

# Draft Resettlement Plan

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June 2015

## Multitranche Financing Facility Socialist Republic of Viet Nam: Power Transmission Investment Program

### Tranche 3

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June 2015

## **500 kV Chon Thanh Substation**

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

## ACRONYMS AND ABBREVIATIONS

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

## ELECTRICAL TERMINOLOGY

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

## REMARKS

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## DEFINITION OF TERMS

- Affected household (AH) - Means any household, person, firm, private or public institution that, on account of changes resulting from the Subproject, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term DP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a subproject or any of its components.
- Broad community support - Expressed consent or support of affected ethnic minority community or indigenous people (EM or IP) to the project activities where EM/IP groups are deemed to be particularly vulnerable.
- Consent of affected ethnic minority (EM) or indigenous people (IP) community - This refers to a collective expression by the affected EM Peoples communities, through individuals and/or their recognized representatives, of broad community support for the project activities. Such broad community support may exist even if some individuals or groups object to the project activities. The consent from the affected EM communities will include the formal agreements reached with EM Peoples communities and/or EM Peoples' organizations.
- Cut-off date - Coincides with the date of the start of the detailed measurement survey (DMS) of affected assets. The AHs will be informed of the cut-off date for each subproject component, and any people who settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.
- Detailed Measurement Survey (DMS) - With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of DPs earlier done during RP or REMDP preparation. The final cost of resettlement can be determined following completion of the DMS.
- Displaced persons (DPs) - In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
- Entitlement - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income



substitution, relocation support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.

- Eligibility
- Means any person who has settled in the subproject area before the cut-off date that suffers from (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporarily, or (iii) loss of income sources or livelihood, regardless of relocation ... will be entitled to compensation and/or assistance.
- Ethnic minority (EM)/ indigenous people (IP)
- The term ethnic minority or indigenous people is used generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In the case of Viet Nam, there is a high degree of consistency between the Vietnamese definition of ethnic minorities and ADB's definition of Indigenous People. The main point of divergence is that, in the case of ADB's policy, a group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage. National legislation, customary law, and any international conventions to which Viet Nam is a party are taken into account for application of the ADB policy.
- Income restoration
- This is the re-establishment of sources of income and livelihood of the affected households.
- Income restoration program
- A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-subproject levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
- Inventory of losses
- This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the subproject right-of-way (ROW) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of DPs will be determined.

Land acquisition	-	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Meaningful consultation	-	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to DPs; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of DPs and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues
Rehabilitation	-	This refers to additional support provided to AHs/DPs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of pre-project living standards and quality of life.
Relocation	-	This is the physical relocation of an AH/DP from its pre-project place of residence and/or business.
Replacement cost	-	The term used to determine the value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.
Replacement study	cost	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	-	Means all social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (iii) restrictions imposed on land, as a result of a project. This includes all measures taken to mitigate any and all adverse impacts of a subproject on DP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement (RP)	plan	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlements, actions, responsibilities, monitoring and evaluation.
Severely affected household	-	This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the subproject.

Vulnerable group

- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, (v) landless households, and (vi) indigenous people or ethnic minorities.

# I. EXECUTIVE SUMMARY

## 1.1 Background

1. The Asian Development Bank (ADB) on 16 December 2011 approved a multi-tranche financing facility (MFF) in the amount of \$730 million for the Power Transmission Investment Program (PTIP). The Vietnam Electricity National Power Transmission Corporation (NPT) is the executing agency (EA), while the Central Power Project Management Board (CPMB) is the implementing agency (IA). ADB approved Tranche 1 in December 2011 and Tranche 2 in November 2012. Preparations for Tranche 3 are being carried out under Project Preparation Technical Assistance (PPTA) No. 7742-VIE. Nine subprojects are proposed for inclusion in Tranche 3, namely, the installation of a second transformer bank each for the (i) 220 kV Duc Hoa Substation (SS), (ii) 500 kV Cau Bong SS, (iii) 220 kV Tra Vinh SS, (iv) 220 kV Uyen Hung SS, and (v) 220 kV Vung Tàu SS; construction of new transmission lines that include the 220 kV Binh Long – Tay Ninh Transmission Line (TL) and the 500 kV My Tho – Duc Hoa TL; and construction of new substations that include the 500 kV Chon Thanh SS and the 500 kV Duc Hoa SS and Connections.

2. With the exception of the 220 kV Vung Tàu SS<sup>1</sup>, the installation of a second transformer bank in each of the 4 other substations (i.e., 220 kV Duc Hoa SS, 500 kV Cau Bong SS, 220 kV Tra Vinh SS, and 220 kV Uyen Hung SS) will not involve land acquisition; the second transformer banks will be installed inside the compound of these existing substations. Notwithstanding that no land acquisition will be involved in the installation of second transformer banks in the 4 existing substations, a due diligence review (DDR) of each of the 4 existing substations was carried out in March 2015. Per ADB safeguards policy, each existing substation is an “associated facility”<sup>2</sup> of the proposed subproject installation of a “Second Transformer Bank” thereat. The objectives of the DDR were to (i) look into how government carried out land acquisition when the substations were constructed, and (ii) prepare a corrective action plan (CAP), as needed, that outlines the remedial actions that government would undertake to make land acquisition carried earlier consistent with the resettlement policy of PTIP.<sup>3</sup> (See **Chapter VII** for a detailed discussion of the PTIP resettlement policy).

3. Land acquisition will be involved in the construction of the 220 kV Binh Long – Tay Ninh TL and the 500 kV My Tho – Duc Hoa TL, and in the construction of the 500 kV Chon Thanh SS and the 500 kV Duc Hoa SS and Connections. Therefore, an RP is required each for the 500 kV My Tho – Duc Hoa TL, the 500 kV Chon Thanh SS, and the 500 kV Duc Hoa SS and Connections. A resettlement and ethnic minority development plan (REMDP) is required for the 220 kV Binh Long – Tay Ninh TL because ethnic minority households are affected by this subproject.

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<sup>1</sup>Government has to prepare a resettlement plan (RP) for the 220 kV Vung Tau SS even if the proposed subproject only involves the installation of a second transformer bank in said substation because land acquisition for the site of the substation has not yet been completed and the construction of the substation has not yet started. The proposed installation of a second transformer bank (as a subproject of PTIP Tranche 3) in the 220 kV Vung Tàu SS that NPT has yet to construct using government funds depends on the satisfactory implementation of the RP to be agreed by NPT and ADB. Relatedly, a DDR has been prepared for the existing 220 kV Ba Ria – Vung Tau TL because this 14 km transmission line was primarily constructed (in 2009-2014) for the purpose of connecting the yet to be built 220 kV Vung Tàu SS to the Ba Ria Gas-Power-Fertilizer Plant located in Ba Ria City. In other words, the existing 220 kV Ba Ria – Vung Tau TL is an associated facility of the subproject Second Transformer Bank for 220 kV Vung Tàu Substation.

<sup>2</sup> The existing substations are regarded as an associated facility of the installation of a second transformer unit (i.e., the subproject under Tranche 3) thereat because the viability and existence of the existing substations depend largely on their upgrading with the installation of said second transformer units.

<sup>3</sup> Resettlement and Ethnic Minority Development Framework (REMDF), November 2011.

4. The connection TLs of the new 500 kV Chon Thanh SS include an 8.5 km 220 kV TL that will link the new SS with the existing 220kV Tan Dinh – Binh Long TL, and 1.08 km 500 kV TL that will link the new SS with the 500kV Pleiku – My Phuoc – Cau Bong TL. The subproject and its 3 connection TLs will affect 2 communes in Chon Thanh District, Binh Phuoc Province.

5. This resettlement plan (RP) has been prepared for the 500 kV Chon Thanh SS and its 2 connection TLs. The RP is based on the results of the inventory of losses (IOL) and socioeconomic survey (SES) of affected households (AHs), including consultations with the AHs, consistent with applicable laws of the Government of Viet Nam (GOV) and with the 2009 ADB Safeguard Policy Statement (SPS).

## **1.2 Scope of Land Acquisition and Resettlement**

6. Sixty-four households stand to be affected by the permanent acquisition of 195,787 m<sup>2</sup> of their landholdings for the location of the substation and footings of TL towers, in addition to 179,673 m<sup>2</sup> of landholdings in the TL's right-of-way (ROW) that are adversely affected by safety restrictions imposed on their continued use. A total 6,853 rubber trees in the location of the substation and another 4,727 rubber trees in the TL ROW will be cut and acquired by the subproject. Only 1 AH is severely affected by the loss of its productive assets. Also, 1 house of grade IV construction classification and with a floor area of 20m<sup>2</sup>, in addition to secondary structures, such as a deep well, a toilet, and 3 livestock sheds, are in the ROW of the 220 kV connecting TL. These structures do not have to relocate, subject to certain conditions prescribed by law, such as the installation of lightning arrestors and fireproofing of the structures. The 1 AH that is severely affected by the loss of its productive assets is entitled to a cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months. At a unit cost of VND 15,000 per kg and an average household size of 3.9 persons, the life stabilization allowance due to the AH for 3 months is VND 5,400,000. In addition, the AH is entitled to receive VND 9,000,000 for life stabilization allowance.

## **1.3 Socio-economic Information**

7. The 64 affected households (AHs) were composed of 249 people, or the equivalent of 3.9 heads per household. Of the 249 members of the AHs, males numbered 134 (53.8 %), while women numbered 115 (46.2%). About 67% (43 persons) of the male AH heads and 33% (21 persons) of the women AH heads finished secondary school education. Agriculture is the major occupation of the 64 AH heads. Per results of the socioeconomic survey (SES), the average income of the AHs was VND 7,753,906 a month.<sup>4</sup> There was no poor AH. None of the AHs belongs to a vulnerable group.

## **1.4 Information Disclosure, Consultation and Participation**

8. AHs and local officials were met and interviewed in March 2015 in connection with the preparation of this RP, particularly prior to and after the conduct of the IOL. Their concerns and suggestions were incorporated in this RP. A summary of the draft and agreed RP in Vietnamese will be posted in district and commune offices, in addition to the distribution of a project information booklet (PIB) to each AH to coincide with the endorsement by NPT of the RP to ADB for concurrence. A complete version of the draft and agreed RP will be posted on the ADB website.

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<sup>4</sup> Decision No. 09/2011/QĐ-TTg, dated January 30 2011, by the Prime Minister set the poverty line and pro-poor threshold for the period 2011-2015 as follows: poor households were those with a monthly per capita income of less than VND 400,000, while pro-poor households were those with a monthly per capita income of VND 401,000 to VND 520,000. The per capita monthly income of the AHs was VND 1,988,181.

## **1.5 Grievance Redress Mechanism**

9. A grievance mechanism will be set up to help ensure that the complaints of AHs are resolved in a timely and satisfactory manner. Through the holding of consultations during RP preparation and implementation, including the distribution of PIBs, the AHs will be made fully aware of their rights to file a complaint, as needed. The resolution of a complaint will pass through 3 stages, beginning with the commune, then the district, then the provincial level of the People's Committee before it is elevated to a court of law as a last resort. The NPT will shoulder all administrative costs and legal fees incurred in the resolution of grievances.

## **1.6 Legal Framework**

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

## **1.7 Entitlements, Assistance and Benefits**

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

## **1.8 Relocation of Housing**

12. The 1 house and secondary structures located in the ROW of the 220 kV connecting TL do not have to be relocated provided safety measures as prescribed by law are adopted. The cost for installing fire and lightning prevention and electro-magnetic field protection measures will be shouldered by the project.

## **1.9 Income Restoration**

13. In order to assist affected persons restore livelihoods and income levels, PTIP will provide income restoration assistance in the form of allowance to AHs affected by the loss of productive lands and the vulnerable AHs. The various types of allowances outlined in the entitlement matrix include: (i) cash allowance for job changing and job creation for AHs affected by the permanent loss of agricultural land; (ii) cash allowance for life stabilization for AHs losing

10% or more of their productive landholdings; (iii) cash allowance for vulnerable affected households; and (iv) cash assistance for income loss (i.e., affected business and employment).

### 1.10 Resettlement Budget and Financing Plan

14. The estimated cost of resettlement for the 500 kV Chon Thanh Substation and its connection TLs is VND 135,813,122,280 (approximately USD 6,229,960), including administrative cost (at 15% of the cost of land acquisition and allowances) and contingency (at 15% of the cost of land acquisition and allowances), and the cost of external monitoring (at 2% of the cost of land acquisition and allowances). The NPT is responsible for ensuring that funds for resettlement are sufficient and are available on a timely manner.

### 1.11 Institutional arrangements

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

### 1.12 Implementation Schedule

16. A preliminary schedule of RP preparation and implementation is presented in table below. Contracts of civil works contractors will not be awarded until the RP, per approved final detailed engineering design, has been updated and agreed between NPT and ADB. Moreover, the civil works contractor will not be issued notice to proceed to commence construction works for the 500 kV Chon Thanh SS and its connection TLs until the RP has been implemented satisfactorily.

**Preliminary Resettlement Schedule**

Activities	Time frame
NPT to endorse the RP to ADB for concurrence	June 2015
Distribution of PIB to AHs and posting of RP in relevant government offices and on ADB website	June 2015
ADB no-objection to RP and approval of subproject	July 2015
Conduct of DMS, replacement cost study (RCS) and RP updating	September 2015
NPT to submit the draft updated RP to PPC for approval	October 2015
NPT to endorse the updated RP to ADB for concurrence	November 2015
Internal monitoring (requires submission of quarterly reports)	Start in Sept 2015
Start of external monitoring (requires bi-annual monitoring reports)	October 2015
ADB no-objection to updated RP and posting of updated RP	November 2015
Start of RP implementation	December 2015
Post-resettlement implementation evaluation (6 months after completion of RP implementation)	2016

### 1.13 Monitoring

17. CPMB is PTIP3 internal monitoring body. With assistance of the Project Implementation Consultant (PIC), CPMB will prepare quarterly monitoring reports to be submitted to NPT and ADB starting from the commencement of the updating of the RP. In addition, NPT will hire and mobilize an external monitoring agency (EMA) 1 month following the start of RP updating. The EMA will submit bi-annual reports to the NPT and ADB. The EMA will likewise carry out a post-subproject assessment survey within 6 to 12 months after completion of compensation and resettlement activities.

## II. INTRODUCTION

### 2.1. Project Background

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

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

20. The construction of the new 500 kV Chon Thanh SS and its connecting TLs is one of 9 subprojects proposed for inclusion in PTIP Tranche 3. The construction of the new substation and the connection TLs require land acquisition, thus this resettlement plan (RP). The RP is based on the results of the inventory of losses (IOL) and socioeconomic survey (SES) of affected households (AHs), including consultations with the AHs, consistent with applicable laws of the Government of Viet Nam (GOV) and with the 2009 ADB Safeguard Policy Statement (SPS).

### 2.2. Description of the Subproject 500 kV Chon Thanh SS and Connection TLs

21. The subproject includes 2 major components; (i) the 500 kV Chon Thanh SS on a 21,3529m<sup>2</sup> rubber tree land located in Hamlet 2 of Minh Thanh Commune, Chon Thanh District, Binh Phuoc Province; and (ii) 2 connection TLs, thus:

- a. 500 kV TL, with a length of 1,081 m to connect the new substation to the existing 500 kV Pleiku – My Phuoc – Cau Bong TL; and
- b. 220 kV TL, with a length of 8,505 m to connect the new substation to the existing 220 kV Tan Dinh – Binh Long TL

#### 2.2.1 500 kV substation

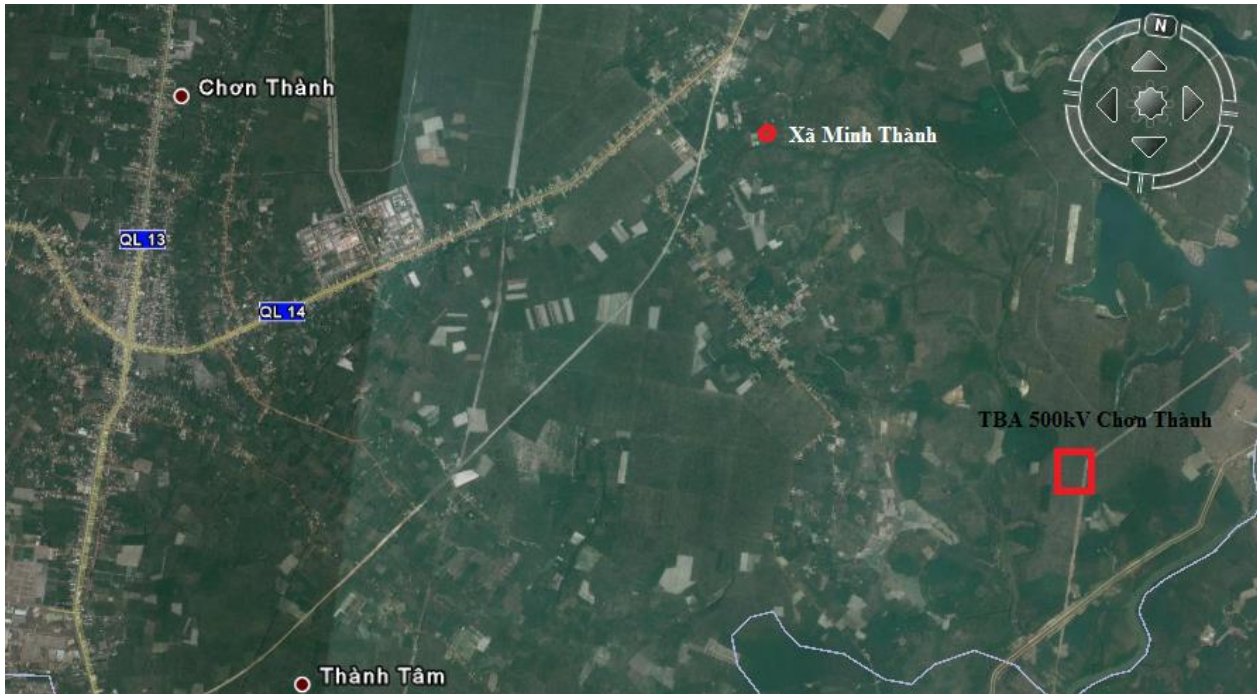
22. The new 500 kV Chon Thanh SS will be built on a rubber tree land. The substation will require an area of 21,3529m<sup>2</sup> that includes 17,8000m<sup>2</sup> for the fenced-in substation facility; 3,955m<sup>2</sup> drainage around the substation; and 5,324m<sup>2</sup> access road. The construction of the substation facility involves the following works:

- a. Install two 500/220kV transformers; in the initial stage, one 500/220kV – 900MVA transformer will be installed.
- b. Install two 220/110kV transformers; in the initial stage, one 220/110kV – 250MVA transformer will be installed.
- c. Build a 500kV switchyard, including 14 outgoing feeders, and 2 incoming cubicles. In



- the initial stage, 6 outgoing feeders and 1 incoming cubicle will be installed.
- d. Build a 220kV switchyard, including 18 cubicles. In the initial stage, 10 cubicles will be installed, including 6 outgoing feeders, 1 incoming cubicle of the 500kVSS, 1 incoming cubicle of the 220kV substation, 1 bus coupler, and 1 circuit breaker.
  - e. Build a 110kV switchyard, including 14 cubicles. In the initial stage, 8 cubicles will be installed, including 5 outgoing feeders, 1 incoming cubicle, and 1 bus coupler.
  - f. Establish a fiber optic communication system to transmit SCADA signal to the Southern Regional Load Dispatch Center and the National Load Dispatch Centre of Vietnam.

**Figure 1: Map of the 500kV Chon Thanh Substation**



### 2.2.2 500 kV and 220 kV connection TLs

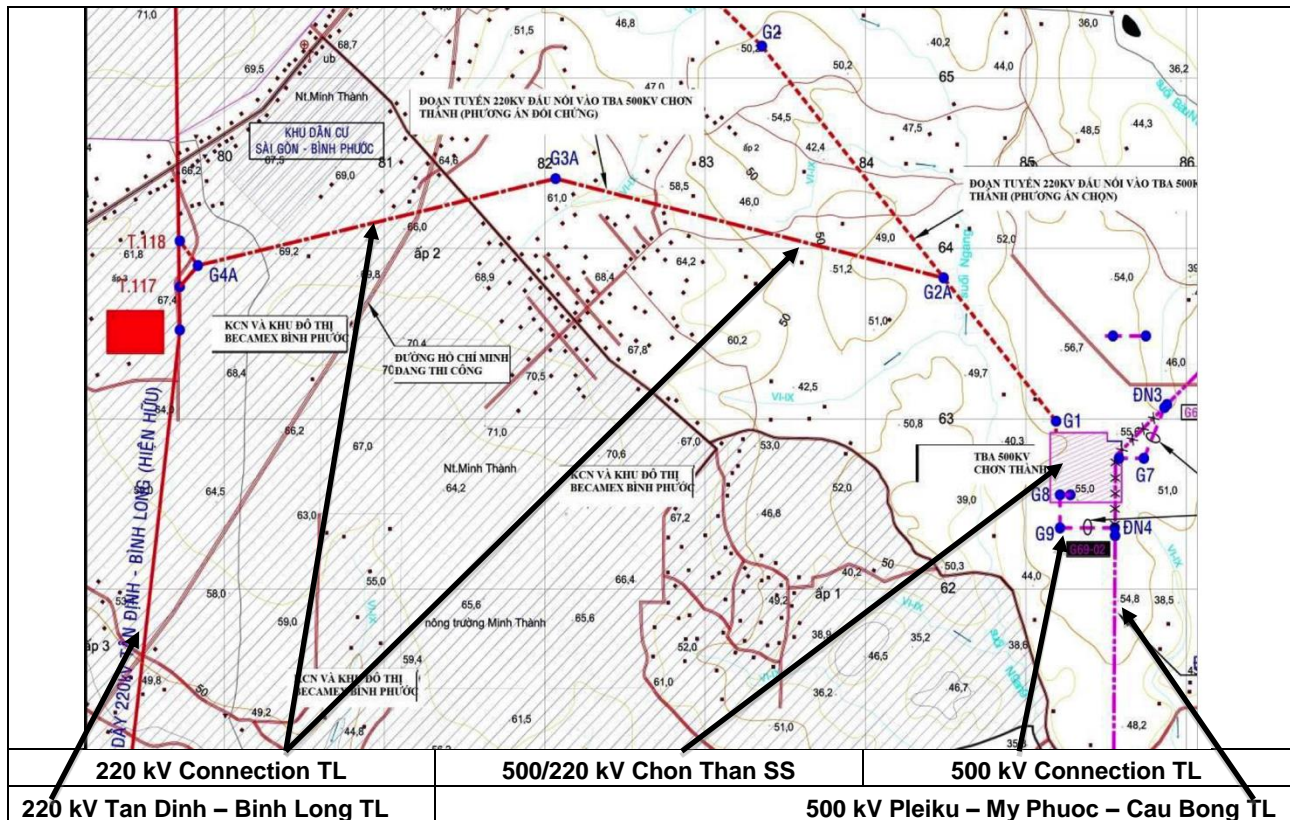
23. The subproject will build a two-double circuit 220kV transmission line and a two double circuit 500 kV transmission line that will emanate from the 500kV Chon Thanh Substation. The connection lines will cross Minh Thanh and Nha Bich Communes in Chon Thanh District of Binh Phuoc Province. The places that the 2 TLs will traverse through are flat and rubber trees are the main vegetation. The TL alignments are conveniently located because they are close to, and even crossover several roads. Features of the 2 connection TLs are described in table below.

**Table 1: Features of Connection Transmission Lines**

No.	Component	220kV connection	500kV connection
1	Starting point	The 220 kV tower at the 500 kV Chon Thanh Substation	The 500 kV tower at the 500 kV Chon Thanh Substation
2	Ending point	Connection 1 and connection 2	Connection 3 and connection 4
3	Connection to existing transmission lines	220 kV Tan Dinh – Binh Long TL	500 kV Pleiku – My Phuoc – Cau Bong TL
4	Voltage level (kV)	220	500
5	Number of circuits	4	2 & 2
6	Length (m)	8,505	1,081
7	Conductor	ACSR-400/51 & 3xACSR-400/51	4xACSR-330/43

No.	Component	220kV connection	500kV connection
8	Lightning arrester	1 PASTEL-181 wire	2 PHLOX-116 wires
9	Fiber optic wires (Type 24, single fiber optic mode)	OPGW-180	OPGW-90
10	Insulator	Crystal (or ceramic, polymer)	Crystal (or ceramic, polymer)
11	Tower	Galvanized steel	Galvanized steel
12	Foundation	Cast-in-place concrete	Cast-in-place concrete
13	Grounding	Stake – Ray	Stake – Ray
14	Turning angles	6	3
15	Connection points	2	2

Figure 2: Map of the 220 kV and 500 kV Connection Transmission Lines



24. **Impacts on land:** Lands will be impacted (i.e., by way of permanent acquisition or restricted use thereof) for the following: (i) substation (permanent acquisition); (ii) right-of-way and earth grounding zone (restrictions on the continued use of land thereat), and (iii) foundations of suspension and tension towers (permanent acquisition). The ROW of the 500 kV Connection TL is 16 m either way from the centerline of the transmission line, while the ROW of the 220 kV connection TL is 11 m either way from the TL centerline. While lands under the ROW will not be acquired, the activities of landowners thereon will be restricted to prevent injuries due to electromagnetic shocks that emanate from high-tension wires.

25. In the case of the 220 kV TL connection, Decree 14/2014/NP-CP, dated 26 February 2014 (The Power Transmission Safety Corridor) mandates that the lowest point (sag) of the power cable between two towers should not be less than 9 m in open areas. Where the 220 kV connecting TL crosses over residential areas and industrial parks, the sag should not be less than 18 m from the ground, and the safety clearance between any part of the power cable and a structure or treetop should not be less than 4 m. In addition, if the parts of the structures in the

ROW of the 220 kV TL include metal, then the structures need to be earthed (grounded), and/or if the same are made of combustible materials, then the structures have to be fireproofed. Moreover, because each steel lattice tower uses its foundations as grounding mechanism, no agricultural activity is allowed within 0.5 m of the tower foundations.

26. In the case of the 500 kV connecting TL, the sag of the TL close to rural residential areas and industrial parks should not be less than 16 m, while the sag over rice fields and farmlands should not be less than 12 m. No structures are allowed inside the 32 m ROW of the 500 kV TL. Cash crops (e.g., rice, vegetable, sugarcane) may still be grown within the ROW of the 500 kV connecting TL. However, because each steel lattice tower uses its foundations as grounding mechanism, no agricultural activity is allowed within 0.5 m of the tower foundations.

27. There are 2 kinds of steel lattice towers used. One kind is the suspension tower whose role is basically to hold the power cables above the ground. The other kind of tower is the tension and angle tower. The roles of this tower include serving as anchor when the TL alignment makes a turn, and to maintain tautness of the power cable between towers. A suspension tower is typically 74.0 m high (i.e., from ground level to the top of the tower), and the area of its foundation is 11 m x 11 m. On the other hand, a typical tension/angle tower is 61.0 m high, and the area of its foundation is 13 m x 13 m.

### **2.3. Measures Undertaken to Minimize Subproject Impacts**

28. CPMB and the design consultants held public meeting to consult with local authorities and local people regarding the location of the substation as well as the alignment of the connection TLs for the purpose of identifying options with the least adverse social and environmental impacts. Also, prior to the holding of the inventory of losses, the proposed layout of the substation and the routes of the connection TLs were presented to the AHs and feedbacks and suggestions from them were gathered. Copies of the draft layout of the substation and alignments of the connections TL were provided to relevant government offices, such as the provincial, district and commune People's Committees (PCs); provincial, district, commune, and township cadastral officers, for comments and for their information. Feedbacks gathered from local authorities and the affected people were taken into consideration in the design of the subproject.

### III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

29. An inventory of losses (IOL), that included a census of all affected persons (APs), was conducted in March 2015. A team of local enumerators from the Power Engineering Consulting Joint Stock Company 3 (PECC3), consulting firm hired by CPMB, and with assistance from local cadastral offices, carried out the IOL. (See **Appendix 1** for the IOL and socioeconomic survey questionnaire used, and see **Appendix 2** for the master list of AHs).

#### 3.1. Impacts on Lands

30. There are two types of impacts on land; one is permanent land acquisition for the location of the substation and the foundations of steel lattice towers of the 2 connecting TLs. The other type of impact is related to the safety restrictions imposed on the continued use of land inside the ROW of the connecting TLs.

##### 3.1.1 Permanent land acquisition

31. The Project will permanently acquire 195,787 m<sup>2</sup> of land for the substation and tower foundations of the 220 kV and 500 kV connecting TLs. Of the total landholdings to be acquired permanently, 184,359m<sup>2</sup> will be for the location of the substation, drainage, access road, and the tower foundations of the 500 kV connecting TL. The aforementioned land belongs to 1 affected household (AH) with a land use rights certificate (LURC). This 1 AH is severely affected by the loss of the equivalent of 67.0% of its productive land that is planted to rubber trees.

32. Additionally, tower foundations for the 220kV connecting TL will permanently acquire 11,428m<sup>2</sup> of landholdings of 25 AHs. With the exception of 1 AH that will lose 67.0% of its productive lands at the location of the substation, the remaining 24 AHs are marginally affected by the loss of productive lands for tower foundations. Of the total landholdings to be acquired for tower foundations of the 220 kV connecting TL, 191,817m<sup>2</sup> are in Minh Thanh Commune, and 3,970m<sup>2</sup> are located in Nha Bich Commune. The same are all planted to rubber trees. With the exception of the 1 AH affected by the location of the substation, the other 24 AHs affected by tower foundations do not have LURC for their landholdings but are eligible to apply for one.

##### 3.1.2 Restricted use of land in the TL ROW

33. A total of 179,673 m<sup>2</sup> of landholdings are found in the ROWs of the 2 connecting TLs. Of these affected landholdings in the TL ROWs, 139,057 m<sup>2</sup> are located in Minh Thanh Commune, while 40,616 m<sup>2</sup> are located in Nha Binh Commune. With the exception of a 20m<sup>2</sup> of land that is used for residence, the rest of the landholdings in the TL ROWs are planted to rubber trees. Only 6 of the 64 AHs with landholdings in the TL ROWs have LURC for their affected properties, although the other 58 AHs are eligible to apply for one.

34. According to Decree No. 14/2014/ND-CP, AHs may still use lands under the ROW to grow crops and trees provided that the vertical clearance between the treetop and the sag (lowest point) of the TL power cable is not less than 4.0 m for a 220 kV TL and 6.0 m for 500 kV TL. In view of this restriction, the 64 AH with landholdings in the TL ROWs will have to plant seasonal and annual crops in lieu of rubber trees. Nevertheless, and with the exception of 1 AH that will lose 67.0% of its productive lands at the location of the substation, none of the other 63 AHs are severely affected due to the safety restrictions imposed on the continued use of their productive lands in the transmission lines' ROW.

**Table 2: Landholdings Affected by the Subproject**

District/Commune	Area of permanently acquired land (m <sup>2</sup> )	Area of land use restrictions under the ROW (m <sup>2</sup> )
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	Residential land	Rubber tree growing land	Total	Residential land	Rubber tree growing land	Total
<i>1. Land acquired for the substation tower foundations of 500 kV connecting TL</i>						
Minh Thanh Commune		184,359	184,359			
<b>Total</b>		<b>184,359</b>	<b>184,359</b>			
<i>2. Land acquired for tower foundations of 220 kV connecting TL</i>						
Minh Thanh Commune		7,458	7,458			
Nha Binh Commune		3,970	3,970			
<b>Total</b>		<b>11,428</b>	<b>11,428</b>			
<i>3. Land affected in the ROWs of the 2 connecting TLs</i>						
Minh Thanh Commune				20	139,037	139,057
Nha Binh Commune					40,616	40,616
<b>Total</b>				<b>20</b>	<b>179,653</b>	<b>179,673</b>

### 3.2. Impacts on Houses and secondary structures

35. A grade IV house (i.e., made of brick wall and tile roof) with a floor area of 20 m<sup>2</sup> in Minh Thanh Commune is affected by the project as it is under the ROW. In addition to the house, an electric meter, deep well, a toilet and 3 livestock sheds are also under the ROW. The house and secondary structures in the TL ROW do not have to be removed from the present locations, subject to certain conditions prescribed by Decree 14/2014/ND-CP, such as the installation of lightning arrestors and fireproofing of the structures. The subproject will shoulder the cost of these safety measures.

### 3.3. Impacts on trees and crops

36. A total of 13,141 rubber trees belonging to 64AHs are adversely affected by the subproject. Of this number, 6,853 are located at the site of tower foundations and of the substation. The remaining 4,727 rubber trees are in the ROWs of the connecting TLs. Due to the height restrictions imposed by Decree 14/2014/ND-CP, all of these trees will have to be acquired by the subproject and cut.

### 3.4. Severely affected household

37. One AH is severely affected by the loss of its rubber tree landholding at the location of the substation. The loss of the AH is equivalent to 67.0% of its productive land.

### 3.5. Vulnerable AH

38. None of the AHs falls in the category of a vulnerable household.

### 3.6. Temporary Impacts

39. This type of impacts occurs during subproject implementation due to the requirement for temporary access of vehicles that will deliver pre-fabricated steels, equipment, cables, utilities, etc. during the construction and stringing of the towers. The project implementation consultant (PIC) and the civil works contractor will identify the sites for the access roads and for temporary workstations. The civil works contractor will pay for any damaged crops or income loss arising from the inability of AHs to plant their crops during the temporary use of their lands, in addition to restoring those temporarily affected lands to their original condition before the same are returned to the land owners. NPT will ensure that this condition is stipulated in the contract of the civil works contractors.





## IV. SOCIO-ECONOMIC INFORMATION

### 4.1. General Socioeconomic Information of the subproject Area

40. Binh Phuoc Province is a mountainous area in the West of the Southeastern part of the country. The province has several rivers and springs. It is bounded by Cambodia on the North and Northwest, by Dak Lak Province and Lam Dong Province on the East, by Dong Nai Province on the Southeast, by Tay Ninh Province on the West and by Binh Duong Province on the South. Binh Phuoc is divided into 10 administrative divisions including three townships (Dong Xoai, Binh Long and Phuoc Long) and three districts (Dong Phu, Bu Gia Map, Loc Ninh, Bu Dop, Bu Dang, Hon Quan and Chon Thanh). The political, economic and cultural center of the province is Dong Xoai Township. The subproject is located in Minh Thanh and Nha Bich Communes of Chon Thanh District.

#### 4.1.1 Land use in subproject communes

41. The total land area of the subproject communes is 10,120 ha. Of this total, 9,543 ha (94.3%) are grown to perennial trees. Surface water accounts for 296 ha (2.9%), while special purpose land accounts for 281 ha (2.8%).

**Table 3: Landholdings status in the project area**

Commune	Total land area (ha)	Perennial trees (ha)		Surface Water (ha)		Special Purpose (ha)		Total (%)
		Area	Proportion %	Area	Proportion %	Area	Proportion %	
Nha Bich	4,985.7	4,676.7	93.8	146	2.9	163	3.3	100
Minh Thanh	5,134.3	4,866.3	94.8	150	2.9	118	2.3	100
<b>Total</b>	<b>10,120</b>	<b>9,543</b>	<b>94.3</b>	<b>296</b>	<b>2.9</b>	<b>281</b>	<b>2.8</b>	<b>100</b>

#### 4.1.2 Population

42. At the time of the socioeconomic survey of AHs in March 2015, it was learned that the 2 subproject communes have a population of 12,137 persons, or the equivalent of a population density of 117 persons per km<sup>2</sup>. The male population accounts for 52.1% (6,326 persons), while the female population accounts for 47.9% (5,811 persons) of the total population. The subproject communes are made up of 2,860 households, or the equivalent of 4.2 persons per household. Almost all of the 2,860 households (98.4% or 2,815 households) belong to the Kinh majority population.

#### 4.1.3 Occupation

43. The primary occupation of about 92.3% (2,640) of the households in the subproject communes is farming. About 5.2% (148) of the subproject commune households are engaged in handicraft industry; 2.1% (60 households) in small business and services; and 0.4% (12 households), in other lines of work.

#### 4.1.4 Living standard

44. The average monthly income of the households in the subproject communes is VND 2,683,500.<sup>5</sup> According to local authorities, poor households accounts for 1.6% of the households in the subproject communes.

<sup>5</sup> Decision No. 09/2011/QĐ-TTg, dated January 30 2011, by the Prime Minister set the poverty line and pro-poor threshold for the period 2011-2015 as follows: poor households are those with a monthly per capita income of less

## 4.2. Socioeconomic Information on the AHs

45. A socioeconomic survey (SES) of the AHs was carried out in parallel with the IOL in March 2015. All 64 AHs were covered in the SES. Following are the highlights of the SES.

### 4.2.1 Gender and age of AH heads

46. Among the 64 AHs, men headed 43 (67.2%) households, while women headed 21 (32.8%) households. The average age of the female AH heads was 45 years old, while the average age of male AH heads was 48 years old. The age group 20-49 accounted for 69.8% (43 heads) of the male AH heads, and 66.7% (14 heads) of the female AH heads.

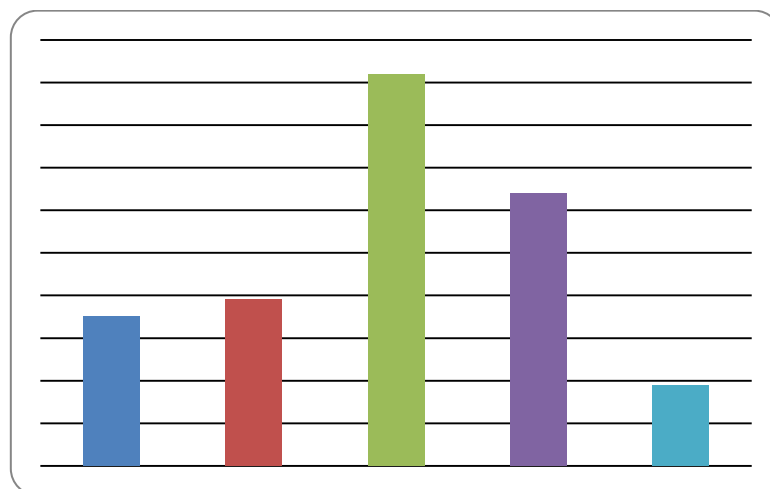
**Table 4: Age of AH Heads**

Commune	Age of the male household head				Age of the female household head				Total
	< 20	20 -49	50 – 60	Total	< 20	20 -49	50 – 60	Total	
Minh Thanh	-	20	8	28	-	10	5	15	43
Nha Bich	-	10	5	15	-	4	2	6	21
<b>Total</b>	-	<b>30</b>	<b>13</b>	<b>43</b>	-	<b>14</b>	<b>7</b>	<b>21</b>	<b>64</b>

### 4.2.2 Gender and age profile of members of the AHs

47. The 64 AHs were made up of 249 people, or the equivalent of 3.9 persons per household. Among the 249 AH members, 134 (53.8%) were males, while 115 (46.2%) were females. Regarding the age of AH members, 217 persons (87.1%) were in the 15-60 age group (i.e., working age group), while persons over 60 years old made up 5.6% of the population and persons below 16 years old made up 7.2% of the population.

**Figure 3: Age Structure of the APs**



### 4.2.3 Education of AH heads

48. Among the 43 male AH heads, 19 (44.2%) finished secondary school, 13 (30.2%) finished high school, 11 (25.6%) finished primary school. Among the 21 women AH heads, 12 (57.1%) finished secondary school, 6 (28.6%) finished primary school, and 3 (14.3%) finished high school.

**Table 5: Level of Education of the AH Heads**

Commune	Primary school	Secondary school	High school	Total
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than VND 400,000, while pro-poor households are those with a monthly per capita income of VND 401,000 to VND 520,000.



	Male	Female	Male	Female	Male	Female	Male	Female
Minh Thanh	5	4	16	9	7	2	28	15
Nha Bich	6	2	3	3	6	1	15	6
<b>Total</b>	<b>11</b>	<b>6</b>	<b>19</b>	<b>12</b>	<b>13</b>	<b>3</b>	<b>43</b>	<b>21</b>

#### 4.2.4 Occupation of AH heads

49. The primary occupations of all 64 AH heads revolved around agricultural activities, specifically growing rubber and cashew trees. Besides, 25 of the 64 households were engaged in small business.

#### 4.2.5 Income level of the AHs

50. The average monthly income of the AHs was VND 7,753,906. None of the AHs had a monthly income below the poverty line of VND 400,000 per household member.

#### 4.2.6 Source of household water

51. Forty-one of the 61 AHs had tap water connections. In addition, 61 of the AHs also had dug wells.

#### 4.2.7 Common ailments

52. The common ailments reported by the AHs included cold, flu, and respiratory tract infections.

**Table 6: Common Ailments of the AHs**

Commune	Cold	Flu	Hepatitis	Respiratory Tract Infection	Total
Minh Thanh	12	28	0	3	43
Nha Bich	2	11	0	8	21
<b>Total</b>	<b>14</b>	<b>39</b>	<b>0</b>	<b>11</b>	<b>64</b>

#### 4.2.8 Energy for lighting and cooking

53. All of the AHs used electricity for lighting and for operating appliances such as fridge, air conditioner, television, etc. For cooking, 46 of the 64 AHs used liquefied petroleum gas, while the other 18 AHs used firewood for cooking.

## V. CONSULTATION, PARTICIPATION AND DISCLOSURE

54. In compliance with the 2013 Land Law (Article 48, Article 67, and Article 69) and the PTIP resettlement policy (embodied in the Resettlement and Ethnic Minority Development Framework, November 2011), the views and suggestions of AHs and local authorities have been incorporated in this RP. In September 2014, PECC3 and CPMB personnel held initial public meetings with relevant commune officials for the purposes of (i) introducing the Power Transmission Investment Program (PTIP) and the proposed subproject, (ii) soliciting their views and suggestions regarding the location of the substation and the route of the connecting transmission line, and (iii) explaining the activities of CPMB and PECC3, such as the IOL/SES and replacement cost study (RCS), in connection with the preparation of the RP as a requirement for the processing of PTIP Tranche 3. A total of 4 persons participated in those meeting-consultations held in the 2 subproject communes. Key points raised and suggestions put forward by the participants in those meetings concerned the need for the executing agency to (a) commit to undertake mitigation measures to minimize environmental impacts caused by the project; (b) The project owner must comply with the approved design and ensure not to cause disorder and social conflicts by the workers in the area; and (c) The project owner must comply with laws and regulations during the construction and operation processes. Representatives of CPMB explained during the consultations that the concerns raised by the participants were adequately addressed by the PTIP resettlement policy, in addition to existing safety regulations prescribed by Decree No. 14/2014/ND-CP, dated 26 February 2014. (See **Appendix 3** for the highlights and list of participants in the pre-IOL meetings-consultations.

**Table 7: Dates of Public Meetings and Consultations before IOL/SES**

No	Name	Position	Male	Female
<b>I. Minh Thanh commune(5 September 2014)</b>				
1	Triệu Hồng Tuấn	Vice Chairman of CPC	x	
2	Lê Khắc Hiệp	Vice Chairman of Vietnamese Fatherland Front Unit	x	
<b>II. Nha Bich commune(5 September 2014)</b>				
1	Phạm Đình Tùng	Vice Chairman of CPC	x	
2	Phạm Ngọc Thiên	Vice Chairman of Vietnamese Fatherland Front Unit	x	

55. Following the conduct of the IOL, SES, and RCS, a second round of public meeting-consultations with the AHs was carried out in March 2015 for the purposes of (i) presenting the results of the surveys and the RCS; (ii) discussing PTIP resettlement policy, particularly its objectives, principles, entitlements, and the policy on cut-off date for eligibility to project entitlements; and (iii) soliciting their views and suggestions regarding the PTIP resettlement policy, especially with regard to compensation, cash assistance, income restoration measures, and relocation preference. A total of 45 persons (31 men and 14 women) participated in those meetings and consultations held in 2 commune. Key points raised and suggestions put forward by the participants in those meetings concerned the need for the executing agency to (a) ensure that the environment and the health of the local people are not put at risk due to electromagnetic radiations coming from the power transmission lines and the substation; (b) explain if houses would still be allowed in the transmission line's ROW; (c) explain if compensation and assistance would be provided to AHs for their houses and landholdings in the ROW; (d) ensure that unit prices used in computing compensation is equal, if not higher, to market prices; (e) post in public places the compensation unit prices used so the local people would be aware and informed; and

(f) provide local people accurate data/information during the DMS. Representatives of CPMB responded to the aforementioned concerns by (a) explaining relevant provisions of the PTIP resettlement policy, particularly on compensation, public participation and consultation, and the need to minimize adverse social impacts by exploring all viable project design options; (b) explaining the environmental management plan of the project; and (c) pointing out that the project is committed to help households affected by safety restrictions imposed on the continued use of land in the ROW of the TL. (See **Appendix 4** for the highlights and list of participants in the post-IOL meetings-consultations).

**Table 8: Dates of Public Meetings and Consultations after the IOL/SES**

No.	Date/location	Participants	By gender		By the participant group	
			Male	Female	Stakeholders	AHs
1	24 March 2015 at Minh Thanh CPC office	Representatives of local authorities, representatives of mass organizations, AHs	21	8	3	26
2	25 March 2015 at Nha Bich CPC office	Representatives of local authorities, representatives of mass organizations, AHs	10	6	4	12
	<b>Total</b>	<b>2 Consultations</b>	<b>31</b>	<b>14</b>	<b>7</b>	<b>38</b>

56. Consultations and discussions will continue to be carried out with the AHs during RP updating and implementation. Table below lists the activities that have been carried out and those that have yet to be done to ensure that APs/AHs are always updated about the project and that their opinions and suggestions are taken into consideration.

**Table 9: Roles of Key Stakeholders in RP Preparation and Implementation**

Project Process Stage	Participatory Activities and Participants	Responsible Institution	Date/Additional Notes
<b>Preparation</b>  <i>During subproject processing</i>	Consultation with government stakeholders (PPC, DPC, CPC, LFDC) and local population about PTIP and the subproject, preliminary design of the substation and the alignment of the connecting transmission lines, and the activities (surveys and consultations) to be carried out in connection with the preparation of the RP as a requirement of subproject processing	CPMB, with PECC3	September 2014
	Conduct of surveys (IOL/SES) and RCS	PECC3 with assistance from cadastral offices	March 2015
	Consultation with AHs to discuss the results of the surveys and RCS, including project resettlement policy and suggestions of AHs regarding compensation; cash assistance; and relocation options	CPMB, with PECC3 and local officials	March 2015
	Drafting of RP and project information brochure (PIB) for preliminary review of ADB resettlement specialist	TA consultants	May-June 2015
	Review by ADB resettlement specialist of the draft RP	ADB	June 2015

<b>Project Process Stage</b>	<b>Participatory Activities and Participants</b>	<b>Responsible Institution</b>	<b>Date/Additional Notes</b>
	Revision of draft RP and submission to NPT	TA consultants	June 2015
	Endorsement of RP to ADB for concurrence	NPT	June 2015
	Distribution of PIB to the AHs and posting of summary RP at District and Commune PC offices, posting of draft RP on ADB website	CPMB and NPT	June 2015
<b>Updating and Implementation</b>			
<u>Updating of RP</u>	Demarcation of the boundaries of substation	CPMB, assisted by Project Implementation Consultants (PIC)	August 2015
	Holding of public consultation before commencement of detailed measurement survey (DMS)	CPMB, with assistance from PIC	August 2015
	Mobilization of the District Compensation, Assistance and Resettlement Board and the Land Fund Development Center in each district	DPC, with assistance by CPMB and PIC	September 2015
	Conduct of DMS	LFDC and DMS Task Force, with the participation of the APs	September 2015
	Updating of the RP and submission to PPC for approval	NPT and CPMB	October 2015
	Endorsement of the updated RP to ADB for concurrence	NPT	November 2015
	Posting of the summary updated RP at District and Commune PC offices, posting of final updated RP on ADB website	NPT	November 2015
<u>RP implementation</u>	Implementation of the RP (i.e., payment of compensation, handing-over of acquired properties, etc.)	DCARB with LFDC	December 2015
	Receipt and resolution of grievances of APs/AHs	CPC, DPC, PPC, with assistance by CPMB and PIC	December 2015-until completion of subproject
<u>Monitoring and evaluation</u>	Monitoring of the implementation of land acquisition	CPMB and external monitoring agency	Starting in September 2015

57. Copies of the draft RP in Vietnamese language endorsed by NPT to ADB will be made available at District PC and Commune PC offices. The draft RP will be uploaded on the ADB website. Likewise, copies of the project information brochure (PIB), also in Vietnamese language, will be distributed to the APs/AHs following NPT's submission of the draft RP to ADB in June 2015. NPT and CPMB will ensure that the PIBs are distributed to the APs/AHs. The PIB will include the following information: (i) description of the subproject; (ii) adverse social impacts

of the subproject; (iii) measures to avoid impacts, including entitlements of APs/AHs; (iii) consultation and grievance redress procedures; (iv) schedule of land acquisition and clearing of the ROW; and (v) names officials to contact for any queries (see **Appendix 5** for a copy of the PIB).

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

## VI. GRIEVANCE REDRESS MECHANISM

59. In order to ensure that all grievances and complaints of APs/AHs on any aspect of land acquisition, compensation and resettlement are addressed in a timely and satisfactory manner, and that all possible avenues are available to APs/AHs to air their grievances, this grievance redress mechanism applies to the subproject. All APs/AHs can send any questions to NPT and/or CPMB about their rights in relation to entitlements, compensation policy, rates, land acquisition and grievance redress. APs/AHs are not required to pay any fee during any of the procedures associated with seeking grievance redress, including if resolution requires legal action to be undertaken in a court of law. Complaints will pass through 3 stages described below. The complainant can, if necessary, take the matter to a court of law. It is noted that the this grievance redress mechanism does not impede access to the country's legal system, meaning that an aggrieved person is free to access a court of law even at the initial stage of his/her grievances. NPT will shoulder all administrative and legal fees that might be incurred in the resolution of grievances and complaints.

60. Moreover, an aggrieved AP may also bring his/her complaint directly to the ADB's Energy Division, Southeast Asia Department, through the Viet Nam Resident Mission. If the AP is not satisfied with the response of the Resident Mission, he/she can directly contact the ADB Office of the Special Project Facilitator.

61. The grievance redress procedure will be implemented as follows:

- a. **First Stage: Commune Peoples' Committee (CPC)** - An aggrieved AP may lodge his/her complaint before any member of the CPC through the Village Chief or directly to the CPC, in written or verbal form. It is incumbent upon the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved AP and will have 15days to resolve the complaint. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- b. **Second Stage: District/Town People's Committee (DPC)** - If after 15days the aggrieved AP does not hear from the CPC, or if the AP is not satisfied with the decision taken on his/her complaint, the AP may bring the case, either written or verbal, to any member of DPC. DPC has 15days to resolve the case. The DPC is responsible for documenting and keeping files of all complaints that it handles.
- c. **Third Stage: Provincial People's Committee (PPC)** - If 15days the aggrieved AP does not hear from the DPC, or if the AP is not satisfied with the decision taken on his/her complaint, the AP may bring the case, either in writing or verbal, to any member of the PPC. The PPC has 15days within which to resolve the complaint to the satisfaction of all concerned. The PPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
- d. **Final Stage: People's Court** - If after 15days following the lodging of the complaint with the PPC, the aggrieved AP does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to the people's court.

62. The above grievance redress mechanism will be disclosed and discussed again with the APs prior to loan appraisal by ADB and during the updating of this RP to ensure their understanding of the process. CPMB and the DCARBs are responsible for following-up the grievance process of the APs.

## VII. LEGAL AND POLICY FRAMEWORK

63. The legal and policy framework for addressing the adverse social impacts of the 500 kV Chon Thanh SS is provided by relevant policies and laws of Viet Nam and of the ADB.

### 7.1. ADB Policies

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

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

### 7.2. Compensation and Resettlement Policy of the Government of Viet Nam

66. The Constitution of the Socialist Republic of Vietnam (2013) confirms that ownership and protection of ownership of citizens of their houses. Besides, the Government has issued a number of law, decrees, and regulations to form the legal framework for land acquisition, assistance, compensation, and resettlement. Primary documents include:

#### **a. Law**

- Land Law (2013) No. 45/2013/QH13 approved by the National Assembly, dated November 29, 2013.

#### **b. Government's decrees**

- Decree No. 43/2014/ND-CP, dated May 15, 2014 guiding the implementation of Land Law 2013.
- Decree No. 44/2014/ND-CP, dated May 15, 2014 by the Government on land prices.
- Decree No. 45/2014/ND-CP dated May 15, 2014 by the Government providing the collection of land use levies.
- Decree No. 46/2014/ND-CP, dated May 15, 2014 by the Government providing the collection levies on land lease, water surface lease.

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<sup>6</sup> The policy on environment is discussed in a separate environment report.

- Decree No. 47/2014/ND-CP, dated May 15, 2014 by the Government on compensation, assistance, and resettlement in the event of land recovery by the State.
- Decree No. 38/2013/ND-CP, dated April 23, 2013 on the management and use of Official Development Assistance (ODA) and concessional loans of donors.
- Decree No. 14/2014/ND-CP, dated February 26, 2014 by the Government detailing the implementation of the Electricity Law regarding electricity safety.

**c. Decisions**

- Decision No. 1956/2009/QD-TTg, dated November 17, 2009 by the Prime Minister approving the Master Plan on vocational training for rural workers to 2020.
- Decision No. 52/2012/QD-TTg, dated November 16, 2012 on employment and vocational training support for laborers affected by agricultural land recovery.

**d. Circulars**

- Circular No. 23/2014/TT-BTNMT, dated May 19, 2014 by MONRE regulating Land Use Right Certificate (LURC), right to ownership of housing and other assets attached to land.
- Circular No. 24/2014/BTNMT, dated May 19, 2014 by MONRE regulating cadastral dossiers.
- Circular No. 25/2014/BTNMT, dated May 19, 2014 by MONRE, regulating cadastral maps.
- Circular No. 28/2014/BTNMT, dated June 2, 2014 by MONRE regulating land statistic and inventory and development of current land use map.
- Circular No. 29/2014/BTNMT, dated June 2, 2014 by MONRE regulating details of making and amending land use planning.
- Circular No. 30/2014/BTNMT, dated June 2, 2014 by MONRE regulating dossiers of handing over land, leasing land, converting land use purpose, and land acquisition.
- Circular No. 36/2014/TT-BTNMT, dated June 30, 2014 on land pricing method; compilation of and adjustment to land prices; determination of specific land prices and consultancy on land pricing.
- Circular No. 37/2014/TT-BTNMT, dated June 30, 2014 on compensation, assistance and resettlement in the event of land recovery by the State.

**e. Binh Phuoc PC's Decisions**

- Decision No. 11/2014/QD-UBND, dated 11 June 2014 by PCP of Binh Phuoc on amending and supplementing some articles of the regulation on compensation, assistance and resettlement upon land recovery by the State in Binh Phuoc province, attached to Decision 58/2008/QD-UBND, dated 22 December 2009 by the PCP of Binh Phuoc.
- Decision No. 32/2014/QD-UBND, dated 19 December 2014 issued by PCP of Binh Phuoc regulating the unit prices of land types in Binh Phuoc Province for the period 2015 - 2019.



- Decision No. 57/2013/QĐ-UBND, dated 20 December 2013 by CPC of Binh Phuoc on land prices in Binh Phuoc Province for 2014.
- Decision No. 68/2011/QĐ-UBND, dated 21 December 2011 issued by PPC of Binh Phuoc regulating the unit prices of compensation and support for house and structure and trees upon land recovery by the State in Binh Phuoc Province.

### 7.3. Gaps Analysis and Project Principles

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

- a. SPS requires that displaced persons without titles (legal rights) to land be provided with resettlement assistance and compensated for loss of non-land assets (constructed before the cut-off date). On the other hand, the Land Law does not allow compensation of land-attached assets that are illegally established<sup>8</sup> (Article 92, LL). Moreover, structures (land-attached assets) are not compensated based on the value of a new structure, except for structures used for residential purposes (Article 89.2, LL).
- b. SPS requires exploring additional revenues and services through benefit sharing schemes where possible. This is not required under the Land Law.
- c. SPS requires conducting social impact assessment to identify poor and other vulnerable groups who may be disadvantaged and disproportionately affected by land acquisition for the purpose of implementing measures to assist them. The Land Law does not clearly require projects to identify displaced poor and other vulnerable groups that are impacted by a development project and to implement measures to assist them. However, in case the amount of compensation and support is not enough to buy the minimum plot in a resettlement site, the State will shoulder the balance.
- d. The level of detail and information required for resettlement planning under SPS differs from what is required by the Land Law. The Land Law does not require the preparation of a resettlement plan or general compensation plan prior to the conduct of DMS.

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

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

- e. SPS requires payment of compensation and other applicable entitlements to affected persons before displacement. This requirement is not explicitly stated as a condition under the Land Law. The Land Law does require payment of compensation within 30 days since the effective date of a land acquisition decision and to subsequently adjust amount in case of delay in payment (Article 93, LL).
- f. SPS requires compensation to include interest accrued. However, under the Land Law the amount is kept in an escrow account in State Treasury without interest in case the AP refuses the proffered compensation.
- g. SPS requires the conduct and disclosure of monitoring and evaluation of resettlement activities. For projects with significant involuntary resettlement impacts, the project is required to hire an independent external monitoring agency. In the Land Law, monitoring and evaluation is required in a more general term and includes all aspects of the implementation of the Land Law (Article 200, LL). There is also no requirement for independent monitoring for projects with significant involuntary resettlement impacts.

**Table 10 Gap Analysis: 2013 Land Law and Decree 47/2014/ND-CP and ADB SPS**

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
<b>Objectives</b>			
<i>To avoid involuntary resettlement whenever possible; to minimize involuntary resettlement by exploring project and design alternatives</i>	Land Law requires the project owner to arrange the project reasonably to save the land and the Government issued Decree 42/2012/ND-CP on the protection of paddy land;	While there is no explicit policy, land recovery in Viet Nam in practice avoids or minimize involuntary resettlement	Since the Project shall be financed by ADB loan, it will adopt the objectives of the Bank's 2009 SPS <sup>9</sup> .
<i>To enhance, or at least restore, the livelihoods of all displaced persons<sup>10</sup> in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups<sup>11</sup>.</i>	Compensates land users that fulfill the conditions for compensation as prescribed by Article 75, legitimate owners of land-attached assets (Article 88.1), persons/entities that plant/grow forests funded by state budget (Article 90.1.d). - All land users (defined in Article 5) whose land is recovered (including affected workers) are considered for receiving State support (Article 83.1 Land Law 2013 and Article 19 Decree 47/2014/ND-CP). State support is defined as assistance to those whose land is recovered in order to stabilize their livelihoods, production and development.	The 2013 Land Law does not provides compensation to land users who violate land legislation (Article 64), and owners of illegally established land-attached assets (Article 92.2), and unregistered land users of agricultural land after 1 July 2004 (Article 77.2). There is also no regulation to compensate unregistered business for income losses due to business disruption and support in re-establishing their business elsewhere.	
	(For displaced poor and other vulnerable groups) -In case the amount of	Not conflict with SPS 2009 although there is small gap in identifying vulnerable group.	

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

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

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

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
	<p>compensation/support is not enough for resettled people to buy the minimum resettlement plot, requires the State to support the balance (Article 86.4 Land Law 2013 and Article 27 Decree 47)</p> <p>-Requires to compensate, support, and resettle to stabilize livelihoods of people whose recovered land is located in areas that pose risk to human life (Article 87.3 of Land Law 2013 and Articles 19, 20, and 21 Decree 47).</p>		
<b>Scope and Triggers</b>			
<p><i>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. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.</i></p>	<p>The policy principles are not limited to the DPs but:</p> <ul style="list-style-type: none"> <li>- Have policies to create favorable conditions for people who are directly engaged in agricultural production, forestry, aquaculture, and salt-making and do not have productive land due to the restructuring of land use and economic restructuring (Article 26.4). These households/ individuals will be granted with LURCs, ownership of housing and other assets attached to land and do not have to pay land use fee (Article 101.1).</li> <li>- Covers both physical and economic displacement due to land recovery (involuntary acquisition of land)</li> <li>-Considers impacts from change of land use structure and economic structures (Article 26.4)</li> <li>-Covers both temporary and permanent land recovery</li> </ul>	<p>Although there is no similar principles as in the SPS 2009, this provision is consistent with the overall objective of the Bank on poverty reduction.</p> <p>The 2013 Land Law is short in matching the coverage of 2009 SPS since Article 94 and Article 157 only provide compensation for legally recognized land users.</p>	<p>Applying the objectives of the 2009 ADB SPS.</p>

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
	-Covers remaining investment costs on land (Article 76). -Covers compensation for the damage caused by limited land use (Articles 94 and 157).		
<b>Policy Principles</b>			
<p>1. <i>Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks.</i>  <i>The involuntary resettlement impacts of a subproject funded by ADB is considered as significant if 200 people or more are greatly affected, defined as (i) relocating houses or (ii) losing 10% or more of their productive assets (income-generating).</i></p>	<p>-Requires that in the preparation of the district annual land use plan, the area and location of the land to be recovered to implement socioeconomic development projects should be assessed (Article 40.4.c).            As for severely affected households when the DPs lose at least 30% of their agricultural landholdings.</p>	<p>-The Land Law does not require for screening of projects in terms of significance of involuntary resettlement impacts, with corresponding requirements for degree of preparation, implementation and monitoring.            -Land Law 2013 (Article 87.3) and Decree No. 47/2014/ND-CP require that depending on the degree impacts, separating compensation, assistance, and resettlement activities into a stand-alone project will be decided.</p>	<p>All subprojects shall be screened and categorized according to the degree of their involuntary resettlement impacts, physical and social.</p>
<p>2. <i>Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of</i></p>	<p>- Starts the conduct of public consultation (including affected land users) with the preparation of the district-level land use plan (Article 43).            - Between 90-180 days before issuing decision on land recovery, State agencies are required to notify the affected land users about the land recovery (including recovery plan,</p>	<p>Most of the provisions on consultation in the Land Law are consistent with 2009 SPS. What is missing is the provisions are the consultation with host communities and support for social and cultural institutions.</p>	<p>Participatory consultations will include non-government organizations, host communities and civic organizations will be provided with project information booklets or brochures written in language largely</p>

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
<p><i>resettlement programs. Establish a grievance redress mechanism<sup>12</sup> to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population.</i></p>	<p>investigation, survey, measurement and inventory) (Article 67). - Requires that once the plan for compensation has been approved, each person whose land is recovered (<u>and meets the conditions for compensation</u>) should be notified of the decision on compensation. Requires the decision to clearly show the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house and time of hand over, and site clearance. The organization in charge of compensation/resettlement conducts consultations with affected land users and record opinions/ comments raised during the consultations. In case of disagreement, the Fatherland Association will attempt to persuade those who disagree (Article 69).</p>		<p>understand by affected persons.</p>
<p><i>3. 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 at <u>replacement value</u> for land when the loss of land does not undermine livelihoods, (ii)</i></p>	<p>-Requires that compensation be made by allocating new land with the same land use purpose with the recovered land. If there is no land available for compensation, the land users will receive cash compensation calculated on the specific land price. Requires that compensation must be democratic,</p>	<p>There are inconsistencies noted on these provisions in Land Law that do not meet this Bank policy. It does not prescribe for consulting land users on land transactions, land value by types, land titles, land use, cropping patters and crop production,</p>	<p>Livelihoods and socio cultural systems of all displaced persons shall be restored, improved and culturally appropriate from pre-Project level. Affected livelihoods based on land shall be restored through: (i)</p>

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

ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
<p><i>prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets<sup>13</sup> that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</i></p>	<p>objective, equal, public, timely and legally compliant. (Article 74.2)            -Requires that specific price of the affected plot should be determined and independent/licensed valuers should be engaged in establishing cash compensation rates (Articles 114.4, 115, and 116 of Land Law 2013 and Decree 44/2014/ND-CP). However, the requirement of engaging independent/licensed valuers is still vague: article 114, provision 3 says that the province-level land administration agency is entitled to (instead of “must”) hire organizations having consultancy functions for advising on the determination of specific land prices).            -Includes the cost for moving due to land recovery in the compensation (Article 91).            -Requires the payment of additional compensation in case of late payment (after 30 days from decision on the land recovery) (Article 93).</p>	<p>availability of land in the project area and region, and other related information where market conditions are absent or in a formative stage in determining replacement value of affected assets.</p>	<p>land-based resettlement strategies, or cash compensation at replacement value for land when the loss of land does not undermine their livelihoods; (ii) prompt replacement of assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, (iv) employment in construction works; and (v) restoration of social networks of displaced persons.</p>
<p><i>4. Provide physically and economically displaced persons with needed assistance, including the following: (i) secured tenure to</i></p>	<p>-Entitles affected land users to also receive State support, including support for stabilizing livelihoods and production, support for training and</p>	<p>The Land Law does not include compensation of unregistered owners of commercial structures/businesses for (i) the</p>	<p>Physically and/or economically displaced persons shall be provided with: (i) land use right</p>

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

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



ADB SPS 2009 Involuntary resettlement safeguard	Vietnam 2013 Land Law & guidance decrees	Policy gaps from ADB SPS 2009	Reconciled policy for the Project
	use structure and economic structure (Article 26.4). Such households/ individuals shall be granted certificate of land use right, houses and other land-attached assets without having to pay land use fee (Article 101.1).		
6. <i>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.</i>	-Article 73 of the Land Law covers negotiated settlement for land transfer for projects, facilities for project and business purposes – not in the event of land recovery by the state.	Land Law 2013 and Decrees 43/2014/ND-CP, 44/2014/ND-CP and 47/2014/ND-CP have neither a provision for procedure nor regulation on negotiated settlement.	Per 2009 SPS <sup>14</sup> , the borrower/client will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. The borrower/client will agree with ADB on consultation processes, policies, and laws applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements.
7. <i>Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for full resettlement assistance and compensation for loss of non-land assets at 100% (as long as they settled in the project</i>	-For relocating households who are not eligible for compensation with residential land, but have no other place to live, the State sells, leases, provides rent-to-own houses or allocates land with land use fee (Article 79.2). -Not compensating for the assets which	The Land Law is inadequate in meeting this 2009 SPS policy. Articles 88 and 92 do not provide compensation to non-legitimate owners of land-attached assets for non-land assets.	The absence of legal rights of affected persons on the acquired land is not a hindrance to receiving compensation for other assets and for rehabilitation assistance.

<sup>14</sup> Appendix 2, Paragraph 25

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

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

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

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

#### **7.4. Resettlement Policy and Principles of the Subproject**

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

- a. Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options.
- b. Compensation and assistance will be based on the principle of replacement cost at the time of implementation.
- c. Severely affected household (SAH) is considered when they are losing 10% or more of the household’s assets shall be considered as threshold.
- d. Displaced persons without title or any recognizable legal rights to land are eligible for compensation for non-land assets at replacement cost.
- e. Residential and agricultural land for replacement should be close to the previous places as much as possible and be suitable to displaced persons.
- f. Meaningful consultation will be carried out with the displaced persons and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of the DPs and communities will be taken into account.
- g. The RP or REMDP will be disclosed to DPs in a form and language(s) understandable to them
- h. Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- i. Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- j. Existing cultural and religious practices will be respected and preserved, to the maximum extent practical.
- k. Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the subproject.
- l. Resettlement transition stage should be minimized. Restoration measures will be provided to displaced persons before the expected starting date of construction in the specific location.
- m. Budget for payment of compensation, assistance, and resettlement and support will be prepared sufficiently and made available during subproject implementation and by the provinces.
- n. Reporting and independent monitoring should be defined clearly as part of the management system of resettlement. Independent assessment of the duration and results of the land recovery should be carried out.
- o. The NPT will not issue notice of possession to contractors until the NPT are officially confirmed in writing that (i) payment has been fully disbursed to the displaced persons and rehabilitation measures are in place (ii) already-compensated, assisted displaced persons have cleared the area in a timely

manner; and (iii) the area is free from any encumbrances. The satisfactory resettlement to be ascertained by the independent monitor before start of the civil works.

- p. Cut-off date is the date of completing DMS for which land and/or assets affected by the Subproject are inventoried.

## **7.5. Subproject Entitlements**

### **7.5.1 Eligibility**

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

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

### **7.5.2 Entitlements**

71. 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.

72. The unit rates or amount for allowances indicated in the entitlement matrix can be adjusted during RP updating to reflect actual situation at the time of implementation. However, the adjusted amounts and unit rates cannot be lower than the provisions in the entitlement matrix.

**Table 11: Entitlement Matrix**

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

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		below).	acquisitions of the land.
A.2: Permanently Affected Agricultural Land			
<p>Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC</p> <p>AND public organizations</p>	<p>More than 10 percent or more of total productive landholding affected</p> <p>(1 AH)</p>	<p>(a) As a priority, allocation of replacement land: (i) equal in area to affected land up to a maximum of land quota in the locality; (ii) of same category (or productive capacity); (iii) at a location satisfactory to DP; (iv) with full title in the names of both the household head and his/her spouse; and (v) without charge for taxes, registration and land transfer charges; and</p> <p>(b) Economic rehabilitation package (see G, below);</p> <p>Or, if DP opts,</p> <p>(a) Cash compensation at replacement cost); and,</p> <p>(b) Economic rehabilitation package (see G, below).</p>	<p>If remaining land holding is not economically viable i.e. is too small to be economically cultivated, the Subproject will acquire the entire land holding and not just the affected portion. The size of the entire holding will be the basis for providing replacement land or cash compensation. The economically remaining land area will be identified by DCARB for each case.</p> <p>DCARBs will determine whether the remaining holding can be viable or not and take care of this issue during DMS implementation.</p> <p>Full payment for AHs at least 01 months before site clearance</p>
	<p>Less than 10 percent of total productive landholding affected; OR No suitable replacement land available</p> <p>(24 AHs)</p>	<p>Cash compensation at replacement cost at current market prices for affected portion if remaining holding is viable;</p> <p>OR</p> <p>Cash compensation at replacement cost at current market prices for entire landholding, if remaining holding is not viable.</p>	<p>Implemented by DCARBs Decided by DPCs</p>
	<p>Affected landholding located in urban, peri-urban or rural residential area, as per approved land use plan</p>	<p>(a) Cash compensation at replacement cost for affected land; and</p> <p>(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.</p>	<p>Implemented by DCARBs Decided by DPCs</p>
	<p>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.</p>	<p>(a) Cash compensation at replacement cost for affected land; and</p> <p>(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.</p>	<p>Implemented by DCARBs Decided by DPCs</p>
	<p>Affected landholding is under dispute.</p>	<p>Compensation (for land and all non-land affected assets on the affected land) held in escrow account until land dispute is resolved.</p>	<p>Implemented by DCARBs Decided by DPCs</p>
<p>User with lease or temporary</p>	<p>Any impacted items</p>	<p>Cash compensation equivalent to 30 percent of replacement cost for</p>	<p>Preceding note on viability of remaining</p>



Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
rights		affected land;  OR, Cash compensation for loss of net income for the remaining leased or assigned period, whichever is higher.	(unaffected) portion of plot also applies  Implemented by DCARBs
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 province, and  (b) Economic rehabilitation package in lieu of compensation (see G, below).	For non-titled DPs with no other productive landholdings, local authorities will allocate replacement land with temporary or lease land rights
Eligible organizations	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 transfer assets, if any.	The compensation amount must be paid to account of affected commune and used for infrastructure improvement of the commune
<b>A.3 Impact on productive land in ROW</b>			
All AHs have trees/fruit trees in ROW	Partially impact or totally impact  (64 AHs)	(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)  AHs can be required to cut affected trees, subproject will pay for this work.
<b>B. Residential and/or non-agricultural land</b>			
<b>B.1. Temporarily Affected Residential and/or Non-Agricultural Land</b>			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Temporary loss of use of land	No compensation for land; however, (a) The Subproject will pay rent to DPs during temporary use; and (b) Compensation for any demolished structures at replacement cost; and (c) Restore land within 1 month after use to its previous or better.	Rent will be determined so as to be not less than the amount of income foregone due to the temporary loss of this land  PPMBs and EMA are in charge of monitoring contractors on restoration of the affected land.
User with lease or temporary right	Temporary loss of use of land right	No compensation for land; however, (a) The Subproject will pay rent to DPs during the temporary use or compensation for the remaining value of the contract; and (b) Compensation for any demolished structures at replacement cost; and	Rent will be determined so as to be not less than the amount of income foregone due to the temporary loss of this land

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		<p>(c) Restore land within 1 month after use of land to its previous or better quality.</p> <p>OR, if DP opts:</p> <p>(a) Compensation for any demolished structures at replacement cost; and  (b) Compensation for the remaining value of the contract.</p> <p>c/ Restore land within 1 month after use of land to its previous or better quality.</p>	<p>PPMBs and EMA are in charge of monitoring contractors on restoration of the affected land.</p>
<b>B.2. Permanently Affected Residential and/or Non-Agricultural Land</b>			
<p>Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC</p>	<p>Loss of residential and/or non-agricultural landholding without houses and structures built thereon</p>	<p>As a priority, allocation of replacement land: (i) equal to area of affected land up to a maximum of land quota in province of subproject; (ii) of same type (e.g., residential, commercial); (iii) at a location satisfactory to DP; (v) with full title in the names of both the household head and his/her spouse; and (vi) without charge for taxes, registration and land transfer charges;</p> <p>OR, if DP opts,  Cash compensation at replacement cost for the affected land. The compensated area does not exceed the residential land quota in the locality</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 AHs at least 03 months before site clearance</p>
	<p>Affected landholding exceeds area of land quota.</p>	<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>	
	<p>Loss of residential land/or non-agricultural landholding with houses and structures built thereon.</p>	<p>DP 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</p> <p>(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>(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</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.</p> <p>(b) Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved.</p>

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		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 DP to find alternative land.
Non-titled user	Loss of residential land or non-agriculture land	No compensation for affected land; however, (a) Non-titled DP entitled to compensation for affected structures (see C, below), and (b) Package of rehabilitation allowances (see G below)	(a) In case of non-titled DP has no other residential land/or non- agriculture land: Local authorities should consider to allocate replacement residential land or house with full title and plus package of rehabilitation allowances  (b) In case of non--titled DP has no other non-agriculture land: Local authorities should consider to allocate replacement non- agriculture land with temporary of lease land right.
Eligible organizations	Loss of non-agricultural land	(a) No compensation for land if land use fee is unpaid or paid by state funds, otherwise cash compensation for land at replacement cost; and (b) Cash compensation for affected structures and allowance of relocation if any.	
<b>B3. Impact on residential land in ROW</b>			
All AHs have house/Structure and trees in ROW	Partially impact on house or structures in ROW (affected area less than 50% of total land area without any impact to the remaining structures of the house/building  (1 AH)	(a) No compensation for land.  (b) Retain their houses in ROW according to the conditions regulated by Article 6 of Decree No. 106/2005/NĐ-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 utilization restricted land	AHs will demolish the impacted part/structures and 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 AHs 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) AH 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/NĐ-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 AHs' houses in ROW. (e) Support for utilization of restricted land	

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
<b>C. MAIN HOUSES AND/OR SHOPS AND OTHER STRUCTURES OR PROPERTY</b>			
C.1. Main Structures (Houses and/or Shops)			
Owners of houses/ structures	House/Structure partially affected and remaining portion can be used  (1 AH)	(a) Cash compensation at replacement cost for materials and labor 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 labor 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 labor 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 (b) Repair allowance to the structure owner (see G, below). (c) Tenant may remain with owner's agreement.	Notice to tenants by owner at least two (2) months in advance
	Remaining structure no longer viable, OR Tenant opts to move	(a) Cash compensation to the structure owner for the whole affected structure at replacement cost with no deduction for depreciation or salvageable materials; and (b) Rent allowance equivalent to 6 months' rent or the remaining value of the rental contract (whichever is higher); and, (c) Assistance to find new, affordable rental accommodation; and (d) Relocation allowance (see G, below)	
C.2. Other Structures, e.g., kitchens, toilets, animal sheds, fences, foundations, etc.			
Owners of structures	Partially or totally affected structures or other property  (3 AHs)	Cash compensation at full replacement cost for materials and labor and with no deduction for depreciation or salvageable materials; OR  Cash or in-kind assistance to relocate affected structures or property; OR  Cash assistance to repair of property to original or better condition (see G, below).	Owners of structures are entitled to compensation regardless of whether or not they possess a) land use rights to the land OR b) Construction permits for the structures
	Graves / tombs-yard/cemetery	All costs of excavation, relocation and reburial will be reimbursed in cash	Compensation to be paid directly to DPs.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		<p>to the affected family as prescribed in PPC's regulation.</p> <p>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>For ownerless affected graves / tombs, compensation will be given to Commune PC to relocate them to new site.</p> <p>Graves to be exhumed and relocated in culturally sensitive and appropriate ways according to Customary rights.</p> <p>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 and/or trees	Loss of annual crops	If standing crops are ripening and cannot be harvested, cash compensation of un-harvested crops at market values based on the average production over past 3 years.	A minimum of 2 months' notice to harvest crops; Owners of crops and/or trees are entitled to compensation regardless of whether they possess land use rights
	Loss of perennial crops, fruit and timber trees and tree fences  (64 AHs)	Cash compensation at current market prices given the type, age and productive value of the affected crops and/or trees.	Compensation must equal in value to crops that would be harvested had acquisition not occurred.  A market survey shall be carried out when updating the RP 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

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
<b>F. LOSS OF BUSINESSES AND INCOME SOURCES (NON-LAND BASED)</b>			
F.1. Businesses that relocate and/or rebuild structures			
Households with businesses without tax declarations, e.g., small shops  (Including un-registered business owners)	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt.	(a) Cash assistance for loss of income based on the minimum wage in the respective province for the period of 3 months; and  (b) Cash compensation for affected structures at replacement costs; and  (c) Cash assistance for relocation (see G1), if any	Affected businesses will be notified 2 months in advance to relocate and/or rebuild new structures, so as to be able to continue to operate businesses while resettling.
Registered business owners	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt.	(a) Cash assistance for loss of income equal to 30% of taxable revenues of one year. Average annual taxable revenues determined on basis of financial statements for the past 3 years; and  (b) Cash compensation for affected structures at replacement costs; and  (c) Cash assistance for relocation (see G1), if any	
F.2 Employees and Hired Laborers			
Employees and hired laborers	Temporary loss of employment/work while employers re-organize, relocate and/or rebuild.	Cash compensation for lost wages or salary equal to basic wages or salary for each day (or month) they cannot work.	
	Permanent loss of employment/work due to land acquisition or relocation of employer.	(a) Cash assistance equal to six months wages or salary or the value of a remaining contract, whichever is higher; and  (b) Assistance to secure new employment including relevant skills training expenses if required.	
<b>G. REHABILITATION ASSISTANCE</b>			
G.1. Relocation Allowance			
All DPs have to relocate	Relocation of household and/or business effects and salvaged and new building materials.	(a) Cash assistance is minimum of VND 3,000,000 for DPs that relocate within the same province; OR Cash assistance up to VND 5,000,000 for DPs that relocate to another province.  (b) Temporary Relocation Assistance for renting temporary resettlement house: The period of assistance and administration of this provision will be as per the Provincial People's Committee regulations  NB. Not applicable for AHs rebuilding on same plot.	Eligible DPs include owners of residential structures that are totally or partially affected and remaining portion is not viable; non-titled DPs allocated alternative residential land or housing; tenants; and, businesses and eligible land use/management organizations that relocate.  At the time of compensation, the level of allowance will be re-evaluated to ensure the DPs have enough assistance to relocate.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
			The resettlement sites are all close to the affected area and with completed infrastructure
G.2. Transition Subsistence Allowance			
Owners of residential structures that must rebuild.	Loss of income during period to rebuild.	Cash assistance is equal to 30 kg of rice per month per household member for 12 months valued at market price; If relocation in hard living condition area, assistance is for 24 months.  Assistance is equal to 30 kg of rice per month per household member for 03 months if partial rebuilding only is required.	At time of compensation, allowance will be adjusted for inflation to ensure that DPs have sufficient resources to meet basic food and non-food expenditures.
G.3 Repair Allowance			
Owners of partially affected principal structures; AND Owners of other affected structures.	Damage due to dismantling of part of principal structure, or part or all of other structure	Cash assistance based on actual costs to repair the remaining part	
G.4 Infrastructure Development Allowance			
Owners of structures that relocate themselves	Provision of basic infrastructure, e.g., water supply, toilet, access, drainage	Cash assistance equal to the basic cost of investment unit in infrastructure of a standard plot in resettlement site according to Decree 69/2009/ND-CP.	
G.5 Economic Rehabilitation Package			
Severely affected DPs, displaced from housing or losing 10 percent or more of their productive, income generating irrespective of tenure status.	Assistance to restore livelihoods and incomes following acquisition of agricultural land or other productive assets (1 AH)	AHS directly cultivate on the affected land to be entitled: (a) Losing from 10 to 30% of agricultural land holding: Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area;  (b) Losing more than 30% to 70% of total agriculture landholding. Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area;  (c) Losing more than 70% of total agriculture landholding Cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area; AND  (d) In-kind assistance to be decided in consultation with eligible DPs. Forms of assistance may include, but are not limited to, agricultural extension assistance, and training for non-agricultural occupations. And	Value of in kind assistance to be determined during RP or REMDP implementation.  Income Restoration Programs will be designed during subproject implementation with the assistance of an agency specialized in livelihoods/labor or vocational assistance and with the active involvement of the AHS.  RP or REMDP shall be prepared during the RP or REMDP updating following the needs assessment of the DPs

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		(e) Participating in income restoration programs (RP or REMDP).	
	Assistance for job changing and creation.  (25 AHs)	Cash assistance equal to 1.5 times of compensation value for affected for acquired land area but not exceed 5 (five) times of land quota in locality.  If DP has demand for training, he/she will be entitled to a free training course	Eligibility will be confirmed during DMS.
G.6. Special allowance for social and economically vulnerable households			
Vulnerable DPs (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 DPs, 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.
G.7 Assistance for houses/infrastructures falling in the ROW			
All DPs affected with infrastructures	Infrastructures below the 220Kv line within the ROW  (4 AHs)	Support provided to protect the infrastructures affected with necessary equipment as per regulations	The support level for protection will the provincial regulations
G.8 Bonus to DPs that relocate on time			
All DPs that relocate		Bonus Allowance if land is handed over in a timely manner according to PPC's regulation.	



## **7.6. Strategy to Address Gender Issues**

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

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

## **7.7. Strategy to Assist Vulnerable Households**

74. Vulnerable APs include the following: (i) households headed by women with dependents, (ii) household heads with disabilities, (iii) poor households, (iv) elderly households with no other means of support, and (v) landless APs. Vulnerable APs that are affected by the partial or entire loss of main structures and productive assets will be given priority for employment in project-related works. In addition, vulnerable AHs will be provided livelihood assistance.

## **7.8. Unforeseen Impacts**

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

## VIII. RESETTLEMENT STRATEGY

### 8.1 Compensation and Allowances of AHs

76. Compensation for affected fixed assets, including cash allowances, have been computed based on the results of the replacement cost study (RCS) that was conducted in March 2015 to determine the prevailing market rates of lands, structures, crops, and trees in the subproject area. (See **Appendix 6** for results of the RCS). The amounts of compensation for affected assets are estimated using the unit costs suggested by the RCS and multiplying these unit costs with quantities of the affected assets. Computation of various types of allowances follows the same principle.

#### 8.1.1. Compensation for permanently affected (acquired) land

77. Compensation for the 25 AHs affected by the permanent acquisition of their 195,787 m<sup>2</sup> of rubber tree landholdings is estimated at VND 15,662,960,000.

#### 8.1.2. Cash assistance for losing productive lands (paddies and croplands)

78. The 25 AHs affected by the loss of their 195,787 m<sup>2</sup> of rubber tree landholdings are entitled to an assistance of VND 78,314,800,000.

#### 8.1.3. Life stabilization allowance for severely affected AHs

79. One AH is entitled to life stabilization allowance<sup>16</sup> because it will lose 67% of its total productive assets at the location of the substation. The AH will receive cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months. At a unit cost of VND 15,000 per kg and an average household size of 3.9 persons, the life stabilization allowance due to the AH for 3 months is VND 5,400,000. In addition, the AH is entitled to receive VND 9,000,000 for life stabilization allowance.

#### 8.1.4. Cash assistance for restricted use of land in TL ROW

80. The 64 AHs adversely affected by safety restrictions imposed on the continued use of their 179,673 m<sup>2</sup> landholdings in the ROW of the connecting TLs are entitled to receive the equivalent of 80% of the replacement cost<sup>17</sup> (i.e., at market rate) of their affected landholdings in the ROW. An aggregate of VND 4,323,672,000 in cash assistance will be given to the 64 AHs, broken down as follows: VND 12,000,000 residential land; and VND 4,311,672,000, rubber tree land.

**Table 12: Cash Assistance for Restricted Use of Land in TL ROW**

Type of Affected Land	Unit Cost (VND/m <sup>2</sup> )	Affected area (m <sup>2</sup> )	Amount (VND)
Rubber/perennial tree land	24,000	179,653	4,311,672,000
Residential land	750,000	20	12,000,000
<b>Total</b>		<b>179,673</b>	<b>4,323,672,000</b>

<sup>16</sup> Life stabilization allowance is computed thus: (a) Losing from 10 to 30% of agricultural land holding: cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 3 months, if not relocating; for 6 months if relocating; and for 12 months if relocating in a harsh living condition area; (b) Losing more than 30% to 70% of total agriculture landholding: cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 6 months, if not relocating; for 12 months if relocating; and for 24 months if relocating in a harsh living condition area; and (c) Losing more than 70% of total agriculture landholding: cash assistance equal to 30 kg of rice (valued at market price) per month per household member for 12 months, if not relocating; for 24 months if relocating; and for 36 months if relocating in a harsh living condition area.

<sup>17</sup> Per RCS conducted in March-April 2015, the unit costs of the affected lands are: VND 300,000 to 1,300,000 xxx/m<sup>2</sup>, residential land; VND 70,000 to 90,000 xxx/m<sup>2</sup>, annual cropland.

### **8.1.5. Mitigating temporary impacts on land and incomes**

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

### **8.1.6. Compensation for crops and trees**

82. There were no annual and seasonal crops planted on the adversely affected landholdings of the 64 AHs. However, a total of 13,141 rubber trees belonging to the 64 AHs are adversely affected by the subproject (i.e., 6,853 rubber trees at the site of tower foundations and of the substation; 4,727 rubber trees in the ROWs of the connecting TLs). At prevailing market rates in March 2015, the compensation for these trees is estimated at VND 4,448,697,000.

### **8.1.7. Compensation for affected main structures**

83. The 1 house found in the ROW of the 220 kV connecting TL in Minh Thanh Commune is not required to relocate, consistent with Decree 14/2014/ND-CP. Similarly, none of the secondary structures found in the TL ROW, such as electric meter; deep well; a toilet; and 3 livestock sheds, will be required to relocate outside of the ROW. However, they have to be equipped with lightning arrestors and be fireproofed as determined by competent authorities. The subproject will shoulder the cost of these lightning arrestors and fireproofing. But since the quantities of lightning arrestors and fireproofing works are unknown at this point in time, the budget for these will be drawn from the allotted contingency cost of the RP's resettlement budget.

### **8.1.8. Cash assistance for income loss**

84. None of the 64 AHs is affected by income loss as a consequence of the disruption of business operation or employment.

## **8.2 RP updating and implementation**

85. CPMB will be responsible for updating the RP, with assistance from the Project Implementation Consultants (PIC). NPT and CPMB will make representation with the PPC and the DPC for the mobilization of DCARB and the LFDC in the district for the conduct of the detailed measurement survey (DMS). Prior to the conduct of the DMS, the CPMB and DCARB/LFDC will hold public meetings-consultations with the AHs to discuss the approved subproject and the DMS activities that will be carried out. Binh Phuoc PPC will hire an independent expert that will carry out replacement cost study (RCS). Following the conduct of the DMS, CPBM, with assistance from the PIC and DCARB/LFDC will hold disclosure meetings-consultations with the AHs to discuss the results of the DMS, the subproject resettlement policy and entitlements, and to solicit the views and suggestions of the AHs regarding their resettlement.

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

## IX. RESETTLEMENT COSTS

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

### 9.1. Procedures for flow of funds

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

### 9.2. Cost estimates and inflation adjustment

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

### 9.3. Implementation, administration and contingency costs

90. Implementation costs cover payment of allowances and per diem of concerned DCARB and LFDC staff members involved in the updating and implementation of the RP. Administrative costs and contingencies amounting to 15% each have been added on top of the cost of resettlement.

### 9.4. Estimated cost of resettlement

91. The cost of implementing resettlement for the 500 KV Chon Thanh SS is estimated at VND 135,813,122,280 (US\$ 6,229,960). Table below gives a breakdown of resettlement costs.

**Table 13: Resettlement Budget (in VND)**

No.	Cost Items	Unit	Quantity	Amount (VND)
<b>A.</b>	<b>Permanently acquired land</b>		<b>195,787</b>	<b>15,662,960,000</b>
1	Rubber/Perennial tree land	m <sup>2</sup>	195,787	15,662,960,000
<b>B.</b>	<b>Cash assistance for losing productive land</b>	<b>m<sup>2</sup></b>	<b>195,787</b>	<b>78,314,800,000</b>
<b>C.</b>	<b>Allowances for severely affected AHs</b>			<b>9,000,000</b>
1	Life stabilization allowance (1 AH)	VND/ person	1,800,000	9,000,000
<b>D.</b>	<b>Cash assistance for land in ROW</b>			<b>4,323,672,000</b>
1	Rubber/Perennial tree land	m <sup>2</sup>	179,653	4,311,672,000
2	Residential land	m <sup>2</sup>	20	12,000,000
<b>E.</b>	<b>Compensation for crop and trees in tower foundations</b>			<b>135,600,000</b>
1	Rubber Trees	no.	400	135,600,000
<b>F.</b>	<b>Compensation for crops and trees in TL ROW</b>			<b>2,131,632,000</b>
1	Rubber Trees	no.	6,288	2,131,632,000
<b>G.</b>	<b>Compensation for crops and trees in substation</b>			<b>2,181,465,000</b>
1.	Rubber Trees	no.	6,435	2,181,465,000
<b>H.</b>	<b>Compensation for house, structure in TL ROW</b>			<b>129,600,000</b>
1.	House	no.	20	54,000,000
2.	Structure		40	75,600,000
<b>I.</b>	<b>Fireproofing of structures in the 220 kV TL ROW</b>			
1.	Grade IV house and secondary structures(to be determined)			fromcontingency

No.	Cost Items	Unit	Quantity	Amount (VND)
	<b>Sub-total: Direct cost of resettlement (A+...+I)</b>	VND		<b>102,888,729,000</b>
	Cost contingencies (15% of direct costs)	VND		15,433,309,350
	Administrative costs (15% of direct costs)	VND		15,433,309,350
	External monitor (2% if direct costs)	VND		2,057,774,580
	<b>Grand TOTAL*</b>	VND		<b>135,813,122,280</b>

\*Equivalent of US\$ 6,229,960 at 1USD = VND21,800 exchange rate

## **X. INSTITUTIONAL ARRANGEMENTS**

92. Implementation of the RP requires the participation of relevant agencies from the central to province, district, and commune level. NPT has the overall responsibility for the implementation of the RP. The CARB of Chon Thanh District will be mobilized consistent with Decree 47/2014ND-CP, dated 15 of May 2014.

### **10.1. Central Level**

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

- a. Provide overall management and coordination of PTIP Tranche 3 (PTIP3);
- b. Liaise with CPMB to carry out PTIP3;
- c. Coordinate with ADB in providing resettlement consultant services for PTIP3;
- d. Support CPMB for updating RPs/REMDPs of PTIP3;
- e. Consolidate project progress reports on land acquisition and resettlement submitted by the CPMB for relevant ministries and ADB;
- f. Recruit a consulting agency consisting of international specialist and national specialist to support project implementation; and
- g. Recruit or authorize CPMB to recruit a qualified external monitoring agency to conduct independent monitoring of RP implementation.

94. The CPMB is the implementing agency and is mandated to:

- a. Actively participate in RP updating and implementation activities in collaboration with the concerned organization at the Province, District and Commune levels;
- b. Liaise with the PPC to facilitate the establishment of the CARB at the provincial and district/city levels;
- c. Provide an orientation to the concerned People's Committees of the province, districts, and communes, the District/City CARB and related groups on the project, its resettlement policy, process flow, and on the specific tasks of these groups relative to the updating and implementation of the RP;
- d. Take the lead in the public disclosure of subproject RP/REMDP in coordination with concerned People's Committees, and participate in project information dissemination and holding of consultation meetings with AHs and other stakeholders;
- e. Monitor grievances related to the project and call the attention of concerned government offices where complaints have remained outstanding beyond prescribed action periods;
- f. Design and implement an internal monitoring system that will capture the overall progress in RP/REMDP updating and implementation; and prepare quarterly progress reports for submission to NPT and ADB.

### **10.2. Provincial Level**

95. The main responsibilities of the PPC include: (i) establishment and mobilization of PCARB and DCARB; (ii) organization and mobilization of all organizations and individuals concerning compensation, support and resettlement policies and ground clearance according to the land recovery decisions of competent State bodies; (iii) recruitment of consultant to determine replacement unit cost of affected private and public assets; (iv) planning resettlement arrangements, job change training plans according to their assigned competence; (v) authorizing the DPC to approve compensation, assistance support to

APs/AHs; (vi) providing guidance to concerned agencies on the impartial settlement of citizens' complaints, complaints related to compensation, support and resettlement; and (vii) authorizing the DPC to apply legal measures to cases of deliberately failing to abide by the State's land recovery decisions.

### 10.3. District and Commune Levels

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

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

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

### 10.4. Project Implementation Consultants

99. The Project implementation consultants (PIC) will include one international resettlement consultant and a national resettlement consultant to assist in the updating and implementation of the RP/REMDP.

### 10.5. Implementation Schedule of Resettlement

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

**Table 14: Project implementation schedule**

Activities	Time frame
NPT to endorse the RP to ADB for concurrence	June 2015
Distribution of PIB to AHs and posting of RP in relevant government offices and on ADB website	June 2015
ADB no-objection to RP and approval of subproject	July 2015
Conduct of DMS, replacement cost study (RCS) and RP updating	September 2015
NPT to submit the draft updated RP to PPC for approval	October 2015
NPT to endorse the updated RP to ADB for concurrence	November 2015
Internal monitoring (requires submission of quarterly reports)	Start in Sept 2015
Start of external monitoring (requires bi-annual monitoring reports)	October 2015
ADB no-objection to updated RP and posting of updated RP	November 2015

Activities	Time frame
Start of RP implementation	December 2015
Post-resettlement implementation evaluation (6 months after completion of RP implementation)	2016



## **XI. MONITORING AND REPORTING**

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

### **11.1. Monitoring and Reporting**

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

### **11.2. Internal Monitoring**

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

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

### **11.3. External Monitoring**

104. The key objectives of external monitoring and evaluation are to: (i) assess whether or not resettlement objectives have been met, specifically the restoration of livelihoods and the enhancement of affected persons' living standards; (ii) assess resettlement efficiency, effectiveness, impact and sustainability; and (iii) identify further mitigation measures as needed. External monitoring will be carried every 6 months. The external monitoring agency (EMA) will submit its monitoring report directly to NPT and ADB. The EMA will look into the following concerns:

- a. Capacity of affected persons to restore livelihoods and living standards. This will include assessment on the effectiveness and/or inadequacy of technical assistance, allowances and other measures, and to what extent the affected persons have maintained their livelihoods and living standards to pre-project levels.
- b. Public consultation and awareness of resettlement plan policies. EMA will validate if the affected persons have been fully informed and consulted about land acquisition and relocation activities. It will also inquire the affected persons and other stakeholders if they were aware of the compensation and entitlements policies and various options available to affected persons. Included in EMA's validation is the process on how the public consultations were conducted, the

problems and issues raised during the meeting and the solutions proposed either by the affected persons and stakeholders or from the side of NPT/CPMB.

- c. Level of affected persons' satisfaction. EMA will assess the APs' level of satisfaction on compensation, allowances, and assistance received as well as on resettlement plan implementation, and the degree of efficiency and equity in handling grievances and resolution of complaints.
- d. Change in living standards. Some indicators in the performance evaluation of resettlement plan implementation are very useful in assessing the living standards of the affected persons. From the indicators, EMA will compare and assess the progress of affected persons in coping with the restoration of their livelihoods that define their living standards. Special attention to disparities between their pre-project and post-resettlement social conditions will be analyzed, and disaggregated by gender and per capita income levels. Any factors or issues relevant to restoration of the affected persons' living standards will be disclosed in the social impact evaluation report. The EMA will discuss its findings with the ADB and advice follow-up actions, where appropriate, to bring to closure the social issues arising from land acquisition and resettlement.

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

## Appendix 1 IOL and SES Questionnaire Used

### Socio Economic Survey and Inventory of Losses Questionnaire

Transmission line: .....

Questionnaire code: \_\_\_/\_\_\_/\_\_\_; Survey date: \_\_\_/\_\_\_/2015

#### A-BACKGROUND INFO

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

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

2. Home address: Village: .....Commune:

.....District.....Province .....

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

#### B. INVENTORY OF LOSSES

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

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

2. Affected houses

Types of houses	Total floor area	Legal title	Impact degree	Project area	Notes (if there)

1. Villa 2. Grade1 3. Grade 2 4. Grade 3 5. Grade 4 6. Temporary 7. Shop separated from house	(m <sup>2</sup> )	1. With certificate 2. Without certificate 3. Build on agricultural land 4. Rented house	Affected floor area (m <sup>2</sup> )	(Partially affected=1 ; Fully affected=2 )	1= Main canal 2= Northern Canal 3= Southern Canal 4=Manageme nt house 5=Borrow pit 6=Disposal area 7=Others	<b>is home business, except for No. 7)</b>

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

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

- No. of houses: [ ]

- Area of houses out of the project area (m<sup>2</sup>): .....m<sup>2</sup>

**4. Other affected structures and facilities**

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

Structures/ Facilities	Types of structures	Unit	Quantity	Location 1= Tower 2= ROW 3= substation 4= access road
1. Kitchen separated from the main house	1. Temporary 2. Equal to grade 4 house	m <sup>2</sup>		
2. Livestock sheds	1. Temporary 2. Equal to grade 4 house	m <sup>2</sup>		
3. Electricity meter		Electri city meter		
4. Water meter and stimat of water pipeline length		Water meter		
5. Telephone				
6. Fence	1. Brick 2. Steel, wire or wood	Fence		
7. Gate	1. Brick 2. Iron, steel 2. Wood, Bamboo	m <sup>2</sup>		
8. Latrine, bathroom (separated from the main house)	1. Brick, concrete 2. Bamboo, thatch	m <sup>2</sup>		
9. Earth grave		Grave		

a) In cemetery				
b) Individual				
10. Built grave				
11. Well	1. Drilled 2. Dug	m		
12. Water container	1. Brick/ concrete 2. Inox 3. Plastic	m <sup>3</sup>		
13. Yard (only cement or tiled)		m <sup>2</sup>		
14. Fish pond (excavated amount)		m <sup>3</sup>		
15. Others (Name and affected area)				

### 5. Affected trees and crops

(Only list affected perennial crops and fruit trees)

Trees and crops	Name	Unit	Amount	Location 1= Tower 2= ROW 3= substation 4= access road
<b>a) Fruit tree (main)</b>		<b>Tree</b>		
1) Pomelo				
2)				
3)				
4)				
5)				
<b>b) Timber tree (main)</b>		<b>Tree</b>		
1)				
2)				
3)				
4)				
5)				
<b>c) Pot plant (main)</b>				
<b>d) Crops (main)</b>		<b>Tree</b>		
1) Maize				
2) Potato				
3) Earthnut				

4) Bean				
5)				
e) Surface water area for aquaculture		m2		

### C. CONSULTATION

#### 1. Only for households losing productive and agricultural land

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

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

#### 2. Only for households losing residential land

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

- 1- Yes [ ]      2- No [ ]

#### 3. Only for households losing residential land

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

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

#### 4. What is your plan to use compensation cash?

- a) Build or repair house [ ]
- b) Buy new land [ ]
- c) Buy other properties [ ] ; Specify\_\_\_\_\_
- d) Invest in small business [ ]
- e) Bank saving [ ]
- f) Spend on children's study [ ]
- g) Others [ ] Describe\_\_\_\_\_

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

1. No  [ ]      2. Yes: [ ]

If yes, what is the plan:

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

**Surveyor**

**On behalf of the household**

## Appendix 2 Master List of AHs

### Landholdings Affected by the Subproject (m<sup>2</sup>)

No	Name of commune	Name of head household	Land acquired for the substation				Land Acquisition in Tower Foundation				Affected Land in TL ROW			
			Residential Land	Perennial Land (Rubber)	Annual land	Other	Residential Land	Perennial Land (Rubber)	Annual land	Other	Residential Land	Perennial Land (Rubber)	Annual land	Other
1	Minh Thành											2,787		
2	Minh Thành											3,270		
3	Minh Thành							438				3,171		
4	Minh Thành											4,220		
5	Minh Thành							438				1,257		
6	Minh Thành											3,218		
7	Minh Thành							438				2,854		
8	Minh Thành							438				2,071		
9	Minh Thành											2,609		
10	Minh Thành											3,252		
11	Minh Thành							438				3,404		
12	Minh Thành											3,647		
13	Minh Thành											3,242		
14	Minh Thành											4,113		
15	Minh Thành							438				2,789		
16	Minh Thành											2,754		
17	Minh Thành							438				3,295		
18	Minh Thành											3,241		
19	Minh Thành											3,295		
20	Minh Thành											2,879		
21	Minh Thành											2,831		
22	Minh Thành											3,156		
23	Minh Thành							438				2,086		
24	Minh Thành											2,870		
25	Minh Thành							438				4,305		
26	Minh Thành											5,316		
27	Minh Thành							438				5,163		
28	Minh Thành											2,553		
29	Minh Thành											2,536		
30	Minh Thành											2,852		



No	Name of commune	Name of head household	Land acquired for the substation				Land Acquisition in Tower Foundation				Affected Land in TL ROW			
			Residential Land	Perennial Land (Rubber)	Annual land	Other	Residential Land	Perennial Land (Rubber)	Annual land	Other	Residential Land	Perennial Land (Rubber)	Annual land	Other
31	Minh Thành						438				2,807			
32	Minh Thành										6,019			
33	Minh Thành										5,459			
34	Minh Thành						438				3,378			
35	Minh Thành										2,693			
36	Minh Thành										2,890			
37	Minh Thành						438				3,187			
38	Minh Thành										4,778			
39	Minh Thành						438				2,279			
40	Minh Thành										2,848			
41	Minh Thành										2,874			
42	Minh Thành						438				2,521			
43	Minh Thành			184,359				888			2,271			
44	Nha Bích										881			
45	Nha Bích										4,041			
46	Nha Bích						442				1,386			
47	Nha Bích						441				3,394			
48	Nha Bích						441				1,121			
49	Nha Bích										905			
50	Nha Bích										919			
51	Nha Bích										4,413			
52	Nha Bích										866			
53	Nha Bích										1,423			
54	Nha Bích						441				1,535			
55	Nha Bích										1,646			
56	Nha Bích										1,457			
57	Nha Bích						441				1,179			
58	Nha Bích						441				1,366			
59	Nha Bích						441				2,845			
60	Nha Bích						441				1,222			
61	Nha Bích										1,246			
62	Nha Bích										5,552			
63	Nha Bích						441				1,461			
64	Nha Bích										1,758			

**Affected Houses and Structures in TL ROW**

No	Name of commune	Name of head household	Affected Houses in TL ROW			Affected Other Structures		
			Area of Existing Houses	Total of Affected Houses	Type of house	Kitchen	Animal shelter	Fence
1	Minh Thành			20	Grade IV		17	
2	Minh Thành							
3	Minh Thành							
4	Minh Thành							
5	Minh Thành							
6	Minh Thành							
7	Minh Thành							
8	Minh Thành							
9	Minh Thành							
10	Minh Thành						13	
11	Minh Thành							
12	Minh Thành							
13	Minh Thành							
14	Minh Thành							
15	Minh Thành							
16	Minh Thành							
17	Minh Thành							
18	Minh Thành							
19	Minh Thành							
20	Minh Thành						10	
21	Minh Thành							
22	Minh Thành							
23	Minh Thành							
24	Minh Thành							
25	Minh Thành							
26	Minh Thành							
27	Minh Thành							
28	Minh Thành							
29	Minh Thành							
30	Minh Thành							
31	Minh Thành							

No	Name of commune	Name of head household	Affected Houses in TL ROW			Affected Other Structures		
			Area of Existing Houses	Total of Affected Houses	Type of house	Kitchen	Animal shelter	Fence
32	Minh Thành							
33	Minh Thành							
34	Minh Thành							
35	Minh Thành							
36	Minh Thành							
37	Minh Thành							
38	Minh Thành							
39	Minh Thành							
40	Minh Thành							
41	Minh Thành							
42	Minh Thành							
43	Minh Thành							
1	Nha Bích							
2	Nha Bích							
3	Nha Bích							
4	Nha Bích							
5	Nha Bích							
6	Nha Bích							
7	Nha Bích							
8	Nha Bích							
9	Nha Bích							
10	Nha Bích							
11	Nha Bích							
12	Nha Bích							
13	Nha Bích							
14	Nha Bích							
15	Nha Bích							
16	Nha Bích							
17	Nha Bích							
18	Nha Bích							
19	Nha Bích							
20	Nha Bích							
21	Nha Bích							

### Affected Trees and Crops in TL ROW and Tower Foundations

No	Name of commune	Name of head household	Affected Trees and Crops in the substation			Affected Trees and Crops in Tower Foundations			Affected Trees and Crops in TL ROW		
			Rubber tree	Fruit trees	Other	Rubber tree	Fruit trees	Other	Rubber tree	Fruit trees	Other
1	Minh Thành					0			98		
2	Minh Thành					0			114		
3	Minh Thành					15			111		
4	Minh Thành					0			148		
5	Minh Thành					15			44		
6	Minh Thành					0			113		
7	Minh Thành					15			100		
8	Minh Thành					15			72		
9	Minh Thành					0			91		
10	Minh Thành					0			114		
11	Minh Thành					15			119		
12	Minh Thành					0			128		
13	Minh Thành					0			113		
14	Minh Thành					0			144		
15	Minh Thành					15			98		
16	Minh Thành					0			96		
17	Minh Thành					15			115		
18	Minh Thành					0			113		
19	Minh Thành					0			115		
20	Minh Thành					0			101		
21	Minh Thành					0			99		
22	Minh Thành					0			110		
23	Minh Thành					15			73		
24	Minh Thành					0			100		
25	Minh Thành					15			151		
26	Minh Thành					0			186		
27	Minh Thành					15			181		
28	Minh Thành					0			89		
29	Minh Thành					0			89		
30	Minh Thành					0			100		

No	Name of commune	Name of head household	Affected Trees and Crops in the substation			Affected Trees and Crops in Tower Foundations			Affected Trees and Crops in TL ROW		
			Rubber tree	Fruit trees	Other	Rubber tree	Fruit trees	Other	Rubber tree	Fruit trees	Other
31	Minh Thành					15			98		
32	Minh Thành					0			211		
33	Minh Thành					0			191		
34	Minh Thành					15			118		
35	Minh Thành					0			94		
36	Minh Thành					0			101		
37	Minh Thành					15			112		
38	Minh Thành					0			167		
39	Minh Thành					15			80		
40	Minh Thành					0			100		
41	Minh Thành					0			101		
42	Minh Thành					15			88		
43	Minh Thành		6,435			31			79		
1	Nha Bích					0			31		
2	Nha Bích					0			141		
3	Nha Bích					15			49		
4	Nha Bích					15			119		
5	Nha Bích					15			39		
6	Nha Bích					0			32		
7	Nha Bích					0			32		
8	Nha Bích					0			154		
9	Nha Bích					0			30		
10	Nha Bích					0			50		
11	Nha Bích					15			54		
12	Nha Bích					0			58		
13	Nha Bích					0			51		
14	Nha Bích					15			41		
15	Nha Bích					15			48		
16	Nha Bích					15			100		
17	Nha Bích					15			43		
18	Nha Bích					0			44		
19	Nha Bích					0			194		
20	Nha Bích					15			51		

No	Name of commune	Name of head household	Affected Trees and Crops in the substation			Affected Trees and Crops in Tower Foundations			Affected Trees and Crops in TL ROW		
			Rubber tree	Fruit trees	Other	Rubber tree	Fruit trees	Other	Rubber tree	Fruit trees	Other
21	Nha Bích					0			62		

Note: Names deleted for confidentiality

### Appendix 3 Highlights and List of Participants in Pre-IOL Consultations

Local name	Comments of local authorities and mass organizations	Feedback from the Representative of the Project Owner and The Consultant Unit
Minh Thanh CPC 05/09/2014	<ul style="list-style-type: none"> <li>- Agree on the impacts and proposed mitigation measures of the project.</li> <li>- The project owner must commit to undertake mitigation measures to minimize environmental impacts caused by the project.</li> <li>- The project owner must comply with the approved design and ensure not to cause disorder and social conflicts by the workers in the area.</li> <li>- The project owner must comply with laws and regulations during the construction and operation processes.</li> </ul>	<p>The project owner commits to fully undertake mitigation measures for environmental impacts during the construction and operation periods as proposed in the Environmental Impact Assessment report;</p> <ul style="list-style-type: none"> <li>- Commit to carry out fire prevention measures during the SS operation process;</li> <li>- Ensure to repair the damages if causing any damages or impacts on the environment during construction and operation processes.</li> </ul>
Nha Bich CPC 05/09/2014	<ul style="list-style-type: none"> <li>- Agree on the impacts and proposed mitigation measures of the project.</li> <li>- The project owner must repair any incidents or damages caused to the roads during the construction and operation periods.</li> <li>- The project owner must comply with laws and regulations during the construction and operation processes.</li> <li>- The project owner must carry out mitigation measures for environmental impacts, measures for preventing fire and explosion and incidents.</li> </ul>	

#### List of Participants in Community Consultation-meetings

No	Name	Position	Male	Female
<b>I. Minh Thanh commune(5 September 2014)</b>				
1		Vice Chairman of CPC	x	
2		Vice Chairman of Vietnamese Fatherland Front Unit	x	
<b>II. Nha Bich commune(5 September 2014)</b>				
1		Vice Chairman of CPC	x	
2		Vice Chairman of Vietnamese Fatherland Front Unit	x	

Note: Names deleted for confidentiality

## Appendix 4 Highlights and List of Participants in Post-IOL Consultations

Local Name	Comment of local authorities, mass organizations and affected person	Feedbacks from the Representative of Project Owner and Consultancy Unit
<p><b>Minh Thanh commune</b> Hall of CPC Time: 14 h, dated 24/3/2015</p>	<p>1) In the ground preparation and construction the project will generate solid waste, wastewater and oil and grease. 2) The transmission line passing through residential area whether it has affect to environment and live of local people due to generating electromagnetic fields or not? 3) Whether having compensation and support for house and land is in the ROW or not? 4) Why do the transmission line is go through rubber forest rather than go straight? 5) When land acquisition, compensation and support will be carried satisfactorily out to affected households, at least equal to or higher than the compensation price of similar projects. 6) Provide data/information accurately for local people when counting and land marking. 7) It should be transparent and publicly post the compensation unit price to local people. 8) In the communal land area only mainly plants rubber trees, therefore, the State is required in supporting and minimize the land area affected under ROW.</p>	<p>1) The solid waste (spoil, tress after cutting down), etc. Will be transported to the disposal sites as regulation. In addition, the Project Owner and Contractor will apply fully the mitigation measures to minimize the negative impacts of the project to environment. 2) When design and operation the the transmission line, The Project Owner will ensure electromagnetic field generated within allowable limit according to Decree No.14 /2014/NĐ-CP and no affect the health of local people. 3) Land and property on land will be compensated and supported in accordance with Land Law, Decree No.47/2014/NĐ-CP and Decree No. 14/2014/NĐ-CP. 4) There are sections of transmission line will be designed with steering angle to avoid as much as possible passings sensitive areas (residential area and planned area).</p>
<p><b>Nha Bich commune</b> Location: Hall of CPC Time: 8h dated 25/3/2015</p>	<p>1) How many meters of the width of ROW? 2) Electromagnetic field will affect local people's health; it should be taken mitigation measures. 3) The unit price must be equal to or higher than market price. 4) It is suggested the State to support loans to local people occupational conversion and stable life. 5) House whether is allowed existing in ROW or not?</p>	<p>1) The width of ROW is defined under Decree No 14/2014/NĐ-CP (far from 6m from outermost wire for voltage of 220kV and 07m for voltage of 500kV). 2) When design and operation the the transmission line, The Project Owner will ensure electromagnetic field generated within allowable limit according to Decree No.14 /2014/NĐ-CP and no affect the health of local people. 3) In addition to being compensated at replacement cost for land, property on land, affected households are also entitled other supports under Decree No. 47/2014/NĐ-CP and Decree No. 14/2014/NĐ-CP. 5) For transmission line 220kV, house and structure are allowed existing under ROW, however have to ensure some safety criteria under Decree No. 14/2014/NĐ-CP.</p>



### List of Participants in Community Consultation Meetings

No	Name	Position	Male	Female
<b>I. Minh Thanh commune</b>				
1		Vice Chairman of Communal VWU		x
2		AP	x	
3		AP		x
4		AP	x	
5		AP	x	
6		AP		x
7		Representative of community	x	
8		AP	x	
9		AP	x	
10		AP	x	
11		AP	x	
12		AP	x	
13		AP	x	
14		AP	x	
15		AP		x
16		AP		x
17		AP		x
18		AP		x
19		AP		x
20		AP	x	
21		AP	x	
22		AP		
23		AP	x	
24		AP	x	
25		AP	x	
26		AP	x	
27		AP	x	
28		AP	x	
29		Vice Chairman of CPC	x	
<b>II . Nha Bich commune</b>				
1		Chairman of Communal Farm Unit	x	
2		Vice Chairman of Communal VWU		x
3		AP		x
4		AP		x
5		AP	x	
6		AP	x	
7		AP	x	
8		AP	x	
9		AP	x	
10		AP	x	
11		AP		x
12		AP	x	
13		Representative of community	x	
14		AP	x	
15		AP		x
16		Chairman of CPC		x

Note: Names deleted for confidentiality

## Appendix 5 Project Information Brochure

1. *Name of the Project:* 500 kV Chon Thanh Substation and Connections
  2. *Executing agency:* National Power Transmission Corporation (NPT)
  3. *Representative of the executing agency:* Central Vietnam Power Project Management Board (CPPMB)
- 

### ***Question 1: What is the Construction of 500 kV Chon Thanh Substation and Connections subproject?***

Answer: New construction of the substation (i-Install two 500/220kV transformers; in the initial stage, one 500/220kV - 900MVA transformer will be installed; ii-Install two 220/110kV transformers; in the initial stage, one 220/110kV - 250MVA transformer will be installed); Build the 500kV switchyard, including 14 outgoing feeders, 02 incoming cubicles. In the initial stage, 06 outgoing feeders and 01 incoming cubicle will be installed; Build the 220kV switchyard, including 18 cubicles. In the initial stage, it is to install 10 cubicles, including 06 outgoing feeders, 01 incoming cubicle of the 500kV substation, 01 incoming cubicle of the 220kV substation, 01 bus coupler and 01 circuit breaker; Build the 110kV switchyard including 14 cubicles. In the initial stage, it is to install 08 cubicles; including 05 outgoing feeders, 01 incoming cubicle and 01 bus coupler; Build a two-double circuit 220kV transmission line with a total length of 8.6 km, connecting to the 220kV Binh Long - Tan Dinh transmission line which already exists; Build two double circuit 500kV transmission lines with the total length of about 0.14 km, connecting to the 500kV Pleiku - Cau Bong transmission line which already exists; Establish the fiber optic communication system to transmit the SCADA signal to the Southern Regional Load Dispatch Center and National Load Dispatch Centre of Vietnam.

### ***Question 2: How 500 kV Chon Thanh Substation and Connections subproject affect local communities?***

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

- Permanently cut down trees on the affected land area;
- Restriction to the use of land area/house/structure in the RoW.

#### *Details of impacts in Chon Thanh District:*

The Project affected area includes Minh Thanh commune and Nha Bich commune of Chon Thanh district, Binh Phuoc province. The Project requires 195,787 m<sup>2</sup> for permanent land acquisition for project construction; 179,673 m<sup>2</sup> will be affected as it is under the Right of Way; and during the construction period 9,100m<sup>2</sup> shall be temporarily affected due to construction activities.

A total of 13,141 rubber trees shall be affected, of which, 6,853 trees are identified to be cleared and 4,727 trees shall be restricted by height due to the ROW of the TL.

The Project affects 01 grade-4 house which is 20m<sup>2</sup> with an electricity meter, a drilled well, a toilet and 03 livestock facilities. All house and structures are affected by the project due to their location under the ROW. No household has to relocate in the project.

The Project affects 64 households (294 people). Average household size of the affected households is 3.9 heads per household. There are 134 men, accounting for 53.8 % and 115 women, making up 46.2%.

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

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

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

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

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

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

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

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

Answer: Yes. Compensation will be applied for all affected assets including houses, stores, wells, and fences as well as other fixed assets at replacement value at current market prices without any deductions for building depreciation or salvageable building materials. This will ensure that the Affected Persons are able to reconstruct houses and other structures of better or at least the same quality as before. **Question 7: What about affected crops and trees?**

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

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

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

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

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

- **Some affected households:** these households losing more than 10% of their productive landholdings will receive the following assistances: (i) life stabilization allowances; (ii) income restoration allowances and provision of technical

assistance and agricultural extension techniques to improve output in the remaining area, existing credit programs or employments related to the project;

- **Households that relocate** shall receive (i) relocation allowances; (ii) assistances to mobilize life during transition period; (iii) rental allowances at market prices. Assistance levels are identified clearly in the project policies.
- **Business owners that lose income** while they relocate or rebuild their shops/businesses: Households with small, unregistered businesses will receive cash compensation equal to the provincial minimum wage for three months. Owners of registered businesses will receive cash compensation equal to 30% of their taxed income of one year. The annual taxed income is determined in the financial reports of the previous three years.
- **Employees and hired labors who lose their jobs:** will receive cash compensation for lost salary/wages for each month they cannot work, if the loss is temporary; or, if the loss is permanent, cash compensation equivalent to the provincial minimum wage for six months or cash compensation for remaining contract period whichever is higher.
- **Job changing allowances:** As for the affected households who have or have not registered for LURC after resettlement and do not have job, if you are in the working age, you can participate in a vocational training in the area without tuition fee.

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

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

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

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

***Question 11: How will APs be consulted and informed?***

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

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

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

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

Answer: NPT through CPMB will ensure internal monitoring all Project activities. In addition, CPMB 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 CPMB and ADB on resettlement implementation progress. A post-resettlement impact evaluation will assess whether negative impacts have been mitigated adequately and pre-project standards of living of APs have been restored as a result of resettlement and the Project.

FOR FURTHER INFORMATION AND SUGGESTIONS –

Please contact the PCARCs and DCARCs where you live:

1. Provincial Compensation, Assistance and Resettlement Committee (PCARC),

Address:.....

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

2. District Compensation, Assistance Resettlement Committee (DCARC)

## Appendix 6 Replacement Cost Study

### Replacement Cost Study

#### SUMMARY OF PROJECT

National Power Transmission Corporation (EVNNPT) has suggested of the 500kV Chon Thanh substation and connection subproject on the list of loan proposals Asian Development Bank (ADB) to invest to build and improve the quality of power supply becoming more reliable for Vietnam. EVNNPT of Vietnam will be the executing agency for the project, and Central Vietnam Power Projects Management Board (CPPMB) will be the implementing agency of the project. At the request of the ADB in the preparation of the specialized document for this project, the regulations on environmental and resettlement safety policies should be done under the guidance of the Asian Development Bank (ADB).

Constructing the 500kV Chon Thanh substation and connection will meet the rapidly growing power demand in Southern area; will ensure to power supply reliable, stable and long term for both provinces of Binh Duong and Binh Phuoc; create favorable conditions to reduce time of power cut for upgrading and existing 220kV and 110kV power grid when necessary.

The project is constructed including the following items:

- i) The construction of new 500kV Chon Thanh substation with an area of 209,062m<sup>2</sup> in the area of rubber planting at Minh Thanh commune, Chon Thanh district, Binh Phuoc Province.
- ii) The construction of 500kV connection line with a total length of 1,081.01m includes 2 sections connecting with pole ĐN3, ĐN4 of 500kV Pleiku - My Phuoc - Cau Bong transmission line (section 1 connecting from busbar of the 500kV Chon Thanh substation to pole ĐN3 with a length of 479.53m; section 2 from busbar of the 500kV Chon Thanh substation to pole ĐN4 with a length of 601.48m); and passes through in Minh Thanh commune, Chon Thanh district, Binh Phuoc Province;
- iii) The construction of 220kV connection line with a total length of 8.39km, connecting with 220kV Tan Thinh - Binh Long transmission line passes through in Minh Thanh and Nha Bich communes, Chon Thanh district, Binh Phuoc Province;

The subproject was designed and selected in accordance with Binh Phuoc province Plan. Subproject construction time is scheduled in 19 months starting from March 2017 to September 2018.

Land acquisition includes the permanent acquisition of 195,787 m<sup>2</sup> including the permanent acquisition of 184,359m<sup>2</sup> for the construction of the new 500kV Chon Thanh substation, 11,428m<sup>2</sup> for towers. Crops with low height continue to be grown within the RoW providing these do not intrude into the safe operating distance required for the conductor according to Decision No.14/2014/ND-CP. Within the RoW of 500kV has not houses that are situated within the 30 m wide RoW will be required to be removed to new areas outside the RoW. However, there is 01 household whose house/structure is in ROW of 220kV connection line because of using restriction.

Land ownership and compensation issues have been addressed by a Resettlement Plan which will be implemented by the Central Power Projects Management Board (CPPMB) for the subproject of 500kV Chon Thanh and connection.

Replacement survey and investigation is one of the very important contents to ensure that the affected households will receive compensation satisfactorily, in accordance with the actual value and consistent with market price.

#### OBJECTIVE AND SCOPE OF WORK

Objective: Develop a compensation unit price set for land and property on land applied for the project. The compensation unit price shall ensure close to real value and in accordance

with market price. This is required in order to comply with the project policy framework of compensation at replacement cost at current market value, and to meet one of the project principles which is to ensure that (a) no one is left worse off with the project than without it, and (b) people affected by the project should be able to maintain, if not improve, their pre-project standard of living.

Scope of work: In the report should only conduct survey the unit price of land types and property on land (house, structure, tree and crop) which is equivalent to the affected land types and property on land by the 500kV Chon Thanh substation and connection.

## **BASIS FOR CONDUCTING REPLACEMENT COST**

Land price is defined on the basis of popular market land price: This is the price that appears with maximum transaction frequency occurs in the transaction in the market, winning the auction on land use, land price is defined from cost, income of the land portion with same use purpose at the location and in the certain period of time.

Tree and crop price is defined on the basis of actual compensation rate of the other project in locality and local people's satisfaction.

House and structure price is defined on the basis of raw material price and labor price, especially interviews directly building workers in the locality.

Compensation unit price for land and property on land issued by PPC of Binh Phuoc through following documents:

- i) Decision No. 32/2014/QĐ-UBND dated 19/12/2014 issued by PCP of Binh Phuoc on regulation of unit price of land types in the Binh Phuoc province in period of 2015 - 2019.
- ii) Decision No. 68/2011/QĐ-UBND dated 21/12/ 2011 issued by PCP of Binh Phuoc on regulation of unit price of compensation and support for house and structure and trees upon land recovery by the State in Binh Phuoc province.

## **IMPLEMENTATION ARRANGEMENT AND METHOD**

The survey of replacement cost is conducted in parallel with inventory of loss, social survey of affected households.

There are 02 methods to be applied: i-Interview directly; ii- Questionnaire to surveyed respondents to they fill out the informantion form. Subjects interviewed including: i- Person who is affected directly by the project.; ii- Person who is not affected by the Project; iii- building worker teams in the locality; iv- Representative of local authorities and mass organizations.

## **SURVEY RESULT OF REPLACEMENT COST**

From the results showed that:

- Residential land: No sale activities, auction take place in recent time in the project area, therefore the majority of respondents did not identify the specific land price at each location.
- Rubber plantation land: Rubber plantation land price varies from 90.000 to 100.000VND/m<sup>2</sup>for site 1 from 75.000 to 80.000đ/m<sup>2</sup>for site 2, from 65.000 to 75.000VND/m<sup>2</sup> for site 3 and from 50.000 to 65.000đ/m<sup>2</sup> for site 4..
- Tree and crop: Besides the sale of seeding, in the project did not take place any sale activities of rubber trees, fruit trees (which have been harvested), thus most local people agreed in using the unit price of PPC at same time of compensation, some suggests for unit price equal to 1.1 to 1.5 time for current the unit price of PPC.

The result of replacement cost survey is summarized in following table:

**Table 1 Land price**

No	Land type	Unit	Unit price issued by PPC (10 <sup>3</sup> VND)				Replacement cost (10 <sup>3</sup> VND)				Difference ratio (%)			
			Site 1	Site 2	Site 3	Site 4	Site 1	Site 2	Site 3	Site 4	Site 1	Site 2	Site 3	Site 4
<b>1</b>	<b>Residential land</b>													
	<b>Minh Thanh Commune</b>													
	Zone 1		1250	650	500	450		1300				2.00		
	Zone 2		500	300	250	200		650				2.17		
	Zone 3		170	130	110	90		300				2.31		
	<b>Nha Bich Commune</b>													
	Zone 1		1200	600	480	420		1250				2.08		
	Zone 2		450	250	200	180		650				2.60		
	Zone 3		160	120	100	70		300				2.50		
<b>2</b>	<b>Annual crop land</b>													
	Minh Thanh Commune	VND/m <sup>2</sup>	35	30	26		60	70	75		1.71	2.33	2.88	
	Nha Bich Commune	VND/m <sup>2</sup>	30	28	25		60	70	75		2.00	2.50	3.00	
<b>3</b>	<b>Annual crop land</b>													
	Minh Thanh Commune	VND/m <sup>2</sup>	50	40	35		90	80	70		1.80	2.00	2.00	
	Nha Bich Commune	VND/m <sup>2</sup>	45	35	30		90	80	70		2.00	2.29	2.33	



**Table 2: Unit price of house, structure and tree and crop**

No.	Property	Unit	Unit price issued by PPC (10 <sup>3</sup> VND)	Replacement cost (10 <sup>3</sup> VND)	Difference ratio (%)
<b>1</b>	<b>Rubber tree</b>				
	Tree from 6 to 8 year	VND/tree	220	300	1.36
	Tree from 9 to 10 year	VND/tree	240	340	1.42
	Tree from 11 to 15 year	VND/tree	360	400	1.11
<b>2</b>	<b>House and structure</b>				
	House level 4	VND/m <sup>2</sup>			
	- Type 1		2400	3000	1.25
	- Type 2		2150	2700	1.26
	- Type 3		1900	2300	1.21
	Temporary house	VND/m <sup>2</sup>			
	- Type 1		350	450	1.29
	- Type 2		450	550	1.22
	- Type 3		650	750	1.15

## CONCLUSION AND RECOMMENDATION

In the stage, the result of replacement cost survey is only for reference due to the number of respondents have not yet large enough, especially time from now to compensation time is long, so there will be unforeseen fluctuations.

For residential land and house and structure: The project will be affect residential land and house, structure of 01 household, so compensation should be applied in the form of direct agreement with affected people.

For rubber plantation land and rubber tree: the replacement cost survey should be conducted honestly and objectively at the time of compensation activities.