MINISTRY OF INDUSTRY AND TRADE (MOIT)
Electricity and Renewable Energy Authority (EREA)

Vietnam Solar Transition Accelerator (VISTA) (P172974)

STAKEHOLDER ENGAGEMENT PLAN (SEP)

HANOI, May 2020
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1. Introduction

Solar could become a game changer for Vietnam as it is already least-cost in most countries, solar resource is widely spread, and PV has a modular and shorter construction timeline than other power plants. Solar generation can play a critical role from different perspective: (i) climate change, (ii) energy security, (iii) energy access as it is a modular source of energy, (iv) answering fast growing demand as it has short construction timeline, and (iv) local development with industrial integration and community development. Solar PV can help Vietnam deal with its coming power shortage while ensuring it is not dependent on imported fuels.

The Ministry of Industry and Trade (MOIT) has expressed its interest in seeking the financial support from GIF Project Preparation and Structure Activity (PPSA) to advance to ongoing Vietnam Pilot Solar Auction Project. The project will support Vietnam in studying the transition from fixed electricity pricing (FIT) mechanism to competitive bidding for solar power development. This project will contribute to the development of an enabling framework to leverage private financing for the development and operation of utility-scale solar projects. VISTA integrates SRMI’s methodology that was developed by the World Bank in partnership with AFD, IRENA and ISA, to support countries in designing and implementing sustainable solar programs that will attract private investments and reduce reliance on public finances.

VISTA will support the Government of Vietnam to pilot competitive selection of solar IPPs for the first time in the country. VISTA has three components: (i) transaction advisory support for IPP selection under substation-based competitive bidding; (ii) transaction advisory support for IPP selection under solar park competitive bidding and (iii) capacity building. More precisely:

a. **Component 1: Transaction Support for IPP Selection under Substation-Based Competitive Bidding (US$ 750,000).** Component 1 is to finance the transaction advisory support (legal, procurement and technical) to prepare and conduct the 500 MW Pilot Substation-Based Competitive Bidding under which the site selection and everything related to safeguards are to be done by the winning IPPs. The government is only selecting the substations into which the IPPs will be able to connect their projects;

b. **Component 2: Transaction Support for IPP Selection under Solar Park Competitive Bidding (US$ 600,000).** Component 2 is to finance the transaction advisory support (legal, procurement and technical) to prepare and conduct the 500 MW Pilot Solar Park Competitive Bidding under which the site selection and the safeguards assessments will be conducted by the Government prior to launching the competitive selection of IPPs. Component 2 is conditional to the Government officially deciding to proceed with the solar park option. In that case, additional funds from the Government of Vietnam and/or SRMI/ESMAP funds are to be mobilized for feasibility studies (FS) and environmental and social impact assessments (ESIA); and

c. **Component 3: Capacity Building (US$ 150,000).** Component 3 would focus on providing direct support for MOIT, local authorities and EVN to build internal capacity to reduce their reliance on external advisors for the next competitive selection processes, and finance for MOIT’s incremental cost for the project implementation. This Component will finance (i) embedded consultants in their team and (ii) training/knowledge exchange workshops and (iii)
This document constitutes a Stakeholder Engagement Plan (SEP) to be implemented by the MOIT throughout the Project cycles. The SEP outlines a systematic approach to stakeholder engagement that will help the MOIT build and maintain over time a constructive relationship with their stakeholders, in particular the IPPs, local authorities and locally affected communities. The SEP is a live document which will be updated throughout the Project preparation, implementation, and operation.
2. Legal Framework

2.1. National Regulations

This SEP considers the existing institutional and regulatory framework within the context of the following main Government of Vietnam (GOV) legal instruments:


4. **Law on Complaints, 2011**. This Law and implementing Decree 75/2012/ND-CP identify the legal framework on grievances.


6. **Ordinance No. 34/2007/PL-UBTVQH11** on exercise of democracy in communes, wards and townships. This ordinance stipulates projects and information that have to be disclosed, discussed, decided and monitored by the people.

2.2. The World Bank’s requirements for stakeholder engagement

The World Bank’s Environmental and Social Framework (ESF) came into effect on October 1, 2018. The Framework includes Environmental and Social Standard (ESS) - “Stakeholder Engagement and Information Disclosure” (ESS10), which recognizes “the importance of open and transparent engagement between the Borrower and project stakeholders as an essential element of good international practice”. ESS10 emphasizes that effective stakeholder engagement can significantly improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation.
3. Brief Summary of Previous Stakeholder Engagement Activities

Since 2018, with the support of the World Bank, the Government of Vietnam has held various workshops on solar deployment and competitive bidding. Key discussions are summarized in below tables.

<table>
<thead>
<tr>
<th>Date</th>
<th>Engagement Activity</th>
<th>Participants</th>
<th>Summary of Stakeholder Engagement Activities</th>
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<tbody>
<tr>
<td>Sep 18 2018</td>
<td>Joint MOIT-World Bank Consultation Workshop</td>
<td>70 participants from both public and private sectors</td>
<td>Workshop. MOIT shared an overview of Vietnam’s solar strategy, key policies, and plans. The consultants presented their preliminary findings based on initial reports done on Vietnam’s Solar Auction Strategy and Framework. Sufficient time was allocated for Q&amp;A to take in comments from the participants.</td>
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<td>Feedback from Participants. Overall, there were keen interest and feedback from the participants, who acknowledged that auctions as a mechanism could be beneficial to scale up solar. A long-term roadmap would be needed for Provinces to link their respective land use and solar master plans accordingly. It was noted that the infrastructure development of solar parks by the GoV/Provinces may be constrained due to budget limitation at the province level but that from a legal point of view it may be the simplest deployment scheme to implement.</td>
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<td>Participants shared their preference for a new auction mechanism that lies within existing regulations, or with minimal changes as required by a decree or decision.</td>
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<td>Sep 19-20, 2018</td>
<td>Discussions with Provincial Governments in Binh Phuoc and Ninh Thuan</td>
<td>Government representatives in Binh Phuoc and Ninh Thuan</td>
<td>Discussions were held on: (i) Contiguous Land Availability; (ii) Transmission Constraints; (iii) Solar Master Plan for Province; (iv) Additional Infrastructure Required; (v) Preferred Auction Model.</td>
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<td>Jan 16, 2019</td>
<td>Discussion with MOIT, MPI, and MOJ</td>
<td>Representatives from MOIT, MPI and MOJ</td>
<td>Tendering Agency and Key Stakeholders. It was agreed that identifying the appropriate tendering agency for the auctions is critical. More discussions are needed to determine whether MOIT, EVN or MPI should be the relevant tendering agency. MOIT highlighted two key issues for solar auctions: a) land and land-related issues; and b) decisions to be made on the mechanisms to be</td>
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</table>
adopted during the auctioning processes. On land, local authorities such as the People’s Committee or Department for Industry and Trade (DOIT) should be involved in the process. On bidding process, EVN should be brought in given their role on the market as the power buyer. The Electricity and Renewable Energy Agency (EREA) of the MOIT should be involved in terms of the development of the solar masterplan.

Substation-Linked vs Solar Park Bidding. It was agreed that it would be more efficient to first proceed with the substation-linked auction, and subsequently the solar park auction. While the solar park option may be more attractive due to lower risk, it requires significant preparatory work in terms of site selection and clearance as well as implementation arrangements. On the other hand, substation-linked auctions do not require land clearance to proceed but would require certain legal issues to be addressed.

Procurement. There were differences in legal views on the “right to develop” (i.e. the bidding result will come together with the investment approval) as opposed to the “right to sell power” (i.e. the bidding result is separate from process to apply for the investment approval), which needs to be resolved. The ways to optimize the necessary processes associated with adopting Investment Law, Bidding Law and PPP Law were discussed; it appeared that going with the Investment Law may involve less amendments to existing regulations and may be the most appropriate. For projects with investment approvals having been granted, the Bidding Law would need to be used. It was agreed that more work and clarity would be needed to assess the legal implications and determine the feasibility of the required amendments to existing laws.

Jan 18, 2019 Joint MOIT-World Bank Public Consultation Workshop

90 participants from both public and private sectors. During the workshop, MOIT and WB presented opening remarks to set the context before the consultants presented their findings based on work done thus far on Vietnam’s Solar Auction Strategy and Framework.

Feedback from Participants. There were keen interest and feedback from the participants,
particularly on the Solar Auction Strategy. Key comments raised were:

Transmission capacity for substation-linked auctions. On the mismatch between solar capacity approved and existing transmission capacity in certain provinces, there will be a need to invest in additional transmission capacity in these provinces which would take time.

Alignment with electricity liberalization roadmap. Based on the Government’s liberalization roadmap for the electricity sector, Vietnam would operate a competitive wholesale market starting 2020. Under the competitive market arrangements, large eligible buyers and large eligible sellers would contract directly for power with EVN no longer being the single buyer of electricity in Vietnam. It was clarified that the proposed auction models are not inconsistent with the competitive power market but will need to be looked into further to ensure that the proposed solar auction program is fully aligned with the liberalization roadmap and the objectives of the competitive power market.

Legal implications on procurement and land laws. MPI shared that it has been working on amendments to land, procurement, and PPP laws; the proposed solar auction models should take into account the new amendments to these laws. It was agreed that these issues should be assessed further.

The above stakeholder engagements were critical in (i) having an official decision by the Government of Vietnam to move from FIT to competitive selection, (ii) select the 2 types of deployment schemes, (iii) discussing the legal grounds of the new policy, and (iv) agreeing the roles and responsibility of the different public stakeholders.

Discussions are ongoing with MOIT and MPI to discuss the Prime Minister Decision for competitive bidding as well as discussions on the PPA terms.

Due to Covid-19, further engagements/discussions planned were postponed with the private sector and the Provinces. Once the transaction advisor is in place, multi-stakeholder engagements will be organized to discuss the terms of the pilot tender. Draft version of SEP has been disclosed (since April 2020) on MOIT’s website at [http://erea.gov.vn/d6/vi-VN/news/Ke-hoach-Du-an-Thuc-day-phat-trien-dien-mat-troi-do-Ngan-hang-The-gioi-tai-tro-6-1322-72](http://erea.gov.vn/d6/vi-VN/news/Ke-hoach-Du-an-Thuc-day-phat-trien-dien-mat-troi-do-Ngan-hang-The-gioi-tai-tro-6-1322-72).
4. Stakeholders Identification and Analysis

This step is to assess the level of stakeholder interest and support for the project, enable stakeholder views to be taken into account in project design and environmental and social performance, promote and provide means for inclusive engagement throughout the project life-cycle, ensure that appropriate project information is disclosed to stakeholders in a timely, understandable, accessible, and appropriate manner and format, provide citizens with accessible and inclusive means to raise issues and grievances and enable the project implementing entity to respond to and manage such grievances. Under ESS10 stakeholders are classified as **project-affected parties** (individuals and groups who are affected or likely to be affected by the project; and **other interested parties** (individuals and groups who may have an interest in the project).

The consumers, especially disadvantaged and vulnerable people will be positively affected as the project implementation will help providing them with greener electricity. There are significant downstream environmental benefits; increasing deployment of renewable energy; building supply chains and experience in the sector; cost reductions, leading to additional solar power deployment; benefits for Vietnam’s GHG emissions, air and water pollution, and use of water resources, likely less community opposition and dispute around solar than the CF powerplants. This TA does not anticipate that any stakeholders will be adversely affected by the project nor any disadvantaged/vulnerable individuals or groups (project-affected parties). However, the potential indirect downstream risks and impacts resulting from this TA may be a source of concern for stakeholders. Downstream investments will put pressure on land (around 1200 ha) there may be land owners and local communities concerned about this acquisition and the results of studies that would determine where this land is to be acquired. Outline initial stakeholder grouping below, identification several groups at different levels are distinguished to identify appropriate and accessible communication and engagement methods among stakeholders throughout the project implementation process. The current environmental and social risk rating of the project is **Substantial**.

4.1. Affected Parties

Affected parties include those directly or indirectly affected by the Project either negatively or positively.

This group includes:

- **Central government agencies**: MOIT, MONRE, MPI, MOJ who may directly involve in the process of regulation updates/revision enabling/facilitating the Project activities.
- **EVN and Power Companies**: who would greatly benefit from the better access to greener electricity. They will also have a strong voice on substation section, connection of solar projects to national grid; and operation modality for solar projects.
- **Local authorities (Province, District, and Communes)**: who will heavily in the site selection process, and land acquisition, compensation and resettlement activities (especially for solar park project).
- **Independent Power Producers (IPPs)**: who (if selected) will be responsible for project preparation, construction and operation.
- **Transaction Advisory Consulting Firm**: who will support MOIT by providing advisory support (technical, legal, procurement and E&S) for (i) IPP selection under substation-based competitive bidding; and (ii) IPP selection under solar park competitive bidding.
• Local communities and individuals affected by the construction of downstream investment (solar parks, transmission lines): These groups are currently unknowns as sites of specific substations or solar park have not been identified. They will be further determined during the project implementation and specific consultation mechanism for them will be updated/developed accordingly.

4.2. Other Interested Parties

Interested Parties are those who may have interests in this project and/or the ability to influence its outcome, either positively or negatively. This group includes:

• **NGOs and CSOs** who are working on VRE in Vietnam.
• **Development partners** (multilateral or bilateral) who have similar activities in Vietnam
• **Professional Associations** who have interest in solar power development in Vietnam
• **Surrounding communities** who are not directly affected by the downstream investments, but have general interest in project implementation in their locality (commune, district or province)

4.3. Disadvantage/Vulnerable Groups

Disadvantaged or vulnerable groups refer to those individuals or groups who, by virtue of, for example, their age, gender, ethnicity, religion, physical, mental or other disability, social, civic or health status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources, may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project’s benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so.

It is anticipated that the project will have no adverse impact on disadvantage or vulnerable groups. The obvious benefit for them is the potential access to greener electricity that enable them enjoying better environmental conditions. Once the project sites are known, further screening will be conducted once project sites are identified in collaboration with the Bank’s Task Team in accordance with the existing governmental regulation and the Bank’s directive on “Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups”. Based on the screening, SEP will be updated taking into account specific consultation and engagement mechanism for the identified disadvantaged or vulnerable groups.
5. Stakeholders Engagement Program

The main objectives of the stakeholder engagement are (i) ensure that all parties agree on the legal path under which the competitive bidding is being developed; (ii) all stakeholders are aware and understand their roles and responsibility under this new activity; and (iii) ensure that the proposed contractual arrangements are aligned with what the private sector will want. The engagement is ongoing and will be conducted throughout the grant implementation. Tentative stakeholder engagement plan is presented in below table.
<table>
<thead>
<tr>
<th>Project Activities by Components</th>
<th>Target stakeholders</th>
<th>Topic of consultation/engagement</th>
<th>Methods used</th>
<th>Locations/dates</th>
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<tr>
<td><strong>Component 1</strong></td>
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</table>
| **Selection of the substation/feeders** | All stakeholders (including vulnerable groups if identified) | o E&S criteria for substations selection  
o List of selected substations/feeders  
o Contacts for inquiries/complaints | o Publicly disclosure of the selected list on websites and relevant communes. | o MOIT’s website  
o Office of CPCs | o PMU  
o Commune People’s Committee (CPCs) |
| **Selection of IPPs** | Local authorities  
Affected communities and individuals  
Disadvantage/Vulnerable Groups (if any)  
NGOs and CSOs  
Surrounding communities | o List of selected IPPs  
o Technical parameters of IPPs’ proposal (including transmission lines alignment etc)  
o E&S requirements as part of the contract with IPPs  
o Contacts for inquiries/complaints | o Publicly disclosure.  
o Public meetings with local people in project areas  
o Press releases/Media coverage | o Websites (MOIT, IPPs)  
o Office of CPCs  
o Local venues (TBC) | o PMU  
o Selected IPPs  
o CPCs  
Transaction Advisory Consultant |
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<td>Construction of the connections</td>
<td>Local authorities</td>
<td>♦ E&amp;S impacts of the construction</td>
<td>♦ Publicly</td>
<td>♦ Websites</td>
<td>♦ PMU</td>
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<td>Affected communities and individuals</td>
<td>♦ Construction timelines</td>
<td>disclosure.</td>
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<td>Selected IPPs</td>
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<td>Disadvantage/Vulnerable Groups (if any)</td>
<td>♦ IPPs’ mitigation measures</td>
<td>♦ Public meetings</td>
<td>Office of</td>
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<td>NGOs and CSOs</td>
<td>♦ Contacts for inquiries/complaints</td>
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<td>Surrounding communities</td>
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<td>♦ Contacts for inquiries/complaints</td>
<td>Local venues (TBC)</td>
<td>Advisory Consultant</td>
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<td>Operation of the subproject</td>
<td>Local authorities</td>
<td>♦ Contractual E&amp;S requirements for IPPs</td>
<td>♦ Publicly</td>
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<td>♦ Contacts for inquiries/complaints</td>
<td>♦ between IPPs and other stakeholders</td>
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<td>Component 2</td>
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| Solar park sites selection       | All stakeholders (including vulnerable groups if identified) | o E&S criteria for solar park selection  
   o List of selected solar park  
   o Procedure and timelines in preparing solar park subproject  
   o Contacts for inquiries/complaints | o Publicly disclosure. | o Websites (MOIT, PPCs)  
   o Office of CPCs | o PMU  
   o Transaction Advisory Consultant  
   o Local authorities |
| E&S instruments:  
  - Preparation  
  - Bank’s review and clearance  
  - Triggering component 2 | Local authorities  
   Transaction Advisory Consulting Firm  
   Affected communities and individuals  
   Disadvantage/Vulnerable Groups (if any)  
   NGOs and CSOs  
   Surrounding communities | o E&S impacts, and mitigation measures  
   o E&S instruments preparation timelines  
   o Contacts for inquiries/complaints | o Publicly disclosure.  
   o Consultation meetings with affected households  
   o Households visits | o Websites (MOIT, WBs)  
   o Office of CPCs  
   o Face to face meetings  
   o Household | o PMU  
   o E&S consultants  
   o Transaction Advisory Consultant  
   o Local authorities |
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<td>Implementation of E&amp;S instruments</td>
<td>Local authorities</td>
<td>Compensation and resettlement policies</td>
<td>Publicly disclosure.</td>
<td>Office of CPCs</td>
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<td>Affected communities and individuals</td>
<td>Approved E&amp;S mitigation measures</td>
<td>Consultation meetings with affected households</td>
<td>Face to face meetings</td>
<td>Transaction Advisory Consultant</td>
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<td>Disadvantage/Vulnerable Groups (if any)</td>
<td>Implementation timelines of E&amp;S mitigation measures</td>
<td>Households visits</td>
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<td>Selection of IPPs</td>
<td>Local authorities</td>
<td>List of selected IPPs</td>
<td>Publicly disclosure.</td>
<td>Websites (MOIT, IPPs)</td>
<td>PMU</td>
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<td>Affected communities and individuals</td>
<td>Technical parameters of IPPs’ proposal (including transmission lines alignment etc)</td>
<td>Public meetings with local people in project areas</td>
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<td>Selected IPPs</td>
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<td>Disadvantage/Vulnerable Groups (if any)</td>
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<td>Publicly disclosure.  Ad hoc meetings between IPPs and other stakeholders</td>
<td>Websites (MOIT, IPPs)  Office of CPCs  Face to face meetings</td>
<td>PMU  Selected IPPs  CPCs  Transaction Advisory Consultant</td>
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<td>NGOs and CSOs</td>
<td>E&amp;S impacts of the operation  IPPs’ mitigation measures  Contacts for inquiries/complaints</td>
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<td>Surrounding communities</td>
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The above table will be revised and finalized once the Grant Agreement is approved and its implementation is officially launched. Among others, the situation of COVID 19 outbreak in Vietnam will be consider and taken into account. The main impacts would be related to mobilization of international consultants (if any) as international travel is still suspended. Government of Vietnam decided to gradually resume all activities, except in some high risk areas. once the project sites are identified, detailed consultation and engagement activities will be developed and reflected in the updated SEP. The proposed activities are subject to the application of Government’s regulations and the Bank’s guidance on COVID 19. Revised/Updated SEP will be re-disclosed per ESF requirements.
6. Grievance Redress Mechanisms

There are several options where people can lodge their complaints or question about project activities. These include the formal GRM system, the project specific arrangement to enhance the complaints intake and the Bank’s GRS and Inspection Panel. The GRM set up and operation is included in the SEP budget.

First, complaints relating to any project activities will be solved through negotiations to achieve the consensus. A complaint will go through three stages before it can be transferred to the court. Complaint procedures and resolution will be performed as follows:

- **First Stage - At Commune People’s Committee (CPC):** An aggrieved DP may bring his/her complaint to any member of the CPC, in writing or verbally. It is incumbent upon said member of CPC to notify the CPC about the complaint. The CPC will meet personally with the aggrieved DP and will have 15 days following the lodging of the complaint to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.

- **Second Stage - At District People’s Committee (DPC):** If after 15 days the aggrieved DP does not hear from the CPC, or if the CPC gives its solutions, but DP is not satisfied with the decision taken on his/her complaint, the DP may bring the case, either in writing or verbally, to any member of DPC or DCB. The DCB in turn will have 30 days to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles.

- **Third Stage - At Provincial People’s Committee (PPC):** If after 30 days the aggrieved DP does not hear from the DCB, or if the DP is not satisfied with the decision taken on his/her complaint, the DP may bring the case, either in writing or verbally, to any member of the PPC. The PPC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The PPC secretariat is also responsible for documenting and keeping file of all complaints that it handles.

- **Final Stage - Court of Law Decides:** If after 45 days following the lodging of the complaint with the PPC, the aggrieved DP does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication. Under no circumstance, can the DP be evicted from his/her property nor can the Government take over his/her property without the explicit permission of the court.

Second, as part of the SEP, an on-line intake will be established and implemented as part of the MOIT’s website. PMU’s staff will oversight the function and collect all lodged complaints. (S)he will be responsible for transferring the lodged complaints to competent agencies for processing and for communicating the outcomes with complainants. Complainants may also send their questions, complaints to focal points which will be widely communicated in all consultation sessions. PMU will assign a focal point who will cooperate with other agencies in settling complaints. Names and contact details of Grievance Focal Points and/or the Grievance Facilitation Unit (GFU) will be made publicly available in information brochures and at project areas. PMU should maintain a system to register queries, suggestions and grievances of the complainants. On complaints from employees working for IPPs will be treated separately following the internal GRM system that IPPs set up in accordance to contractual requirements (consistent with ESS2). All queries, suggestions and grievances and their resolution should be recorded and forwarded to the PC and its functioning monitored monthly. PMU will formulate and maintain a database of the people’s
grievances related to the Project to ensure that all complaints are recorded, recognized and processed by the functional units at all levels.

Finally, from the World Bank’s perspective, communities and individuals who believe that they are adversely affected by a World Bank supported project may submit complaints to existing project-level grievance redress mechanism or the WB’s Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaints to the World Bank’s independent Inspection Panel which determines whether harms occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank’s attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank’s corporate Grievance Redress Service (GRS), please visit www.worldbank.org/grs. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.
7. Resources and Responsibilities

The TA under the transaction advisory contract has a budget of around USD 100,000 dedicated for stakeholder engagement to ensure full buy-in by all parties. The main actor leading the project is MOIT who will be assisted directly by the transaction advisors. MOIT/PMU is responsible to arrange adequate staffing and resource for the TA, and especially SEP implementation.
8. Monitoring and Reporting

SEP monitoring will focus on the overall implementation quality of the stakeholder engagement. Set of indicators to assess the quality of the SEP implementation will be developed and this task will be included in the Component 2 of VISTA.

PMU will ensure the proper implementation, monitoring and reporting of SEP activities.