

Draft Resettlement Due Diligence Report and Corrective Action Plan

May 2015

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

Tranche 3

Prepared by the Southern Vietnam Power Project Management Board for Asian Development Bank.

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220 kV Ba Ria - Vung Tau Transmission Line

**(Associated facility of the proposed Subproject Second Transformer Bank
for 220 kV Vung Tau Substation)**

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

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ACRONYMS AND ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	affected household
DCARB	-	District Compensation, Assistance and Resettlement Board
EA	-	executing agency
EMA	-	external monitoring agency
DMS	-	detailed measurement survey
GOV	-	Government of Vietnam
LFDC	-	Land Fund Development Center
MFF	-	multi-tranche financing facility
NPT	-	National Power Transmission Corporation
PC	-	People's Committee
PDMP VII	-	National Power Sector Development Master Plan VII
PPTA	-	project preparation technical assistance
PPC	-	Provincial People's Committee
PTIP	-	Power Transmission Investment Program
ROW	-	right-of-way
SPPMB	-	Southern Vietnam Power Project Management Board
SPS	-	Safeguard Policy Statement
SS	-	substation
TL	-	transmission line
VND	-	Vietnam Dong

EXECUTIVE SUMMARY

Project 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 Southern Power Project Management Board (SPPMB) 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.

Social Safeguard Documents Needed for the 9 Subprojects

2. **DDR and CAP.** With the exception of the 220 kV Vung Tàu SS, 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 units 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”¹ 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.² (See **Chapter IV** for a detailed discussion of the PTIP resettlement policy).

3. **RP/REMDP.** 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.

4. In the case of the 220 kV Vung Tàu SS, government has to prepare a resettlement plan (RP), even if the proposed subproject involves only the installation of a second transformer bank in Vung Tau SS. The reason for the RP lies on the fact that land acquisition for the site of the substation has not yet been completed and the construction of the substation has not yet started. Government has started land acquisition for the 3.9 ha 220 kV Vung Tàu SS, including a 700 m x 10 m access road. To date, however, land acquisition has not been completed, with 33 out of 73 affected households (AHs) rejecting government proffered compensation amounts. In view thereof, the installation of a second

¹ 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 second transformer units.

² Resettlement and Ethnic Minority Development Framework (REMDF), November 2011.

transformer bank (as a subproject of PTIP Tranche 3) for 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.

5. Moreover, 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. This DDR has been prepared for the 220 kV Ba Ria – Vung Tau TL.

Highlights of the Findings of the DDR on the 220 kV Ba Ria – Vung Tau TL

6. **Construction of the facility.** In 2008 - 2014, government constructed the transmission lines using local funds. The TL is ready to connect the Ba Ria Gas-Power-Fertilizer Plant to the 220/110kV Vung Tàu SS once construction of the substation is completed.

7. **Adverse social impacts.** The construction of the 220 kV Ba Ria- Vung Tau TL adversely affected 140 households, 10 private organizations, and 1 government institutions. A total of 8,532 m² of agricultural land had to be acquired permanently for the foundations of towers. In addition, 142,138 m² of agricultural land were within the 37 m wide right-of-way (ROW) of the TL and thus their continued use has been regulated for safety reasons. Also, 3 houses within the TL ROW were adversely affected, 2 of which were totally affected and had to be relocated. In addition, 782 trees of various species had to be acquired. Applying relevant laws, government paid a total of VND 14,717,103,871 in compensation and cash assistance to the AHs.

8. **Documentation of impacts and resettlement plan prepared.** The Vung Tau City Land Fund Development Center (LFDC) and Ba Ria City LFDC carried out in October 2008 to June 2013 the detailed measurement survey (DMS) of project impacts. Based on the results of the DMS, compensation plans (CPs) were prepared for each of the 140 AHs and 10 private organizations, providing in detail their losses, compensation due for affected assets, and their corresponding allowances per applicable national and provincial government laws. (See **Appendix 1** for a list of national and local laws used in determining the amounts of compensation and allowances provided to the AHs, including the procedures for carrying out land acquisition and relocation).

9. **Compensation and allowances provided.** Payment of compensation started in 2009 and completed in 2014, with the exception of 7 AHs with landholdings in the right-of-way (ROW) of the transmission line that could not be identified until recently; the compensation plans of the 7 AHs are being processed as of the time of the DDR. Government paid a total of VND 3,105,959,700 in compensation for permanently acquired lands. In addition, VND 11,611,144,171 was paid to AHs as cash assistance, including payment for restrictions imposed on the continued use of lands in the ROW for safety reasons.

10. **Conclusion.** The due diligence review has identified a number of shortcomings in the way land acquisition was carried out in the construction of the 220 kV Ba Ria- Vung Tau TL. Corrective actions are proposed in this DDR to make land acquisition carried out in 2008-2014 during the construction of the TL consistent with the resettlement policy of PTIP.

I. INTRODUCTION

A. Overview of the Sub-project

1. 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.

2. 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 Southern Power Project Management Board (SPPMB), 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.

3. The installation of a second transformer bank in the yet to be constructed 220 kV Vung Tàu SS is one of 9 subprojects being proposed for inclusion in Tranche 3. The subproject is located in Ward 11, Vung Tau City, Ba Ria-Vung Tau Province. However, due to the fact that government has not yet completed the acquisition of the 3.9 ha location for the substation, consequently, construction of the substation could not even begin, the installation of a second transformer bank in the 220 kV Vung Tàu SS under PTIP Tranche 3 would only be possible once a resettlement plan (RP) agreed by NPT and ADB shall have been implemented satisfactorily. In addition to this requirement, a due diligence review of how land acquisition was carried out in 2008-2014 during the construction of the 220 kV Ba Ria- Vung Tau TL is required. Per ADB safeguards policy, the 220 kV Ba Ria- Vung Tau TL is an associated facility of the Second Transformer Bank for the 220 kV Vung Tàu SS because the main reason for the transmission line is to connect the substation to the Ba Ria Gas-Power-Fertilizer Plant.

4. This report highlights the results of the due diligence review of the 220 kV Ba Ria-Vung Tau TL carried out in March 2015.

B. Purpose and Methodology of Due Diligence

1. Purpose of due diligence

5. According to ADB's safeguard policies, when a project to be funded by ADB is associated with another project, the bank requires a due diligence review of how land acquisition for the latter was carried out and to identify corrective actions, as needed, to make the same consistent with the agreed resettlement policy of the ADB-assisted project. Specifically, the objectives of the due diligence review were to:

- a. Determine if the procedures of land acquisition undertaken by SPPMB during the construction of the 220 kV Ba Ria- Vung Tau TL was consistent with the

resettlement policy of PTIP (see **Chapter IV** for a detailed discussion of the PTIP resettlement policy);

- b. Propose corrective actions, for any shortcomings vis-à-vis the resettlement policy of PTIP and the way SPPMB carried out land acquisition in 2008-2014.

2. Methodology of due diligence

6. PPTA consultants hired by ADB conducted the due diligence review in March 2015. The following activities were carried out in the DDR:

- a. Interview of persons knowledgeable about the construction of the 220 kV Ba Ria- Vung Tau TL, including SPPMB staff, AHs and local authorities. (See **Appendix 2** for a list of persons met in the field).
- b. Desk review of detailed measurement survey (DMS) records and approved compensation plans (CPs) of the AHs at the SPPMB office. (See **Appendix 3** for a list of documents reviewed).
- c. Site visit. (See **Appendix 4** for pictures taken during the site visit).

II. FEATURES OF THE BA RIA – VUNG TAU TL

7. Government funded the construction of the 220 kV Ba Ria-Vung Tau TL. Starting from the Ba Ria SS, the TL traversed Long Huong and Phuoc Trung Wards of Ba Ria City and Ward 11 and Ward 12 of Vung Tau City. The TL ends at the location of the yet to be constructed 220/110 kV Vung Tau Substation close to Rach Ba Lake in Ward 11, Vung Tau City.

8. Construction of the 220 kV Ba Ria-Vung Tau TL began in 2009 and was completed in 2014. The salient features of the TL are as follows:

- a. Starting point: Ba Ria SS
- b. End point: 220/110 kV Vung Tau SS (still to be built)
- c. Length: 13.830 km
- d. Longest tower span: Angle tower (G) 5 – Angle tower 6 (3,050 m long)
- e. Shortest tower span: G11 to Vung Tau SS (94 m long)
- f. Angle towers: 11 towers
- g. Largest turning angle: G11
- h. Smallest angle towers: G8 and G10
- i. Intersections with other transmission lines: 5 points
- j. Intersections with traffic roads: 10 points
- k. Intersections with rivers: 4 points

Figure 1: Location of the 220/110 kV Ba Ria – Vung Tau SS



III. FINDINGS OF THE DUE DILIGENCE

A. DMS Process

9. The Vung Tau City Land Fund Development Center (LFDC) and Ba Ria City LFDC, with assistance from ward cadastral officials and SPPMB, conducted the DMS of affected assets in 2008. Representatives of the AHs and affected organizations participated in the DMS process and signed the accomplished DMS forms. The AHs were given a copy of their respective accomplished DMS forms. The DMS forms did not include baseline socioeconomic information on the AHs, however. In addition, the due diligence review found 6 DMS records in Vung Tau City that lacked the signatures of the AHs. Also, 7 AHs that owned parcels of agricultural lands within the ROW could not be identified and located during the DMS in 2008 because these AHs resided in other parts of Ward 11 and Ward 12 in Vung Tau City. Towards the end of 2014, however, the 7 AHs had been identified, and Vung Tau City LFDC forwarded their DMS records to their respective wards to facilitate the preparation of their compensation plans (CPs). ***DMS records reviewed did not contain socioeconomic information on the AHs, and neither were the AHs identified as belonging or not to a vulnerable group (e.g., woman-headed with dependents; headed by the elderly or person with disability; and poor households).*** (See Chapter V for corrective action).

B. Impacts of the 220 kV Ba Ria-Vung Tau TL

10. A total of 140 households, 10 private organizations, and 1 government institution³ were adversely affected by land acquisition. Of this number, 32 were affected by permanent loss of land, while 41 were affected by safety restrictions imposed on the continued use of their agricultural lands inside the TL's 37 m ROW. Permanently acquired land totaled 8,532 m², while the aggregate area of affected land in the ROW was 142,138 m². In addition, 3 houses were in the ROW of the TL. Two of these houses, located in Phuoc Trung Ward (Ba Ria City), were totally affected; they had to be relocated outside of the ROW. One house, located in Ward 11 (Vung Tau City), was partially affected and could be re-organized. A total of 782 trees of various species were likewise adversely affected and acquired by the TL project. All affected lands were agricultural. Moreover, all AHs and affected organizations had adequate legal status over their affected assets.

Table 1: Scope of Land Acquisition

City/ Ward	No. of AHs	No. of Organization /Institution	Permanently Acquired Land (m ²)	Land in ROW (m ²)	Assets in ROW Land	
					No. of Houses	Fruit and Timber Trees
Ba Ria city	15	3	3,150	56,109	2	122
Long Huong ward	11	1	1,255	28,871	0	98
Phuoc Trung ward	4	2	1,895	27,238	2	24
Vung Tau city	125	8	5,382.4	86,029	1	660
Ward 11	31	1	1,618.9	40,307.00	1	147
Ward 12	94	7	3,763.5	45,721.80	0	513
Total	140	11	8,532	142,138	3	782

³ These were (i) Sao Mai Ltd. Company, (ii) Ba Ria-Vung Tau Provincial Police, (iii) Ba Ria-Vung Tau Provincial Agricultural and Fishery extension Center, (iv) Phuoc Co Aquaculture JSC, (v) Khang Linh Ltd. Company, (vi) Asset Liquidation Committee of Vung Tau JSC Bank, (vii) Ward, (viii) Co May Shrimp Enterprise, (ix) Marine Unit 129; (x) Quyet Thang Cooperative, and (xi) People's Committee of Ward 12

C. Calculation of Compensation and Cash Assistance

11. Compensation and cash assistance provided to the AHs were based on government laws particularly Decree No. 197/2004/ND-CP (i.e., on compensation, assistance, and resettlement upon land recovery by the State), Decree No. 69/2009/ND-CP (i.e., providing additional support to people affected by land recovery), and the Ba Ria-Vung Tau Provincial People's Committee (PPC) decisions setting the unit prices of land, structures, crops, and trees affected by the 220kV Ba Ria-Vung Tau TL (See **Appendix 1** for more details). Preparation of the compensation plans (CPs) of the AHs started in 2009 and was completed in 2014. In contrast, the DMS was completed in 2008. **The DDR found the following issues regarding the calculation of compensation and cash assistance, thus: (i) per PTIP resettlement policy, AHs that lost 10% or more of their productive lands and income earning assets (not 30% or more as implemented by LFDC) are severely impacted and should also be entitled to life stabilization assistance; (ii) because the DMS did not look into who among the AHs were vulnerable, no additional measures to help improve the situation of vulnerable AHs, if there were any, were reflected in the approved compensation plans; and (iii) the DMS was completed in 2008, but preparation of the CPs and payment of compensation were carried out over an extended period of time, from 2009 to 2014, and as consequence thereof, the CPs might have been based on the old 2008 DMS (not taking into account any changes in fixed assets found on the affected lands) and that the unit costs used in calculating compensation might not have been updated to reflect prevailing market rates at the time of compensation.** (See Chapter V for corrective actions).

D. Amounts of Compensation and Cash Assistance Provided

12. Government paid a total of VND 3,105,959,700 in compensation for permanently acquired lands.

Table 2: Compensation on Permanently Acquired Land (in VND)

City/Ward	Agricultural land	Total
Ba Ria city	232,632,800	232,632,800
Long Huong ward	141,912,800	141,912,800
Phuoc Trung ward	90,720,000	90,720,000
Vung Tau city	2,873,326,900	2,873,326,900
Ward 11	1,272,379,250	1,272,379,250
Ward 12	1,600,947,650	1,600,947,650
Total	3,105,959,700	3,105,959,700

13. In addition, VND 11,611,144,171 was paid to AHs as cash assistance, including payment for restrictions imposed on the continued use of lands in the ROW for safety reasons.

Table 3: Type and Amount of Assistances Provided

Districts/Communes	Type of support	Number of AH/Organization	Area of land (m ²)	Amount of Support (VND)
Ba Ria city				2,062,192,313
Long Huong Ward				1,274,817,358
	Agricultural land (lost 30% or more)	6	1,255.0	327,637,800
	Rice assistance*	9	NA	23,914,758
	Land in ROW	11	15,355.6	923,264,800
Phuoc Trung Ward				787,374,955
	Agricultural land (lost 30% or more)	2	720.0	199,260,000

Districts/ Communes	Type of support	Number of AH/ Organization	Area of land (m ²)	Amount of Support (VND)
	Rice assistance*	4	NA	70,000
	Land in ROW	3	7,077.1	559,104,955
	Life stability	1		5,940,000
	House rent	2	NA	18,000,000
	House movement	2	NA	5,000,000
Vung Tau city				9,548,951,858
Ward 11				3,049,046,568
	Land in ROW	15	23,183.4	3,021,211,398
	House in ROW	1	NA	27,835,170
Ward 12				6,499,905,290
	Land in row	76	59,638.6	5,889,128,263
	House in ROW	2	NA	610,777,027
Total				11,611,144,171

*NOTE: Assistance for 1 cropping of rice for permanently acquired land and for land in the ROW.

E. Restoration/Improvement of Livelihoods and Standard of Living

14. Interviewed personnel of Vung Tau City LFDC and Ba Ria City LFDC believe that the AHs have been able to restore their pre-displacement livelihood and income levels. This view was also shared by 5 affected persons (APs) met during the due diligence review. For instance, 1 AP who was affected by safety restrictions imposed on the continued use of his farmland in the ROW claimed that the livelihood of his household was not seriously affected because the household still make productive use of the landholding in the ROW. While the affected assets of the 4 other APs interviewed were their houses in the ROW and not productive lands, the 4 APs believe that the compensation and allowances provided to the AHs were able to help restore the livelihoods of the affected households.

F. Participation, Information Disclosure and Public Consultation

15. There was cooperation between project authorities and the AHs and affected organizations during the DMS process. Public consultations and information disclosure were carried out in 2 main rounds:

- a. Following the issuance of the decision on land acquisition for the TL project, SPPMB, LFDCs and ward authorities organized public meetings to inform the public about the project, the TL project's adverse impacts, and compensation and assistance policies.
- b. Following preparation of the compensation plans (CPs), SPPMB in cooperation with the LFDCs and ward authorities held public meetings with the AHs and posted the CPs at the offices of the ward.

16. In addition, several consultations with individual AHs were organized in order to explain to them their entitlements and the compensation rates used for their affected assets. The results of these consultations were good as evidenced by the support of the AHs to the project. ***The DDR did not find any issue regarding public consultation and information disclosure.***

G. Grievance Redress Mechanism

17. The grievance redress mechanism of the TL project complied with government regulations. SPPMB cooperated with the LFDCs and local authorities in addressing the questions and complaints of the AHs. Their queries and complaints were mainly on the unit rates used in compensation and cash assistance. Only 2 complaints on land prices

were sent to the City People's Committee level and 1 case concerning an affected house was elevated to the PPC level for settlement. To date, all complaints have been resolved. ***The DDR did not find any issue regarding grievance redress.***

H. Gender and vulnerable group

18. The due diligence review did not find any record of gender issue that cropped up during project implementation. Women participated in the consultations as well as in the DMS process. About 31 of the 140 affected households had women participating in the DMS. ***As pointed out earlier, DDR has taken note of the fact that the DMS did not determine who among the AHs were vulnerable.*** (See Chapter V for corrective action)

I. Monitoring and Reporting

19. SPPMB was responsible for internal monitoring of the implementation of land acquisition and compensation. SPPMB assigned a dedicated staff for this. External monitoring was not done because this was not required under the laws of Viet Nam. ***The DDR did not find any issue regarding monitoring.***

IV. RESETTLEMENT POLICY OF PTIP

20. Project principles and entitlements embodied in the agreed 2011 Resettlement and Ethnic Minority Development Framework (REMDF) were used in examining whether or not land acquisition carried out in 2009-2014 during the construction of the 220 kV Ba Ria-Vung Tau TL was consistent with the PTIP resettlement policy.

A. Principles

21. To address the discrepancies between the ADB 2009 Safeguard Policy Statement (SPS) and relevant Government of Vietnam (GOV) regulations the Project principles on resettlement are as follows:

- 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.

B. Entitlements

22. Table overleaf outlines the entitlements of AHs as mandated by the PTIP resettlement policy.

Table 4: Entitlement Matrix

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

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
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>(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, (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 DCARC for each case.</p> <p>DCARCs 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>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 DCARCs 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 DCARCs 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 DCARCs 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 DCARCs Decided by DPCs</p>
<p>User with lease or temporary rights</p>	<p>Any impacted items</p>	<p>Cash compensation equivalent to 30 percent of replacement cost for affected land;</p>	<p>Preceding note on viability of remaining (unaffected) portion of plot also applies</p>

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		OR, Cash compensation for loss of net income for the remaining leased or assigned period, whichever is higher.	Implemented by DCARCs
Non-titled user	Any impacted items	(a) No compensation but to be supported for affected land at the same compensation price for the land with lowest position in the land categories of the 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
A.3 Impact on productive land in ROW			
All AHs have trees/fruit trees in ROW	Partially impact or totally impact	(a) No compensation for land. (b) Compensation for fruit trees and others at market price.	Affected land in ROW will be rehabilitated by contractors after the subproject construction and land in ROW could be used with the restricted purposes. (Described in Decree 81, 2009, article 1) AHs can be required to cut affected trees, subproject will pay for this work.
B. Residential and/or non-agricultural land			
B.1. Temporarily Affected Residential and/or Non-Agricultural Land			
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	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 (c) Restore land within 1 month after use of land to its previous or better quality.	Rent will be determined so as to be not less than the amount of income foregone due to the temporary loss of this land PPMBs and EMA are in charge of monitoring contractors on restoration of the affected land.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		OR, if DP opts: (a) Compensation for any demolished structures at replacement cost; and (b) Compensation for the remaining value of the contract. c/ Restore land within 1 month after use of land to its previous or better quality.	
B.2. Permanently Affected Residential and/or Non-Agricultural Land			
Owners with LURC, owners in process of acquiring LURC, owners eligible to acquire LURC	Loss of residential and/or non-agricultural landholding without houses and structures built thereon	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; 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	(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
	Affected landholding exceeds area of land quota.	(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).	
	Loss of residential land/or non-agricultural landholding with houses and structures built thereon.	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 (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 (iii) Self-relocation with cash compensation at replacement cost for affected land and house/structures without depreciation of salvable materials, plus package of rehabilitation allowances (see G); and relocation household is entitled to support by cash for preparation of housing foundation equal to the average investment value in infrastructure of a standard plot in resettlement site.	(a) Infrastructure in relocation site will be constructed by subproject. The resettlement sites are all close to the affected area and with completed infrastructures. (b) Affected landholding is under dispute: Compensation held in escrow account until land dispute is resolved.
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	Local authorities assist DP to find alternative land.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		(c) Package of rehabilitation assistance (see G below).	
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.	
B3. Impact on residential land in ROW			
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	(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.
	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	Consulting with AHs on options of retaining their house in ROW or removing out of ROW
C. MAIN HOUSES AND/OR SHOPS AND OTHER STRUCTURES OR PROPERTY			
C.1. Main Structures (Houses and/or Shops)			
Owners of houses/ structures	House/Structure partially affected and remaining portion can be used	(a) Cash compensation at replacement cost for materials and labor for affected portion with no deduction for depreciation or salvageable materials; and	

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		(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	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 to the affected family as prescribed in PPC's regulation. If the tombs-yard is required, the place and layout of the yard shall be decided by the affected households and the costs for the yard constructions shall be made by the Subproject.	Compensation to be paid directly to DPs. For ownerless affected graves / tombs, compensation will be given to Commune PC to relocate them to new site. Graves to be exhumed and relocated in culturally sensitive and appropriate ways

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
			according to Customary rights. The place and layout of the yard shall be consulted with communities and affected peoples
D. Annual and perennial crops, fruit and timber trees and tree/plant fences			
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	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
E. COMMUNITY AND PUBLIC RESOURCES/ASSETS			
Village, Ward, Government Unit	Loss of community buildings and infrastructure	Repair or restoration to original or better conditions of affected community buildings and infrastructures at no cost to community; OR Replacement, if necessary, at locations identified in consultation with affected communities and relevant authorities, at no cost to community; OR Cash compensation at replacement cost based on current market prices for affected community assets.	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.
	(School building, Hospital, offices buildings, religious infrastructures etc.)		
	Publicly owned utilities	Relocation and/or rehabilitation to original or better conditions of affected public utilities, at no cost to public utility; OR Cash compensation at replacement cost based on current market prices for affected public utilities.	Relocation or reconstruction of public facilities will be done with minimal disruption to public service
F. LOSS OF BUSINESSES AND INCOME SOURCES (NON-LAND BASED)			
F.1. Businesses that relocate and/or rebuild structures			
Households with businesses without tax declarations, e.g., small shops (Including un-registered	Structure totally affected and must be relocated OR Structure partially affected and must be rebuilt.	(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	Affected businesses will be notified 2 months in advance to relocate and/or rebuild new structures, so as to be able to continue to operate businesses while resettling.

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
business owners)		(c) Cash assistance for relocation (see G1), if any	
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.	
G. REHABILITATION ASSISTANCE			
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. 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.	At time of compensation, allowance will be adjusted for inflation to ensure that DPs have sufficient resources to meet basic

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
		Assistance is equal to 30 kg of rice per month per household member for 03 months if partial rebuilding only is required.	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	<p>AHs directly cultivate on the affected land to be entitled:</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(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</p> <p>(e) Participating in income restoration programs (RP or REMDP).</p>	<p>Value of in kind assistance to be determined during RP or REMDP implementation.</p> <p>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.</p> <p>RP or REMDP shall be prepared during the RP or REMDP updating following the needs assessment of the DPs</p>
	Assistance for job changing and creation.	Cash assistance equal to 1.5 time of compensation value for affected for acquired land area but not exceed 5 (five) times of land quota in locality.	Eligibility will be confirmed during DMS.
G.6. Special allowance for social and economically vulnerable households			

Entitled Persons	Type and Level of Impact	Compensation Policy	Implementation Issue
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	Support provided to protect the infrastructures affected with necessary equipment as per regulations	The support level for protection will be 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.	

V. CORRECTIVE ACTION PLAN

23. With the PTIP resettlement policy as reference, this DDR summarizes in table below the shortcomings in the way land acquisition was carried out in 2008 – 2014 in connection with the construction of the 220 kV Ba Ria-Vung Tau TL. For each shortcoming identified, a corrective action is proposed for the purpose of making land acquisition that was undertaken in 2008 – 2014 consistent with the PTIP resettlement policy, albeit retroactively.

Table 5: Summary of Shortcomings and Proposed Corrective Actions

Areas of Concerns	Gaps in the 2008-2014 implementation of land acquisition vis-à-vis PTIP resettlement policy	Corrective actions	Responsible Entities	Timeline
Identification of vulnerable AHs	The DMS did not determine who among the AHs belonged to one or more of the vulnerable groups (i.e., women-headed AH with dependents, landless and poor AH, AH headed by a disabled person or by an elderly, ethnic minority AH). Per PTIP resettlement policy, a vulnerable AH is entitled to additional assistance to help improve the social and economic condition of the household.	(i) Determine who among the 140 AHs were vulnerable. (ii) Prepare supplementary payment vouchers or plans for the vulnerable AH for approval by the PPC. (iii) Pay supplementary allowance to the vulnerable AHs.	SPPMB, LFDC, DCARB, and PPC	Prior to the implementation of PTIP3
Payment of life stabilization assistance	Losing 30% or more of one's total agricultural (productive) land was used for determining who were severely affected. Eight AHs (i.e., lost 30% or more of productive lands) were deemed severely affected and for which they were provided life stabilization assistance.	(i) Review all DMs forms to find out which among the other 132 AHs lost 10%-29% of their total agricultural (productive) land. (ii) Prepare payment vouchers or plans for AHs that lost 10%-29% of their total agricultural (productive) land for approval by the PPC. (iii) Pay life stabilization assistance to the eligible AHs.	SPPMB, LFDC, DCARB, and PPC	Prior to the implementation of PTIP3
Compensation given to AHs	The DMS was completed in 2008, but preparation of compensation plans and payment of compensation was carried out over an extended period of time, from 2009 to 2014, depending on the availability of government funds. The CPs of AHs might not have been updated to reflect changes in fixed assets found on the affected lands (subsequent to the 2008 DMS)	(i) Review each CP of the 140 AHs and find when it was approved and when was compensation actually paid. (ii) Regarding the matter of accuracy of affected assets found on the recovered land, check if the AH signed the CP in agreement (ii) Regarding the unit rates used, if the period of approval	SPPMB, LFDC, DCARB, and PPC	Prior to the implementation of PTIP3

Areas of Concerns	Gaps in the 2008-2014 implementation of land acquisition vis-à-vis PTIP resettlement policy	Corrective actions	Responsible Entities	Timeline
	and the unit rates used to calculate compensation for affected assets might not have been adjusted to reflect prevailing market rates at the time of payment of compensation.	<p>of the CP and actual payment of compensation was more than 1 year, compute compensation deficits for project-acquired assets (i.e., land, trees, crops, structures) due to inflation using consumer price index (CPI) at the time compensation was actually paid.</p> <p>(iii) Prepare payment vouchers for approval by the PPC.</p> <p>(iii) Pay compensation deficits to eligible AHs.</p>		
Incomplete land acquisition process	7 AHs with agricultural lands in the TL ROW were belatedly located in 2014. The DMS forms of these AHs have since been forwarded to authorities in their respective wards for the preparation of their CPs.	<p>(i) Finalize the CPs of the 7 AHs for approval by the PPC</p> <p>(ii) Pay compensation (assistance) to the 7 AHs.</p>	SPPMB, LFDC, DCARB, and PPC	Prior to the implementation of PTIP3
Incomplete DMS forms	The DMS forms of 6 AHs lacked the signatures of the affected households.	<p>(i) Compare the amounts indicated in the respective DMS forms of the 6 AHs vis-à-vis the amounts indicated in their respective CPs and payment vouchers.</p> <p>(ii) If there was a deficit in the amounts paid to the AHs vis-à-vis what were paid the AHs, confirm that the AHs were aware of and agree to the shortfall.</p>	SPPMB, DCARB	Prior to the implementation of PTIP3

24. SPPMB, in collaboration with the People’s Committee of Ba Ria-Vung Tau Province and DCARB, will implement the aforementioned corrective actions once ADB gives its concurrence to this DDR/CAP. SPPMB will monitor the implementation of the corrective actions by DCARB and will include in its regular progress report to NPT and ADB the status of the implementation of the CAP. Following receipt of a report from SPPMB confirming that the implementation of the CAP has been completed satisfactorily, land acquisition carried out in the construction of the 220 kV Ba Ria – Vung Tau TL will be deemed compliant with the PTIP resettlement policy and no further monitoring is required.

Annex 1: GOV Policies on Compensation, Assistance, and Resettlement

1. GOV Decree No.106/2005/ND-CP, dated August 17, 2005 defined the protection of high voltage systems.
2. The 2003 Land Law passed by the National Assembly on November 26, 2003.
3. GOV Decree No.188/2004/ND-CP, dated November 16, 2004 on methodology for defining prices and price framework of various types and categories of land.
4. Circular No.114/2004/TT-BTC, dated November 26, 2004 of the Ministry of Finance guiding the implementation of the above stated Decree.
5. GOV Decree No.123/2007/ND-CP, dated July 27, 2007 on adjustment and supplementation of articles of the Decree No.188/2004/ND-CP, dated November 16th, 2004.
6. GOV Decree No.197/2004/ND-CP, dated December 3, 2004 on the compensation, assistance and resettlement in case of land acquisition by the State.
7. Circular No.116/2004/TT-BTC, dated December 7, 2004 of the Ministry of Finance guiding the implementation of Decree No.197/2004/ND-CP.
8. Circular No.69/2006/TT-BTC, dated August 2, 2006 amending and supplementing the Finance Ministry's Circular No. 116/2004/TT-BTC which guides the implementation of the Government's Decree No. 197/2004/ND-CP on compensation, support and resettlement upon land recovery by the State.
9. GOV Decree No.17/2006/ND-CP, dated January 27, 2003 on adjustment and supplementation of decrees on implementation guidelines of Land Law.
10. GOV Decree No.84/2007/ND-CP, dated May 25, 2007 providing additional regulations on granting land use right certificates, retrieving land, paying compensation, resettling, settling complaints and denouncements.
11. GOV Decree No. 69/2009/ND-CP, dated August 13, 2009 additionally providing for land use planning, land prices, land recovery, compensation, support and resettlement.
12. Circular No. 14/2009/TT-BTNMT, dated October 1, 2009 by MONRE detailing the compensation, support and resettlement and order of and procedures for land recovery, allocation and lease.
13. Decision No. 5201/QD-UBND, dated December 30, 2005 by Ba Ria Vung Tau PPC on prescribed residential land quota in the allotment of land, land quota for recognizing residential land when using garden and pond land, residential land quota when selling houses owned by the state in Ba Ria-Vung Tau province.
14. Decision No. 2248/QD-UBND, dated July 1, 2008 by Ba Ria Vung Tau PPC on acquisition of 11,042.2 m² of land in Long Huong and Phuoc Trung wards of Ba Ria and Ward 11 and Ward 12 of Vung Tau City for the construction of the 220 kV Ba Ria-Vung Tau Transmission Line.

15. Decision No.42/2008/QD-UBND, dated July 22, 2008 by Ba Ria Vung Tau PPC on house grade, category, prices, and prices of structures in Ba Ria-Vung Tau province.
16. Official Letter No. 6367/UBND-VP, dated October 6, 2008 by Ba Ria-Vung Tau PPC on support for agricultural land interspersed in residential areas when the State recovers land;
17. Decision No. 23/2009/QD-UBND, dated April 8, 2009 by Ba Ria-Vung Tau PPC on prices of crops, fruits, salt, and aquaculture to serve land acquisition and compensation upon land recovery by the State in Ba Ria-Vung Tau province;
18. Decision No. 4799/QD-UBND, dated September 24, 2009 by Ba Ria Town approving the costs for compensation, assistance, and resettlement for the construction of 220 kV Ba Ria-Vung Tau TL in Ba Ria Town;
19. Decision No. 81/2009/QD-UBND, dated December 18, 2009 by Ba Ria-Vung Tau PPC issuing land unit prices in Ba Ria-Vung Tau province;
20. Decision No. 13/2010/QD-UBND, dated April, 1 2010 issuing some specific policies on compensation, assistance, and resettlement upon land recovery by the State in Ba Ria-Vung Tau province;
21. Decision No. 52/2010/QD-UBND, dated November 2, 2010 by Ba Ria-Vung Tau PPC on amending and supplementing some contents of the specific policies on compensation, assistance, and resettlement upon land recovery by the State in Ba Ria-Vung Tau province together with the Decision No. 13/2010/QD-UBND dated April 1 2010 by Ba Ria-Vung Tau PPC;
22. Decision No. 56/2010/QD-UBND, dated December 17, 2010 by Ba Ria-Vung Tau PPC issuing land prices in Ba Ria Vung Tau province;
23. Decision No. 08/2011/QD-UBND, dated February 21, 2011 by Ba Ria Vung Tau PPC on house grade, category, prices, and prices of structures in Ba Ria-Vung Tau province.
24. Decision No. 26/2011/QD-UBND, dated June 20, 2011 by Ba Ria Vung Tau PPC amending and supplementing a number of articles on house grade, category, prices, and prices of structures in Ba Ria-Vung Tau province of the Decision No. 08/2011/QD-UBND, dated February 21, 2011 by Ba Ria Vung Tau PPC.
25. Decision No. 32/2011/QD-UBND, dated July 25, 2011 by Ba Ria Vung Tau PPC on process and procedures of compensation, assistance, and resettlement upon land recovery by the State in Ba Ria-Vung Tau province.
26. Decision No, 71/2011/QD-UBND, dated December 19, 2011 by Ba Ria Vung Tau PPC on land prices in Ba Ria Vung Tau province.

Annex 2: List of People Met

No.	Name	Address	Position
1	Huynh Quoc Huy	SPPMB	Compensation department
2	Luong Duong Bac	Vung Tau City LFDC	Project department
3	Nguyen Duong Quyen	Ba Ria City LFDC	Professional department
4	Nguyen Van Lanh	Ba Ria City LFDC	Staff
5	Nguyen Cao Minh Thuy	Long Huong Ward PC	Cadastral official
6		32 Nguyen Gia Thieu – Ward 12- Vung Tau City	AH
7		32/6/14 Nguyen Gia Thieu- Ward 12- Vung Tau City	AH
8		Nguyen Gia Thieu- Ward 12- Vung Tau City	AH
9		Nguyen Gia Thieu- Ward 12- Vung Tau City	AH
10		Long Huong Ward- Ba Ria	AH

Note: Names deleted for confidentiality

Annex 3: List of Reviewed Documents

1. Project document (Vol 1) of 220 kV Ba Ria-Vung Tau Transmission Line.
2. Compensation and assistance plan of the 220 kV Ba Ria-Vung Tau Transmission Line traversing Long Huong and Phuoc Trung wards of Ba Ria, Ba Ria-Vung Tau Province, dated September 28, 2009.
3. Compensation and assistance plan of the 220 kV Ba Ria-Vung Tau Transmission Line traversing Long Huong and Phuoc Trung wards of Ba Ria, Ba Ria-Vung Tau Province, dated September 6, 2010.
4. Compensation and assistance plan of the 220 kV Ba Ria-Vung Tau Transmission Line traversing Ward 11 and 12 of Vung Tau City, Ba Ria-Vung Tau Province and dated November 22, 2011.
5. Compensation and assistance plan of the 220 kV Ba Ria-Vung Tau Transmission Line traversing Ward 11 and 12 of Vung Tau City, Ba Ria-Vung Tau Province dated December 28, 2011.
6. Compensation and assistance plan of the 220 kV Ba Ria-Vung Tau Transmission Line traversing Ward 11 and 12 of Vung Tau City, Ba Ria-Vung Tau Province dated November 14, 2012.
7. Compensation and assistance plan of the 220 kV Ba Ria-Vung Tau Transmission Line traversing Ward 11 and 12 of Vung Tau City, Ba Ria-Vung Tau Province dated December 15, 2012.
8. Compensation and assistance plan of the 220 kV Ba Ria-Vung Tau Transmission Line traversing Ward 12 of Vung Tau City, Ba Ria-Vung Tau Province dated March 26, 2013.
9. Compensation and assistance plan of the 220 kV Ba Ria-Vung Tau Transmission Line traversing Ward 11 and 12 of Vung Tau City, Ba Ria-Vung Tau Province dated April 5, 2013.
10. Compensation and assistance plan of the 220 kV Ba Ria-Vung Tau Transmission Line traversing Ward 12 of Vung Tau City, Ba Ria-Vung Tau Province dated May 20, 2013.
11. Compensation and assistance plan of the 220 kV Ba Ria-Vung Tau Transmission Line traversing Ward 12 of Vung Tau City, Ba Ria-Vung Tau Province dated August 20, 2013.
12. Compensation and assistance plan of the 220 kV Ba Ria-Vung Tau Transmission Line traversing Ward 11 of Vung Tau City, Ba Ria-Vung Tau Province dated June 6, 2014.

Annex 4: Photos of Site Visits



220kV Ba Ria –Vung Tau Transmission Line

