Rural Energy II Project

POLICY FRAMEWORK FOR COMPENSATION, RESETTLEMENT AND REHABILITATION OF PROJECT AFFECTED PERSONS

Attachment to Ministry of Industry’s Decision

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SECTION 1
INTRODUCTION

A. The Project

1. The overall development objective of the VN-Rural Energy 2 Project is to improve access to good quality, affordable electricity services to rural communities, in an efficient and sustainable manner. This would be achieved through: (a) major upgrading and/or expansion of rural power networks in about 1200 communes; (b) conversion of current ad-hoc rural electricity management systems to local distribution utilities (LDUs), as legal entities recognized under Vietnamese law, to improve management of power distribution in rural areas, improve financial sustainability, and better enable future mobilization of funds; and (c) capacity building assistance for the LDUs, provincial authorities involved in planning and regulation of rural electrification, participating regional power companies, and national authorities. The proposed project would improve access to energy to about 1 million households in Vietnam, including many living in some of the poorest communes. The project also will enable supply of large increases in electric power for expanding productive uses in rural areas, alleviating a major constraint to local economic growth.

2. The project will include two Project Components:

- **Rural Distribution System Development Component.** This will include most of the IDA financing, and is the main thrust of the project. It will be implemented province-by-province, with a medium-voltage (MV) sub-component of about $70 million (about $55 million IDA funds and $15 million in counterpart funds) implemented by EVN’s subsidiaries, and a low-voltage (LV) sub-component of about $228 million (about $163 million IDA funds and about $65 million in counterpart funds) implemented by Provincial Peoples’ Committees (PPCs), with technical support and assistance from EVN’s subsidiaries.

- **Capacity Building Component.** This component will include both IDA financing of about $1.5 million, and an associated GEF project, with about $5.25 million in GEF grant financing. This component will support capacity building for the local distribution utilities, especially in system and company management, and for local and national authorities on rural electrification regulation, policy development and planning.

The project will be prepared and implemented in phases. The phase 1-A (to be prepared for the appraisal) includes six (06) provinces namely: Vinh Phuc, Ha Tinh, Quang Ngai, Phu Yen, Ca Mau and Ben Tre with the total of 360 communes. The phase 1B will include six (06) provinces namely Nghe An, Yen Bai, Tay Ninh, Dong Thap, Quang Tri and Thua Thien Hue with the total of 210 communes. The phase II will include eighteen (18) provinces namely Lao Cai, Cao Bang, Lai Chau, Hoa Binh, Phu Tho, Thai Nguyen, Bac Giang, Ha Tay, Hai Duong, Hung Yen, Thai Binh, Ha Nam, Nam Dinh, Thanh Hoa, Ninh Thuan, Can Tho, Quang Binh and Binh Dinh with total of 558 communes.

3. To implement for the first three project components, land acquisition will be required. However, rehabilitation/expansion of the medium and low voltage systems would not cause large scale of land acquisition and resettlement. For the ownership and implementation
arrangements, seven (07) separate RPs will be prepared prior to the appraisal (under the phase 1(a)) for seven (07) project provinces.

4. RPs of remaining project phases will be prepared later based on the proposed project implementation schedule and this Resettlement Policy Framework (one RP of each phase for each province).

B. Policy Framework

5. This resettlement policy framework prepared based on the PO 4.12 of the World Bank on involuntary resettlement (December, 2001). The principle objective of the Policy Framework is to ensure that all displaced persons (DP’s) will be compensated for their losses at replacement cost and provided with rehabilitation measures to assist them to improve, or at least maintain, their pre-project living standards and income earning capacity.

6. The Policy Framework lays down the principles and objectives, eligibility criteria of DP’s, entitlements, legal and institutional framework, modes of compensation and rehabilitation, peoples participation features and grievances procedures that will guide the compensation, resettlement and rehabilitation of the DP’s.

C. The Displaced Persons (DP’s)

7. The DP’s include the following persons to be identified by the baseline information collected for each Resettlement Plans (s):

   (a) persons whose houses are in part or in total affected (temporarily or permanently) by the project;

   (b) persons whose residential and premise and/or agricultural land is in part or in total affected (permanently or temporarily) by the project;

   (c) persons whose businesses are affected in part or in total (temporarily or permanently) by the project; and

   (d) persons whose crops (annual and perennial) and trees are affected in part or in total by the Project.

D. Principles and Objectives

8. The principles outlined in the World Bank's Operational Policies 4.12 (OP 4.12) have been adopted in preparing this Policy Framework. In this regard the following principles and objectives would be applied:

   (a) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible.

   (b) All DP’s residing, working, doing business or cultivating land in right of way (ROW) of transmission line (T/L), surrounding areas of tower foundation, the substation areas, in the service roads under the project as of the date of the baseline surveys are entitled to be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income
earning capacity and production levels. *Lack of legal rights to the assets lost should not bar the DP from entitlement to such rehabilitation measures.*

(c) The rehabilitation measures to be provided are: (i) compensation at replacement cost, without deduction for depreciation or salvage materials for houses and other structures; (ii) agricultural land for land of equal productive capacity acceptable to the DPs or in cash at replacement cost according to DP’s choice; (iii) replacement of residential/premise land of equal size acceptable to the DP or in cash at replacement cost according to DP’s choice; and (iv) transfer and subsistence allowances.

(d) Replacement residential and agricultural land will be as nearby as possible to the land that was lost, and acceptable to the DPs.

(e) The resettlement transition period will be minimized and the rehabilitation means will be provided to the DP’s prior to the expected start-up date of works in the respective Project site.

(f) Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the DP’s, to ensure minimal disturbance. Entitlements will be provided by DP’s prior to expected start-up of works at the respective project site.

(g) The previous level of community services and resources will be maintained or improved.

(h) Financial and physical resources for resettlement and rehabilitation will be made available and as where and when required.

(i) Institutional arrangements will ensure effective and timely design, planning, consultation and implementation of RPs.

(j) Effective and timely supervision, monitoring and evaluation of the implementation of RPs will be carried out.

E. Resettlement Plan (RP)

9. The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement.

**Abbreviated Resettlement Plan**

10. In case impacts on the *entire displaced population are minor, 3* or fewer than 200 people are displaced, an *Abbreviated Resettlement Plan* (ARP) will be prepared by the respective PCs (under EVN) and consolidated by the project provinces for any given project phase and furnished to the World Bank for its concurrence.

11. Each *Abbreviated Resettlement Plan* will cover the following minimum elements: (1) a census survey of displaced persons, and valuation of assets; (2) description of compensation and other resettlement assistance to be provided; (3) consultation with displaced persons about acceptable alternatives; (4) institutional responsibility for implementation and procedures for
grievances redress; and (5) a timetable and budget. In the case some displaced persons, lose more than 10% of their productive assets or require physical relocation, the plan also covers a socioeconomic survey and income restoration measures.

12. *The Abbreviated Resettlement Plan will be completed by no later than four months prior to the estimated date for commencement of the works under the project phases. Each Abbreviated Resettlement Plan will be furnished to the World Bank for consideration no later than three months prior to the actual initiation of the works under the Project.* Compensation, resettlement and rehabilitation activities will only commence after the World Bank has found acceptable the respective Abbreviated Resettlement Plan and the EVN and the Project PPC has approved it. *The compensation, resettlement and rehabilitation activities will be completed before awarding the contracts of civil works under each sub-project.*

**Resettlement Plan**

13. In case more than 200 people are affected by the project, a Full Resettlement Plan (FRP) will be prepared by the respective PC in accordance with the provisions of this Policy Framework. The RP will be furnished by PC under EVN to the World Bank for its concurrence.

14. Each RP will include: (1) description of the project; (2) project potential impacts; (3) objective; (4) socio-economic studies; (5) legal framework; (6) institutional framework; (7) eligibility; (8) valuation and compensation for losses; (9) resettlement measures; (10) site selection, site preparation and relocation; (11) housing, infrastructure, and social services; (12) environmental protection and management; (13) participation and consultation; (14) integration with host populations; (15) grievances procedures; (16) organizational responsibilities; (17) implementation schedule; (18) cost and budget; and, (19) monitoring and evaluation.

15. *Each RP will be completed by no later than six months prior to the estimated date for commencement of the works. Each RP will be furnished to the World Bank for consideration by no later than three months prior to the actual initiation of the works under the Project.* Rehabilitation and assistance activities will only commence after the World Bank has found acceptable the respective RP and the EVN and the project PPC has approved it. Rehabilitation and assistance activities will be completed before awarding contracts of civil works under each sub-project.
SECTION 2
INSTITUTIONAL AND LEGAL FRAMEWORK

A. Institutional Framework

16. The responsibility for preparing and implementing the Policy Framework and RP’s are as follows:

(a) The overall responsibility for enforcement of the Policy Framework and for planning and implementing RP’s rests with PCs under EVN; the project PPCs and their relevant Departments/Institutions. The PCs and their Project Provincial Powers (PPPs) are responsible for carrying out census, socioeconomic survey and inventories and preparing RPs and for the day-to-day implementation thereof within their respective jurisdiction. The people’s committees at the district and commune levels will participate in the RP preparation and implementation. These administrative units will also ensure the active and effective participation of the DP’s in the RP preparation and implementation. In order to have RPs acceptable to the World Bank and to implement RP smoothly, PCs under EVN are responsible for i) hiring qualified consultants to prepare RPs; ii) appointing qualified social safeguard staff at each PC and its Project Management Board (PMB) and Compensation and Resettlement Committees at provincial and district levels.

(b) Funds for compensation will be from EVN (for Medium Voltage System) and from Project Provinces (for Low Voltage System) and budgetary requirements for economic restoration, other assistance would be either from counter part funds or from IDA.

B. Legal Framework

17. This section reviews the legal framework and policies of the Government of Vietnam and IDA policies related to land acquisition, compensation and resettlement. It then compares the two approaches. Since there are differences between the WB’s policy and the Vietnamese’s, the Project requires a waiver of the Vietnamese Government articles of decrees and regulations concerning compensation and resettlement. Subsequently, compensation and resettlement plans will be implemented according to the project policies.

18. The Legal Framework of the Government of Vietnam: The key national laws, decrees governing land acquisition, compensation and resettlement in Vietnam consists of the following:

- The Constitution of Vietnam, 1992 confirms the right of citizens to own a house and to protect the ownership of the house.

- The Land Law issued on 15 October 1993, revised and adopted by the National Assembly and reissued on October 01, 2001 states:
  Article 1:
  Land is common property of the people and is subject to exclusive administration by the State. The State assigns the land to Government and Non-Government Organizations, households and individuals for long term stable use with or without
land use charge. The State also leases land. Assignee, lessee or individual that has land use right transferred from a third party, is by this law commonly called Land User.

**Article 3:**
The State will protect the right and legal investments of Land User. A State assigned household or individual Land User has a right to exchange, transfer, lease, inherit, or mortgage for a loan the Land Use Right (LUR)

- The Civil Law (CL) was approved by the National Assembly on October 28, 1995.
- Circular No. 145-1998/TT-BTC issued 4 November 1998 by the Ministry of Finance provides guidelines to implement decree 22/CP (24/4/1998), including the method to determine the “K factor” for land compensation. ‘K’ is the coefficient of relative rate between the land price counted by the beneficial potential or the actual land price transfer for the land use rights and land price stipulated by the Provincial People’s Committee and And cities under the Central Government.
- Decree 60/CP issued by GOV on July 5, 1994 regulates property ownership and Land Use Rights in urban areas.
- Decrees 61/CP issued by GOV on July 15, 1994 regulates dwelling house purchases, sales and business.
- Decree 88/CP issued by GOV on 17 August 1994 regulates the Management and Use of Urban Land.
- Decree 45/CP issued by GOV on 3 August 1996 regulates the Amendment of Article 10 of 60/CP (5/7/1994).
- Decree 87/CP issued by GOV 17 August 1994 sets Price Framework for Land in the whole country.

The prices for urban land herein have been calculated based on average free market price. The free market price of land varies from Province/City to Province/City, from area to area in one City, and street front to street backside. It sets the minimum and maximum prices for among others payment of land use rights and compensation for categories of urban land recovered by the State. It establishes the organizational structure for compensation. The Province/City is responsible for determining the compensation plan, setting its own land values within the broad national range. Within this set of local values, the Province/City People’s Committee also has the right to apply an adjustment coefficient. The local District People’s Committee is responsible for confirming the land and structure areas affected and the entitlements to compensation.
• Decision No. 302/TTg was issued on 13/5/1996 by the Prime Minister for adjustment of the value of the K factor of Decree 87/CP dated 17/8/1994, and gives wider range for the K factor value.

• Decree 17/1998/ND – CP was issued on 21 March 1998 by GOV for adjustment of Section 2, Article 4 of Decree 87/CP, dated 17/8/1994. It sets the method for waiving the K factor according to the K value of 87/CP.

• Law on Taxation of Land Use Right Transfer, approved by the National Assembly, on June 22, 1994.

• Law to regulate and amend some articles of the Law on Taxation of Land Use Right on December 21, 1999.

• Decree 114/CP issued by GOV on 5/9/1994 regulates the Implementation of the Law on Taxation of Land Use Right Transfer.

• Ordinance on taxation of Land and Housing issued on October 10, 1992 by State Council of Vietnam.


• Official letter No. 2944/TC-TCT dated October 28, 1995 of Ministry of Finance regulates the tax remission of housing program.

• Law on Petition and Accusation approved by National Assembly on December 02, 1998.

• Decree No. 67/1999/ND – CP, issued by GOV on 7/81999 regulates in detail the Law on Petition and Accusation.


19.1 The primary objective of the World Bank policy is to explore all alternatives to avoid or at least minimize involuntary resettlement. Where resettlement is unavoidable, the living standards of displaced persons should be restored or improved relative to those conditions that prevailed prior to the Project. The policy applies to the taking of land and other assets when land acquisition results in the loss of shelter, the loss of all or part of productive assets, or access to them, and the loss of income sources or other means of livelihood.

19.2 Measures required to ensure that resettlement has a positive outcome include:

• Consulting with potential Project-affected people on feasible measures for resettlement and rehabilitation;

• Providing Project-affected persons with options for resettlement and rehabilitation;

• Enabling their participation in planning and selecting these options;

• Providing compensation at full replacement cost for losses;
• Choosing relocation sites that provide, at a minimum, the same benefits and services as the sites they replace;
• Providing allowances, training and income support to assist in making a smooth transition;
• Identifying vulnerable groups and providing special assistance to these groups; and,
• Establishing an institutional and organizational structure that supports this process to a successful end.

19.3 Eligibility Criteria and Compensation:

19.3.1 The displaced or project-affected people eligible for compensation will include: (a) those who have formal legal rights to land or other assets; (b) those who initially do not have formal legal rights to land or other assets but have a claim to legal rights based upon the laws of the country; upon the possession of documents such as land tax receipts and residence certificates; or upon the permission of local authorities to occupy or use the project affected plots; and (c) those who have no recognizable legal right or claim to the land they are occupying.

19.3.2 Persons covered under (a) and (b) are provided compensation for the land they lose, and other assistance. Persons covered under (c) are provided resettlement assistance, in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off dates defined in RPs. Persons who encroach on the areas after the cut-off date defined in RPs are not entitled to compensation or any other form of resettlement assistance.

20. Valuation of and Compensation for Losses: The methodology to be used in the valuation of losses for Bank-associated Projects is based on their replacement cost. In this Project, losses comprise land, structures and other assets. Replacement cost for land include the value of land at market price plus the cost taxes and fees to get Land Use Right Certificate (LURC). For houses and other structures, the market cost of the materials should be used to calculate the replacement cost to build a replacement structure with an area and the quality should be at least as good as those affected. For both totally and partially affected structures, compensation includes market cost of material, plus the costs of material transport, labor and contractor fees, registration and transfer taxes. Depreciation of the asset and amount saved in materials will not form a part of replacement cost.

21. Comparison between Government of Vietnam and World Bank Approaches

There are a number of ways in which the approaches of the Vietnam Government – either in policy or practice – are compatible with World Bank guidelines. The most important compatibilities are:
• Vietnam has a process whereby most people without legal land rights may meet conditions of legalization and receive compensation for losses.
• Permanent residents are provided with options that include relocation to an improved site, or cash, or a combination of the two.
• Resettlement sites offer not only better improved infrastructure and services but represent a higher standard of living.
• Allowances are provided to help the DPs in the transition period and there is an institutional structure through which people are informed, can negotiate compensation, and can appeal.
Differences between the approaches and measures that need to be addressed within the program also exist. However, in this context, procedures exist within national and City governments that allow the granting of waivers of domestic law on specific projects that may be in conflict with that of the funding agency.

On the issue of land tenure and the legal right to compensation, the Government and World Bank approaches are compatible. The government has its own process in place whereby land occupied without legal documentation can be legalized; this land, however, is compensated for at a rate equal to 100% of land price minus the taxes and fee for land use right registration from 15 October 1993 (Article 6, 7, 9, 10 of Decree 38/2000 ND-CP on the payment for the Land Use Right).

C. Required Waivers

22. In order to meet the requirements of the World Bank OP 4.12 on Involuntary Resettlement a number of articles in various Vietnamese laws and regulations which do not ensure compensation at replacement cost or set eligibility provisions which do not extend the right to rehabilitation and or assistance to households without proper land paper, will be waived.

The articles of law and regulations that will be waived are mentioned below:

23. Eligibility to Compensation – Decree 22/CP

23.1 Article 7 of Decree 22/CP (Non eligible persons to compensation of land) stipulates that “The person whose land is recovered and who has not met one of the conditions stipulated in Article 6 of this Decree or who has violated the plan already ratified by the competent level, and such violation has been announced, or who violates the corridor protecting work, or who illegally occupies land shall not receive compensation when the state recovers the land. The People’s Committee of province or City directly under the Central Government shall consider and make decisions on a case by case basis”.

23.2 Article 16 of Decree 22/CP (Principle for compensation of lost property), Item 3, stipulates that “The owner of affected property on recovered land as mentioned in Article 7 of this Decree, based on each individual case, the People’s Committee of the province or City directly under the Central Government shall consider and decide the assistance”

23.3 To ensure that the objectives of this resettlement policy are met, a special decision of the Government waiving Article 7 and Article 16 of Decree 22/CP is needed to permit assistance and rehabilitation measures for illegal users of land as proposed in the policy.

24. Price of Land for Calculation of Compensation

24.1 According to the Vietnamese regulations, calculation for land compensation will be based on Decrees 87/CP, 22/CP, 17/1998/ND-CP and Decision 302/TTg.

24.2 Article 4 of Decree 87/CP states that compensation of land must fall within the Government’s range of minimum and maximum prices.

24.3 Article 8 of Decree 22/CP states that the prices of land for calculation of compensation for damage shall be determined on the basis of local prices of land issued according to the
provisions of the Government multiplied by a coefficient ‘K’ in order to ensure compatibility of the compensation with profitability and the prevailing land prices of the locality. The “K” coefficient of relative rate between the land price counted by the beneficial potential or the actual land price transfer for the land use rights and land price stipulated by the Provincial Peoples’ Committees and cities under the Central Government.

24.4 To ensure that the objectives of the project resettlement policy are met, unit price for land compensation established by the Project Provincial/City People’s Committees will be adjusted to meet at replacement costs.

25. Assistance Policy for DPs who Rent Houses from the Government – Decree 22/CP

25.1 Article 25 of Decree 22/CP states that DPs who rent government houses and do not want to continue to do so shall be assisted in cash at a rate equal to 60% of the cost of the rented house and 60% of the cost of the land.

25.2 To ensure that the objectives of the policy are met, a special decision of the Government of VietNam regarding waiver of Article 25 of Decree 22/CP is needed to permit assistance and rehabilitation measures for DPs who share rented government housing as proposed in this policy.

25.3 The Prime Minister of Vietnam and Chairpersons of the project provinces in approving/adopting (prior to the project appraisal) the policies and objectives set forth in this Policy Framework will grant the waivers to the above mentioned Articles 7, 8, 16, 17, 18 & 25 of Decree 22/cp; Article 4 of Decree 87/CP, and any other laws or regulations which contradict this Project Resettlement Policy.

25.4 The Item 4, Article 2 of Decree 17/2001/ND-CP dated May 04, 2001 to guide on the ODA management stipulates that “in the case of the international agreements on ODA have been signed between GOV and sponsor stipulates other contents, then that international agreements will be followed”
SECTION 3
ENTITLEMENT POLICY

26. DP’s will be entitled to the following types of rehabilitation and assistance measures:

(a) DP’s losing agricultural/productive land and crops

(i) if the portion of the land to be lost represents 10% or less of the total area of the landholding, and the remaining land is still a viable economic holding, cash compensation, at full replacement cost for the acquired area may be provided to the DP

(ii) if the portion of the land to be lost more than 10% of the total area of the landholding and the remaining holding is not viable then the project will acquire the entire landholding and provide "land for land" arrangements of equal productive capacity, satisfactory to the DP. However, if the DP prefers to receive cash instead of land, then cash compensation at replacement cost is applied.

(iii) DP’s will be compensated for the loss of standing crops at market price, productive trees will be compensated at replacement cost.

(iv) DP’s whose land is temporarily taken by the works under the project will be compensated for their loss of income, standing crops and for the cost of soil restoration and damaged infrastructure. Land will be rehabilitated after the project construction by each PC and its PMB.

(b) DP’s losing residential land and house/structure

(i) The mechanism for compensating loss of residential land and structures will be: (1) the provision of replacement residential land (house site and garden) of equivalent size, satisfactory to the DP or cash compensation at replacement cost according to DPs’ choice; and (2) cash compensation reflecting full replacement cost of the house/structures, without deduction for depreciation or salvage materials or compensate in kind according to DPs’ options.

(ii) If residential land is only partially being affected by the project and the remaining areas are not sufficient for reorganizing DP’s house then at the request of the DP, the entire residential land will be acquired at full replacement cost.

(iii) If house/other structure is only partially being affected by the project and the remaining areas are not convenient to using, the house/structure will be acquired at full replacement cost, without depreciation.

(iv) Tenants, who have leased a house for residential purposes will be provided with a cash grant of six months rental fee at the prevailing market rate in the area, and will be assisted in identifying alternative accommodation.

(c) DP’s losing business

(i) The mechanism for compensating loss of business will be: (1) the provision of alternative business site of equal size and accessibility to customers,
satisfactory to the DP; (2) cash compensation for lost business structure reflecting full replacement cost of the structures, without depreciation; and (3) cash compensation for the loss of income during the transition period.

(d) DP’s will also be provided compensation at full replacement cost, without deduction for depreciation and salvage materials for any other fixed assets affected in part or in total by the project, such as tombs and water wells, etc.

27. In cases where community infrastructure such as schools, factories, water sources, roads, sewage systems is damaged, the PPC of the project provinces and EVN will ensure that these would be restored or repaired as the case may be, at no cost to the community.

28. Besides the direct compensation for the losses, DPs also will be entitled to additional assistance (subsidies/allowances) as stipulated in the Decree No.22 of GOV. These subsidies/allowances are as below:

a) Transportation allowance
According to the Article 17 of Decree 22/1998 CP, all DPs relocating within the province are entitled to a minimum allowance of 1 million VND and maximum of 3 million VND. All DP relocating out of the province are entitled to a minimum allowance of 3 million VND and maximum of 5 million VND. This subsidy allowance is for the transportation of their salvageable materials and living facilities.

b) Subsistence allowance for relocating
According to Article 25 of Decree 22/1998 CP, all relocating DP shall, for a period of six months receive a cash allowance equal to 30 kg of rice of average price per month for family member. If DP have to be relocated to another province and the impact is severely, this subsidy period could be for one year.

c) Restoration allowance
DPS, who are permanently affected more than 10 % of productive land or incomes, will be entitled to trainings or other economic restoration programs at about VND 1,500,000 for household.

d) Relocation bonus
According to Article 26 of Decree 22/1998 CP, a bonus of maximum 5 million will be awarded to DP who dismantle their houses and vacate their premises in accordance with the resettlement schedule of will get a maximum bonus of 5,000,000 VND/ HH.

29. By the nature of the project impacts, the potential impacted categories are classified into seven (07) categories. The entitlement matrix is attached (see Annex 1)

30. Voluntary Donation: For the rehabilitation/expansion of Low Voltage System, where there are DPs who would be marginally affected on residential land/other assets and who may choose to contribute affected land/assets in lieu of a cash contribution for the project construction, a procedure for determining and documenting the voluntary nature of the contribution are as follows:

- step 1: Local authorities clearly inform to all DP about this project resettlement policy, and the actual entitlement to compensation.
• step 2: Volunteer DPs sign in the DMS and Entitlement forms for the affected assets and asset(s) which they choose to contribute for the project, and these forms will be filed in Provincial/District Compensation Committees’ offices.

• step 3: a sample of about 20% of volunteer households will be checked by independent monitoring agencies at the beginning times of RPs implementation and reports of independent monitors on this matter will be submitted to IDA for its concurrence.

The above procedure will also be clearly guided in Project Implementation Manual (PIM).
SECTION 4
SITE SELECTION, SITE PREPARATION, AND RELOCATION

31. If there are families have to be relocated because of the project impacts and resettlement sites are required. The PCs and local authorities will clearly describe in RP about alternative relocation sites considered and explanation of those selected, covering:

(a) institutional and technical arrangements for identifying and preparing relocation sites, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

(b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;

(c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and

(d) legal arrangements for regularizing tenure and transferring titles to resettlers.

(e) housing, infrastructure, and social services. Plans to provide (or to finance resettlers’ provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

(f) a description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
SECTION 5
PEOPLE’S PARTICIPATION

32. The local authorities and its relevant organizations, DPs and host communities will participate throughout the various stages of the planning and implementation of RPs. The DPs will be fully informed of the provisions of this Policy Framework at public meetings held by the respective PC, its PMB and local authorities.

33. Each DP will be fully informed and consulted by the relevant District Peoples’ Committee and/or Communes Peoples’ Committees of their entitlements and rehabilitation choices under the respective.
SECTION 6
BASELINE INFORMATION

A. Census and Inventory

34. The baseline information will include the following information for each household:
   (a) number of persons and names;
   (b) number, type, and area of the houses lost;
   (c) number and area of all the residential plots lost;
   (d) number, category and area of agricultural land lost;
   (e) quantity and types of crops and trees lost;
   (f) businesses lost including structures, land and other fixed assets;
   (g) productive assets lost as a percentage of total productive assets;
   (h) quantity and category of other fixed assets affected by each sub-Project; and
   (i) temporary damage to productive assets.

The proposed census and inventory form is attached (see Annex 2)

B. Resettlement Plan

35. The baseline information for a RP will include: (a) an Census and Inventory (see above); and (b) a detailed socioeconomic survey of all DP’s describing their age, sex, ethnicity, education, occupation, sources of income, and total household income. The proposed form for socio-economic is attached (see Annex 3).

36. The entitlements of DPs will be calculated based on the above information. The proposed entitlement form is attached (see annex 4).
SECTION 7
IMPLEMENTATION ARRANGEMENTS

A. Implementation Schedule

37. A detailed implementation schedule of the various activities to be undertaken will be included in each RP. The RP implementation schedule must be developed based on the linkage to the civil work implementation schedule.

38. Payment of rehabilitation and furnishing of other restoration/assistance entitlements (in cash or in-kind), and relocation if that be the case, have to be completed prior awarding contracts for civil works.

B. Institutional Arrangement

39. PCs and all project provinces will arrange adequate and experience staff to make sure that RP will be implemented smoothly as approved schedules.

C. Complaints and Grievances

40. Complaints and grievances related to any aspect of RP implementation, including the determined the quantity and price of the lost assets, will be handled as follows:

First step:
If any person is aggrieved by any aspect of the resettlement and rehabilitation program, he/she can lodge an oral or written grievance with commune authorities. Commune People’s Committee will resolve the issue within fifteen days from the date it receive the complaint.

Second step:
If any aggrieved person is not satisfied with the decision in stage 1, he/she can bring the complaint to the District People’s Committee (DPC) or District Resettlement Committee (DRC) within fifteen days from the date of the receipt of the decision in stage 1. The District People’s Committee (DRC) or District Resettlement Committee (DRC) will reach a decision on the complaint within fifteen days.

Third step:
If the DP is still not satisfied with the decision at district level, he/she can appeal to the Provincial People’s Committee (PCC) or Provincial Resettlement Committee (PRC) within 15 days of receiving the decision of the DPC or DRC. The Provincial People’s Committee (PRC) or Provincial Resettlement Committee (CRC) will reach a decision on the complaint within fifteen days.

Fourth step:
If the DP is not satisfied with the decision of the Provincial level, the case may be submitted for consideration by the District Court within 15 days of receiving the decision of the PPC or PRC.

41. DP’s will be exempted from all administrative and legal fees.
D. **Supervision, Monitoring and Evaluation**

42. Implementation of RPs will be periodically supervised and monitored by the respective PC/its PMB in a close coordination with the respective Peoples’ Committees at different administrative units and independent monitoring agencies. The findings will be recorded in quarterly reports to be furnished to EVN, PCs and Project Provincial Powers.

43. Internal monitoring and supervision will:

   (a) Verify that the baseline information of all DP’s has been carried out and that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements has been carried out in accordance with the provisions of this Policy Framework and the respective.

   (b) Oversee that the RPs are implemented as designed and approved.

   (c) Verify that funds for implementing the RPs are provided to the respective PMBs in a timely manner and in amounts sufficient for their purposes, and that such funds are used by the respective PMB’s in accordance with the provisions of.

   (d) Record all grievances and their resolution and ensure that complaints are dealt with in a timely manner.

44. Independent Monitoring: An independent agency or agencies or individual consultant will be retained by PCs of EVN to periodically carry out external monitoring and evaluation of the implementation of RPs. The independent agencies will be academic or research institutions, non-Governmental Organizations (NGO) or independent consulting firms, all with qualified and experienced staff and terms of reference acceptable to the World Bank.

45. In addition to verifying the information furnished in the internal supervision and monitoring reports of the respective PCs, the external monitoring agency will visit a sample of 20% of household DPs in each relevant province six months after each implementation to:

   (a) Determine whether the procedures for DPs participation and delivery of compensation and other rehabilitation entitlements has been done in accordance with this Policy Framework; and

   (b) Assess if the Policy Framework objective of enhancement or at least restoration of living standards and income levels of DPs have been met.

   (c) Gather qualitative indications of the social and economic impact of Project implementation on the DPs.

   (d) Suggest modification in the implementation procedures of s, as the case may be, to achieve the principles and objectives of this Policy Framework.
SECTION 8
COSTS AND BUDGET

46. Each RP will include detailed cost of rehabilitation and other restoration/assistance entitlements and relocation of DPs, if that be the case, with a breakdown by agricultural land, residential land, business land, houses, businesses and other assets. The cost estimates will make adequate provision for contingencies.

47. Sources of funding for the various activities will be clearly specified in the cost tables. For Rural Energy sub-projects, funds for implementing RPs will be from counterparts: PPC will arrange budget for implementing RPs of the Low Voltage Systems and EVN will arrange budget for implementing RPs of the Medium Voltage Systems.
Annexes

1. Annex 1: Entitlement Matrix
2. Annex 2: Proposed Inventory form of Project Affected People
3. Annex 3: Socio-Economic Household Data Sheet of Project Affected People
4. Annex 4: Entitlements of Project Affected People

Note: 1. The term "displaced persons" refers to persons who are affected in any of the ways described in para. 7(c) and 19.3.1 of this RPF.

2. “Replacement cost” is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard.

3. “Entire displaced population are minor”: Impacts are considered "minor" if the affected people are not physically displaced and less than 10% of their productive assets are lost.

4. Resettlement assistance: Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.

5. the cut-off date: Normally, the cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.
### ANNEX 1
RURAL ENERGY PROJECT 2

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<tr>
<th>#</th>
<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
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</thead>
</table>
| 1 | Temporary acquisition of productive land in ROW | All DPs have trees, crops, other assets in ROW | DPs with/without land certificate included in the inventory or able to prove land occupancy prior to cut-off date. | - Cash compensation for affected trees at the replacement cost plus cost for cutting trees, crops at market price. Number of crop patterns to be compensated based on the time of temporarily acquired land.  
- No compensation for land  
- Rehabilitate land after the project construction. | - Trees have to be cut are regulated by Article 7 of the Government Decree 54/1999/ND-CP, July 8th, 1999 on the protection of the high voltage networks.  
- PCs and local authorities determine and ensure that compensation for trees will be at the replacement cost and for crops at the market price. If DP is requested for cutting affected trees, PCs or Provinces will pay money for this work. DP has right for using salvageable trees.  
- Full compensation at least 01 month before land clearance. Payment to DPs will be delivered by PC and District Resettlement Committees (DRCs).  
- Affected land in ROW will be rehabilitated by contractors after the project construction and land in ROW could be used with the restricted purposes.  
- Finance available for compensation and well information disclose/disseminate to DPs and key stake holders. |
| 2 | Temporary acquisition of residential and garden land in ROW without house or structures in ROW | All DPs with orchards or trees in ROW | -do- | - Cash compensation for affected fruit trees and trees at replacement cost.  
- No compensation for land  
- Rehabilitate land after the project construction. | - Trees have to be cut are regulated by Article 7 of the Government Decree 54/1999/ND-CP, July 8th, 1999 on the protection of the high voltage networks.  
- PCs and local authorities determine and ensure that compensation for trees will be at the replacement cost. If DP is requested for cutting affected trees, PC or Provinces will pay money for this work. DP has right for using salvageable trees.  
- Full compensation to DPs at least 01 month before land clearance. Affected land in ROW will be rehabilitated by contractors after the project construction  
- Payment to DPs will be delivered by PCs and DRCs  
- Finance available for compensation and well information disclose/disseminate to DPs and key stake holders. |
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<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
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</thead>
</table>
| Temporary impact on residential and garden land. Partial house/building within ROW (area in ROW less than 10% of total area) and the demolished area does not impact to the remaining house/building. Residential land and garden land outside of ROW is sufficient for re-organizing (not less than 60 m²). | All DPs have house/building and trees/fruit trees in ROW | **House/ building:**  
- DP can opt for : i) Remain their houses or building in ROW with the conditions regulated by Article 8 of the Government Decree 54/1999/ND-CP, July 8th, 1999 on the protection of the high voltage networks. Subsidy allowance for fireproof materials and lightning arrestors for the existing house/building; or ii) Cash compensation for the directly affected rooms at the replacement cost and cost for demolishing an affected room. 
- No compensation for land.  
- Rehabilitate land after the project construction by contractors.  
**Tree and fruit tree**  
- Compensation for affected trees and fruit trees at the replacement cost.  
**Allowances:**  
- Relocating allowance of 30 kg of rice equivalent per person per month in six months. | - House and building have to be demolished or could be existed are regulated by Article 8 of the Government Decree 54/1999/ND-CP, July 8th, 1999 on the protection of the high voltage networks.  
- PCs and local authorities determine and ensure that compensation will be paid at the replacement cost, without deduction for salvageable materials.  
- DPs will demolish the impacted part/ room and reconstruct/improve their houses themselves.  
- Full compensation for trees and fruit trees at least 01 month before land clearance. If DP is requested for cutting affected trees, PC or project provinces will pay money for this work. DP has right for using salvageable trees.  
- Full entitlement payment to DPs impacted on house/building at least 03 months before land clearance.  
- Payment to DPs will be delivered by PCs and DRCs  
- Land in ROW could be used with restricted purposes.  
- Finance available for compensation and well information disclose/disseminate to DPs and all key stake holders. |
| Temporary impact on residential and or garden land. Impact more than 10% or less than 10% of total house/building area but the demolished area will impact to the remaining of house/structure . Land outside of ROW is sufficient for reorganizing (not less than 60 m²) | All DPs have house/building and trees/fruit trees in ROW | **House/ building:**  
- DP can opt for : i) Remain their houses or building in ROW with the conditions regulated by Article 8 of the Government Decree 54/1999/ND-CP, July 8th, 1999 on the protection of the high voltage networks. Subsidy allowance for fireproof materials and lightning arrestors for the existing house/building; or ii) Cash compensation at replacement cost for full areas of impacted house/building and demolish DP’s house in ROW.  
- No compensation for land. | - House and building have to be demolished or could be existed are regulated by Article 8 of the Government Decree 54/1999/ND-CP, July 8th, 1999 on the protection of the high voltage networks.  
- Consultation for DP’s options on remain their house in ROW or move out of ROW.  
- PCs and local authorities determine and ensure that compensation will be replacement cost at the time of payment.  
- DPs will demolish the impacted areas and reconstruct/improve their houses themselves.  
- Full compensation for trees and fruit trees to DPs at least 01 month before land clearance. |
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<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
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</thead>
</table>
| than 60 m²)  | - Rehabilitate land after the project construction by contractors.  
Tree and fruit tree  
- Compensation for affected trees and fruit trees at the replacement cost.  
Allowances:  
- relocation allowance of 30 kg of rice equivalent per person per month in six months. | - Full compensation payment for impacted house and allowances to DPs at least 03 months before land clearance.  
- Payment to DPs will be delivered by PCs and DRCs  
- Cleared residential could be reused with other restricted purposes.  
- Finance available for compensation/rehabilitation and well information disclose/disseminate | |
| Temporary impact on residential and or garden land in ROW. Full or partial house/building impacted and land outside of is not sufficient for reorganizing (less than 60 m²) | All DPs have house/building and trees, fruit trees in ROW | DPs can opt for one of the followings:  
i) Remain their houses or building in ROW with the conditions regulated by Article 8 of the Government Decree 54/1999/ND-CP, July 8th, 1999 on the protection of the high voltage networks. Subsidy allowance for fireproof materials and lightning arrestors for the existing house/building; or ii) Cash compensation for the whole residential area which DP occupied (not only for the impacted areas) and properties associated with occupied land at replacement cost. Impacted land will be obtained by local authorities; or ii) “Land for land” with the same area which DP occupied and cash at replacement | - House and building have to be demolished or could be existed are regulated by Article 8 of the Government Decree 54/1999/ND-CP, July 8th, 1999 on the protection of the high voltage networks.  
- Consultation for DP’s options on remain their house in ROW or move out of ROW  
- PMB and local authorities determine and ensure that compensation will be at replacement cost at the time of payment.  
- Replacement land, and resettlement sites development.  
- DPs receive compensation will demolish the impacted house areas and reconstruct/improve their houses themselves.  
- Full compensation payment for trees and fruit trees to DPs at least 01 month before land clearance. If DP is requested for cutting affected trees, PCs or project provinces will pay money for this work. DP has right for using salvageable trees.  
- Full compensation for impacted house and allowances to DPs at least 05 months before land clearance.  
- Payment to DPs will be delivered by PCs and DRCs  
- Cleared residential could be used with other restricted purposes. |
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<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
</table>
|   |              |             |                          | cost for the affected assets associated with land. Land occupied by DP will be obtained by local authorities. | - Finance/land available for rehabilitation and restoration and well information disclose/disseminate to DPs and key stakeholders.  
- PCs and local authorities will consult with DP who are eligible to restoration programs for their options and prepare proposal for restoration programs in the period of RAP implementation. |
|   |              |             |                          | - Compensation for affected trees and fruit trees at the replacement cost. | |
|   |              |             |                          | **Allowances:** | |
|   |              |             |                          | - Relocating allowance of 30 kg of rice equivalent per person per month in six months  
- Transportation allowance for relocating DP according to the Compensation Decree 22/1998 CP dated April 22, 1998 of GOV.  
- Rehabilitation assistance if DPs permanently losing business or more than 25% of their incomes.  
- Incentive for relocating in a timely manner: maximum 5,000,000 VND/HH |   |
|   |              |             |                          | **For DP losing productive land:** |   |
|   |              |             |                          | a. Land loss less than 25% of their total landholdings |   |
|   |              |             |                          | - Cash compensation for the lost area if the remaining plot is still economically viable. |   |
|   |              |             |                          | - Cash compensation for the whole impacted plot if the remaining plot is not economically viable. |   |
|   |              |             |                          | - Cash compensation for properties associated with land  
  b. Land loss equal or more than 25% of their total landholdings: |   |
|   |              |             |                          | DP can opt for the |   |
| 6| Permanent acquisition of land for tower foundations, substation and access roads etc. | All DPs occupied land and properties associated with land permanently impacted by towers foundations, substation and access roads etc. | -do- | - Consultation for DP’s options on land compensation.  
- PMB and local authorities determine and ensure that compensation will be at replacement cost at the time of payment.  
- Replacement land, and resettlement sites development.  
- DPs receiving compensation will demolish the impacted areas and reconstruct/or improve their houses themselves.  
- Full compensation for trees and fruit trees to DPs at least 01 month before land clearance. If DP is requested for cutting affected trees, PMB will pay money for this work. DP has right for using salvageable trees.  
- Full compensation for impacted house and allowances to DPs at least 05 months before land clearance.  
- No award civil work contract before completion of |
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<th>No</th>
<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
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<tr>
<td>6</td>
<td>o T y p e o f l o s s A p p lic a t i o n D e f i n i t i o n o f e n t i t l e d D P s</td>
<td>Compensation Policy</td>
<td>Compensation Policy</td>
<td>Compensation Policy</td>
<td>Compensation Policy</td>
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<tr>
<td>7</td>
<td>DP impacted on business or other services</td>
<td>All DPs impacted on business and other services</td>
<td>(a) Temporary impact on business or other services</td>
<td>Compensation for income lost in the followings:</td>
<td>Compensation and reorganizing houses or relocation.</td>
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<td>i) “Land for land” with the same area and productive of impacted area if the remaining plots are still economicviable and for the whole impacted plots if the remaining plots are not economicviable.</td>
<td>- Payment to DPs will be delivered by PCs and DRCs</td>
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<td>ii) Cash for land at the replacement cost.</td>
<td>- Finance/ land available for compensation/ rehabilitation and well information disclose/diseminate.</td>
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<td>- Compensation for trees and affected fruit trees at the replacement cost.</td>
<td>- PCs and local authorities will consult with DP who are eligible to restoration for their options and prepare proposal for restoration programs in the period of RAP implementation.</td>
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<td>- Rehabilitation assistance.</td>
<td>- DPs will be granted with Land Use Right Certificate without payment of administrative fees.</td>
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<td>For DP losing Residential and garden land:</td>
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<td>- If remaining land is sufficient for reorganizing (not less than 60 m2): Cash compensation for lost area and assets associated with land.</td>
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<td>- If remaining land is not sufficient for reorganizing:</td>
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<td>DP can opt for i) cash compensation at replacement cost for land and assets on land, or ii) “land for land” compensation for the whole residential area which DP occupied (not only for the impacted areas) and properties associated with occupied land. For affected house and building, the same entitlement to DP of categories 3 or 4 or 5.</td>
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<tr>
<th>°</th>
<th>Type of loss</th>
<th>Application</th>
<th>Definition of entitled DPs</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
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<td>affected time</td>
<td>proposal for rehabilitation programs in the period of RAP implementation.</td>
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<td>(b) Permanent impact on business or other services.</td>
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<td></td>
<td>Rehabilitation assistance.</td>
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</tbody>
</table>
### Inventory of Project Affected People

**District:** 

**Commune:** 

<table>
<thead>
<tr>
<th>Survey No.</th>
<th>Name of Head of Household</th>
<th>No. of persons in HH</th>
<th>Total landholding of HH in m²</th>
<th>Land to be acquired in m² by Type</th>
<th>Loss as % of total</th>
<th>Loss of Assets</th>
<th>Loss of Crops</th>
<th>Loss of Other assets</th>
<th>Other Losses</th>
<th>Temporary Losses (specify)</th>
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<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td>Number and type of lost structures</td>
<td>Structures permanent (m²)</td>
<td>Structures temporary (m²)</td>
<td>Area of residential land lost (m²)</td>
<td>Fruit trees lost Type and Number</td>
</tr>
</tbody>
</table>
**ANNEX 3**

**Vietnam: Rural Energy Project no.2**

**Socio-Economic Household Data Sheet of Project Affected People**

Province: ________________  District: ________________  Commune: ________________

<table>
<thead>
<tr>
<th>Survey No.</th>
<th>Address of Household</th>
<th>Name of Household Member</th>
<th>Sex</th>
<th>Age</th>
<th>Ethnic Group</th>
<th>Education</th>
<th>Occupation and Sources of Income</th>
<th>Employment</th>
<th>Estimated Total Income per Year (VND)</th>
</tr>
</thead>
</table>
## ANNEX 4

### Vietnam:

**Entitlements of DPs**

| District: ____________________ | Province: ____________________ |
| Commune: ____________________ |

<table>
<thead>
<tr>
<th>Survey No.</th>
<th>Name of Head of HH</th>
<th><strong>Compensation for Land</strong></th>
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<td>Compensation for Structures</td>
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<td>Compensation for Crops &amp; Trees</td>
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<td>Compensation for Other Assets (wells, Tombs, etc.)</td>
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<td><strong>Total in Dong</strong></td>
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<tr>
<th>Survey No.</th>
<th>Name of Head of HH</th>
<th><strong>Compensation for Land</strong></th>
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<td>Compensation for Structures</td>
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<td>Compensation for Crops &amp; Trees</td>
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<td>Compensation for Other Assets (wells, Tombs, etc.)</td>
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<thead>
<tr>
<th>Quantity</th>
<th>Unit Price</th>
<th>Entitlement</th>
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