218	0.109	0.120	0.705
12	UGC 110 kV Thanh Cong - ThuongDinh	11.714	9.235	7.664	0.766	0.383	0.422	2.479
13	Transmission line 110 kV from substation 500/220 kV Thuong Tin to ThanhOai	6.524	5.143	4.268	0.427	0.213	0.235	1.381
14	Connecting line to substation 220 kV Son Tay	6.524	5.143	4.268	0.427	0.213	0.235	1.381
15	Transmission line 110 kV from substation 500 kV Thuong Tin to substation	4.403	3.472	2.881	0.288	0.144	0.158	0.932



N°	List	Total investment costs	Breakdown items					Counterpart costs (Base costs + VAT)
			ADB sources					
			Total	Details			IDC + Financial commitment charges (5.5%)	
				Base cost	Physical contingencies (10%)	Prices contingencies (5%)		
	E1.34 Quat dong and to substation E10.4 Tia							
16	New substation 110 kV Chuong My (1x40 MVA) and transmission line 110 kV ThanhOai - Chuong My	7.381	5.819	4.829	0.483	0.241	0.266	1.562
17	Transmission line 110 kV Bac An Khanh - Nam An Khanh	0.476	0.375	0.312	0.031	0.016	0.017	0.101
18	New substation 110 kV Sai Dong 2 (Industrial park Sai Dong)	3.333	2.628	2.181	0.218	0.109	0.120	0.705
19	Connecting line 110 kV to Sai Dong 2	2.857	2.253	1.869	0.187	0.093	0.103	0.605
20	Upgrade substation 110 kV E10.7- Thach That	1.024	0.808	0.670	0.067	0.034	0.037	0.217

Table 10.4: EVNHCM Non-Core Projects

N°	Subprojects	Scope (km/ MVA)	Estimated cost		Financing request		Counterpart fund		Plan
			Billion VND	USD m	Billion VND	USD m	Billion VND	USD m	
	<b>Non-core subprojects</b>		<b>2,773.57</b>	<b>132.07</b>	<b>2,123.90</b>	<b>101.14</b>	<b>649.67</b>	<b>30.94</b>	
1	220 kV Tan Cang substation	2x250 MVA 2x63 MVA	540.00	25.71	390.00	18.57	150.00	7.14	2014-2015
2	220 kV Cat Lai - Tan Cangtx	2x13,6km	713.51	33.98	535.13	25.48	178.38	8.49	2014-2015
3	Cau Bong-Binh Tan line (4 circuits including 2 circuits of 220 kV, 2 circuits of 110 kV)	4x28km	708.99	33.76	531.74	25.32	177.25	8.44	2014-2015
4	110 kV Cat Lai-An Khanh tx	2x10,2km	96.00	4.57	72.00	3.43	24.00	1.14	2013-2014
5	110 kV Tan Hung substation and tx	2x63 MVA 2x2,75km UC	131.36	6.26	112.59	5.36	18.77	0.89	2012-2014
6	110 kV Hoc Mon 3 substation and connection line	2x63 MVA + 1km	93.07	4.43	75.62	3.60	17.45	0.83	2014-2015
7	110 kV 23/9 Park substation and tx	2x63 MVA + 1,1km	221.50	10.55	179.97	8.57	41.53	1.98	2014-2015
8	110 kV Phuoc Long substation and tx line	2x63 MVA + 5km	129.15	6.15	96.86	4.61	32.29	1.54	2014-2015

N°	Subprojects	Scope (km/ MVA)	Estimated cost		Financing request		Counterpart fund		Plan
			Billion VND	USD m	Billion VND	USD m	Billion VND	USD m	
9	110 kV Water Plant substation	2x63 MVA + 4x0,5km Back-up 220 kV: 2x250 MVA + 3x63 MVA	140.00	6.67	130.00	6.19	10.00	0.48	2014- 2015

### Annex 4 Maps of Project Areas in Ha Noi and Ho Chi Minh City

Figure 10.1 Ha Noi Transmission System and Core Projects



