

SOCIALIST REPUBLIC OF VIET NAM
MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

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**ETHNIC MINORITIES POLICY FRAMEWORK
DAM REHABILITATION AND SAFETY PROJECT
(DRSIP/WB8)**

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Abbreviations

| | |
|------------|---|
| MARD | Ministry of Agriculture and Rural Development |
| MoNRE | Ministry of Natural Resources and Environment |
| MoIT | Ministry of Industry and Trade |
| MoF | Ministry of Finance |
| MPI | Ministry of Planning and Investment |
| MoC | Ministry of Construction |
| SVB | State Bank of Vietnam |
| PsC | People's Committee |
| DRaSIP/WB8 | Vietnam Dam Rehabilitation and Safety Improvement Project |
| DARD | Department of Agriculture and Rural Development |
| PISC | Project Steering Committee |
| PPMU | Province Project Management Unit |
| CPO | Central Project Office |
| EMPF | Ethnic Minority Policy Framework |
| EMDP | Ethnic Minority Development Plan |
| EM | Ethnic Minority |
| ICMB | Investment and Construction Management Branch |
| CPMU | Central Project Management Unit |
| ODA | Official Development Assistant |
| VAWR | Vietnam Academy for Water Resources |

DEFINITION OF TERMS

| | | |
|---------------------------|-------------------|---|
| <i>Project impact</i> | | Means positive and negative impacts on EMs caused by all project components. Adverse impacts are often consequences immediately related to the taking of a parcel of land or to restrictions in the use of legally designated parks or protected areas. People directly affected by land acquisition may lose their home, farmland, property, business, or other means of livelihood. In other words, they lose their ownership, occupancy, or use rights, because of land acquisition or restriction of access. |
| <i>Displaced people</i> | <i>(affected)</i> | Refers to individuals or organizations that are directly affected socially and economically by Bank-assisted investment projects caused by the involuntary taking of land and other assets that results in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. The involuntary taking of land includes the exercise of possession when the proprietor has allowed and benefited from others' occupation of the area. In addition, displaced person is one for whom involuntary restriction of access to legally designated parks and protected areas that result in adverse impacts on livelihoods also; this category of displaced person would be unlikely in the urban area, however. |
| <i>Indigenous Peoples</i> | | Equivalent with <i>ethnic minority peoples</i> in Viet Nam to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identify by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, social, economic, social or political institutions that are separate from |

those of the dominant society and culture; and (iv) an indigenous language, often different from the official language of the country or region.

| | |
|--|---|
| <i>Vulnerable groups</i> | Distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) women headed household (widow, disabled husband with elderly or children), (ii) disable or the elderly alone, (iii) poor people (living below the state poverty threshold), (iv) the landless, and (v) ethnic minority groups. |
| <i>Culturally appropriate</i> | Means having regard for all facets of the cultures, and being sensitive to their dynamics. |
| <i>Free, prior and informed consultation</i> | Is a consultation that occurs freely and voluntarily, without any external manipulation, interference, or coercion, for which the parties consulted have prior access to information on the intent and scope of the proposed project in a culturally appropriate manner, form, and language. |
| <i>Collective attachment</i> | Means that for generations there has been a physical presence in and economic ties to lands and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites. “Collective attachment” also refers to the attachment of transhumant/nomadic groups to the territory they use on a seasonal or cyclical basis. |
| <i>Customary rights to lands and resources</i> | Refers to patterns of long-standing community land and resource usage in accordance with Ethnic Minority Peoples’ customary laws, values, customs, and traditions, including seasonal or cyclical use, rather than formal legal title to land and resources issued by the State. |

1. INTRODUCTION

1.1 Project overview

Vietnam has one of the largest networks of dams and hydraulic infrastructure in the world alongside China and the United States. This network comprises over 7,000 dams of different types and sizes. More than 750 can be classified as large dams (over 15m in height or between 5 and 15m with reservoir storage in excess of 3 MCM) and with the number of small dams (less than 15m and 3 MCM) estimated to be in excess of 6,000 largely earth embankment dams. Of the total four million hectares of agricultural land, more than three million hectares are irrigated via 6,648 dams.

The development of this infrastructure platform has resulted in a number of inherent challenges. Many of the medium and small-size reservoirs were built in the 1960s-1980s with limited technical investigations, inadequate design, and poor quality construction. These issues have been compounded by limited operations and deferred maintenance. As a result, many of these dams have deteriorated and the safety is below accepted international safety standards, presenting a substantial risk to human safety and economic security. The deterioration of these dams, coupled with the increased risk and uncertainty resulting from hydrological variability due to climate change and rapid upstream development, has placed many reservoirs at risk. The risks are wide spreading, resulting from inadequate cross section e.g. too thin to be stable, through subsidence of the main structure, seepage through main and/or auxiliary dam and around the intake structure, deformation of up/downstream slope, spillway malfunction, and inadequate and ineffective use of safety monitoring devices. Failure to secure the operational safety of the existing network and strengthen the capacity for further development has the potential to undermine Vietnam's economic gains.

Recognizing the importance of securing the foundations for sustained and secure economic growth, the Government first launched a sectorial program focused on dam safety in 2003. The proposed Vietnam: Dam Rehabilitation and Safety Improvement Project with possible the World Bank financing will support the Government of Vietnam's Dam Safety Program. This will be achieved by supporting both the structural safety of the dams and reservoirs themselves, along with the operational safety required to safeguard the populations at risk and downstream socio-economic infrastructure. This is directly aligned with the Government definition of dam safety outlined in Decree 72. The project will also support Government to ensure a more holistic, basin level integrated development planning to improve institutional coordination, future development and operational safety.

1.2. Objective of Project

The Project Development Objective is to support the implementation of the Government dam safety program by improving the safety of prioritized dams and reservoirs as well as to protect people and assets of the downstream communities.

Specific objectives:

- To improve dam safety and performance by repairing, upgrading, equipping with monitoring equipment, operation planning and maintenance;
- To strengthen institution of dam safety management at national and system levels by completion of institutional framework on dam safety, including the construction and management of databases, addition of regulations, standards, guidelines, building capacity and coordination mechanism between stakeholders.
- Flood management capacity building in the basin level and coordination mechanism of reservoir operation by improving forecasting capacity, developing integrated flood management plan and training capacity building.

1.3. Project components

It is proposed that the project consist of four principle components.

Component 1: Dam Safety Rehabilitation (Expected cost of US\$410 million)

This component will improve dam safety through physical rehabilitation of existing infrastructure. This will include two different approaches required for the rehabilitation of large/medium and small, community-managed dams. The difference between the two relates not only to the types of works and the regulatory framework, but also the institutional and implementation arrangements required to undertake such works and ensure their sustainable operation and maintenance. This would include support to (i) Detailed design, supervision and quality control of rehabilitation works for prioritized dams and associated infrastructure; (ii) rehabilitation works, including civil works, hydro-mechanical works and installation of hydrological and safety monitoring equipment; (iii) preparation of Operation and Maintenance Plans and Emergency Preparedness Plans; and (iv) adoption of standardized checklist for community-managed dams.

This component will improve dam safety through physical rehabilitation of existing infrastructure, including: i) Detailed design, supervision and quality control of rehabilitation works for prioritized dams and associated infrastructure; (ii) rehabilitation works, including civil works, hydro-mechanical works and installation

of hydrological and safety monitoring equipment; (iii) preparation of Operation and Maintenance Plans and Emergency Preparedness Plans.

Component 2: Dam Safety Management and Planning (Expected cost of US\$ 35 million)

This component will improve the planning and operational framework for dam management to safeguard the people and socio-economic infrastructure within downstream communities. This would include provision of support to: (i) hydrological observation network and information systems; (ii) integrated development planning and operational coordination mechanisms; (iii) regulatory and institutional support and strengthening on coordination mechanism; and (iv) capacity enhancement, basin-wide integrated dam reservoir operation plans, emergency preparedness plan. This component will support the Ministry of Agriculture and Rural Development, Ministry of Industry and Trade, Ministry of Natural Resources and Environment in the implementation of technical support for national programs, completion of coordination mechanisms between ministries, local authorities and stakeholders.

Component 3: Project Management Support (Expected cost of US\$ 15 million)

The project was implemented with the participation of three Ministries and 31 provinces. The majority of dams located in the remote mountainous areas with very difficult traffic conditions. Project duration is six years, the allocation of limited management cost is also a difficulty in implementing the project.

The component will provide finance for the project management, monitoring and evaluation, technical assistance, procurement, auditing, information, training, equipment support in project management and implementation.

Component 4: Disaster Contingency (US\$ 0 million - no fixed allocation, but not to exceed 20% of the total project cost)

This component will improve the response capacity of the Government in case of an emergency relating to dam failure during project implementation. In the event of an emergency, this contingency component would facilitate rapid utilization of loan proceeds by minimizing the number of processing steps and modifying fiduciary and safeguard requirements so as to support rapid implementation.

1.4. The impact of the project

The implementation of sub-projects will bring positive effects related to social and economic development of this area. However, it will also cause negative impacts because of demands for land acquisition and construction of the dam repair, which is inevitable. The potential impact is assessed on the basis of extensive consultations, prior consultation and consultation disseminating information for ethnic minority

communities in the project area. Evaluative results are also based on the basis of consultations and depth interviews of stakeholders in the implementation of sub-project. Information on the consultations have been conducted and shown in Appendix 1.

1.4.1. Positive impacts

Through the repair and renovation of the reservoirs, the project is expected to bring about the following practical benefits:

Raising the level of safety for the community, for people living near the irrigation work, especially the downstream area.

Actively regulates the water resources for increasing agricultural production, improving livelihood and enhancing community income: after being repaired, the reservoir will increase the ability to regulate water resources to support agricultural production and improve livelihoods in local communities. During the construction process, many local labours will be mobilized and will create short-term income opportunities for local people. In addition, through economic development in the region, it will help increase local employment opportunities and reduce migration, epidemics, social ills and instability economic cause by migration.

Improving health, reducing labour and reducing risk for the community: sub projects will not only improve water source for production but also help people have better access to clean water in daily life. Besides, the management and operation of the works will be enhanced to contribute to: (i) restricting the activities causing environmental pollution in the working area, and (ii) restrict the potential risks of drowning, especially for women and children around the working area¹.

1.4.2. Potential negative impacts

Impact on land and livelihoods

- ***Land Acquisition:*** The implementation of sub-projects in certain areas will unavoidable the land acquisition.

- ***Livelihoods:*** the implementation of sub-projects will impact productive activities of a part of ethnic minority households because of water service being cut due to construction and likely to affect the livelihoods of ethnic minority households which revenues depend on fishing in the dam lake area which will be upgraded and repaired.

Affect the graves and cultural constructions

¹ Some sub projects reports have noted about drowning and drowning risk in children occur involving water reservoirs as in sub-project in Dai Thang water reservoir 2014 with 04 children who had drowned in An Binh commune area.

The implementation of sub-projects may be affected the cultural structures or graves of minority groups, especially those not buried tombs in the same area.

Affect to the communities

Project construction process will cause a certain impact to ethnic minority communities in the project area. The social risks: such as insecurity order, cultural conflict between indigenous people and workers of the work; increase social evils and social disease. The risk the environmental impacts such as noise and dust pollution can also occur.

The mitigation measures:

- ***Land Acquisition:*** The measures to minimize the impact of land acquisition will be implemented through policies on compensation and resettlement assistance of the project. The project will conduct extensive consultations, consultations and consultations before disseminating information to ethnic minority communities affected. The affected ethnic minority households will receive their full rights and the special restoration programs for vulnerable groups of the project.

When the land acquisition is unavoidable, in addition to adequate compensation, resettlement arrangement for this group should take into account cultural characteristics, community cohesion. In case you cannot arrange resettlement communities in the same old communities, new resettlement location must be consultation and agreement of the relocated households.

- ***Temporary effects on water resources for production:*** there should have appropriate construction plan in order to minimize the water cut entirely to construction. In case of none of feasibility water supply plan, the temporary impact will be compensated and supported under respective RAP.

- ***Affect the graves and cultural constructions:*** In any case, the construction which effect on the cultural constructions, extensive consultations, and prior consultations and consultation publishing information to ethnic minority communities need to be conducted. The relocation or recovery intact tombs and cultural works should be carried out according to the traditions of the affected peoples.

- ***Impact on the community:*** During construction, the contractor should work closely with local government to ensure the construction of the camps for workers and take into account factors that prevent / reduce the risk of negative impact on the daily lives and activities of ethnic minority people. To avoid / minimize the potential negative impact on society and culture for ethnic minority communities during construction, the workers and the people involved should be trained to understand the culture of ethnic minority group living in the project area.

The Contractor must comply with, as well as specifications for the construction camp and mitigation of environmental pollution are specified in the environmental management plan (particularly in the fields relating to ethnic minorities).

The risk of social disease will be treated separately under the public health strategy, will be prepared for each subproject.

1.4.3. The impact on ethnic minority groups of the sub-projects in the first phase

As a result of the screening of 12 sub-projects in the first year, the project does not cause negative impacts to acquisition of residential land and productive land of ethnic minority households. The construction and repair of dams and reservoirs in this period have had a positive influence to 2,031 households in the province of Hoa Binh, Quang Ninh, Thanh Hoa, Binh Thuan, and Lam Dong.

The positive impacts of sub-projects bring to ethnic minorities living in the area include: (i) Raising the level of safety for the community in working area, (ii) Actively regulating the water resources for increasing agricultural production, economic and social development at local area, (iii) improving the quality of water supply for the people.

Potential negative impacts: (i) temporary impact on livelihoods of people in the construction process; (ii) affecting the security and order in the community because of workers being brought to implement the project.

To minimize the potential negative impacts, the stable support for people being temporarily affected will be overcome through the corresponding support are specified in the RAP. The negative impacts related to community problems will be overcome through the initial commitment between the construction company with Project Management Units as well as local government offices

1.5. Objective of EMPF

Bank's OP 4.10 requires that when the project involves the preparation and implementation of annual investment programs or multiple subprojects, but the presence of EM in the subproject area could not be determined until the programs/subprojects are identified during project implementation; the project owner has to prepare an EMPF.

This EMPF provides guidance on how an EMDP for a program/subproject should be prepared. It helps, on the basis of consultation with affected EM in the subproject areas, ensure:

(a) affected EM peoples receive culturally appropriate social and economic benefits;

(b) when there are potential adverse effects on EM, the impact are identified, avoided, minimized, mitigated, or compensated for.

This EMPF is prepared by MARD in accordance with Bank's OP 4.10. It was developed on the basis of a) social assessment report (conducted during project preparation), b) consultation exercises conducted by MARD with the various project stakeholders, and ethnic minorities residing in the project area.

This EMPF will be applied to all subprojects/investments identified during project implementation of DRaSIP/WB8 project.

2. LEGAL AND POLICY FRAMEWORK

This section provides a framework for ensuring that the affected ethnic minorities (equivalent to the indigenous peoples as defined in OP 4.10) has equal opportunity to share the project benefits, that free, prior and informed consultation will be conducted to ensure their broad-based community access and support to the project are obtained, and that any potential negative impacts are properly mitigated and the framework will be applied to all the subprojects. It provide guidance on how to conduct preliminary screening of ethnic minorities, social assessments, and identification of mitigation measures given due consideration to consultation, grievance redress, gender-sensitivities, and monitoring. An outline of the EMDP report is provided in Annex 2.

In terms of consultation and participation of ethnic minorities, when the subprojects affects EM, the affected EM peoples have to be consulted in a free, prior, and informed manner, to assure:

(a) EM and the community they belong to are consulted at each stage of subproject preparation and implementation;

(b) Socially and culturally appropriate consultation methods will be used when consulting EM communities. During the consultation, special attention will be given to the concerns of EM women, youth, and children and their access to development opportunities and benefits; and

(c) Affected EM and their communities are provided, in a culturally appropriate manner at each stage of subproject preparation and implementation, with all relevant project information (including information on potential adverse effects that the project may have on them).

In necessary, a local person (of the same EM group) will invited to join the consultation just in case local EM language is required to promote the free exchange of information between the EM peoples, and the consultant team.

2.1 National Legal and Policy Framework for Ethnic Minority Peoples

Constitution of the Socialist Republic of Vietnam (2013) recognized the equality between ethnic groups in Vietnam. Article 5 of the Constitution in 2013 provides:

1. Socialist Republic of Vietnam is the unified state of all nationalities living in the country of Vietnam.
2. The nationalities equal, unite, respect and help each other to develop; prohibits any discrimination, ethnic division.
3. The national language is Vietnamese. The nation has the right to use voice, text, preserving the national identity, promoting traditions, customs, traditions and culture.
4. The State implements a comprehensive development policy and creates reasonable conditions for the ethnic minorities to mobilize resources, along with the development of the country.

The adaptation of economic and social policies to each region and each group, taking the needs of ethnic minorities into account, is a requirement. The Socio-Economic Development Plan and Socio-Economic Development Strategy of Vietnam specifically call for attention to ethnic minorities. Major programs targeting ethnic minority people include Program 135 (infrastructure in poor and remote areas) and Program 134 (eradication of poor quality houses). A policy on education and health care for ethnic minorities is in place. The legal framework has been updated in 2014. All legal document references are in **Table 1**.

Table 1: Legal documents relating to ethnic minority

| | |
|------|---|
| 2013 | Joint Circular No. 05/2013-TTLT-CEM-ARD-MPI-TC-XD dated on November 18, 2013 guideline of program 135 on support infrastructure investment, production development for extremely difficult communes, border communes, particularly difficult villages |
| 2012 | Decision No. 54/2012-QD-TTg of the Prime Minister dated on December 04, 2012 on promulgation of lending policy for development for particularly difficult ethnic minorities in period 2012-2015 |

| | |
|------|--|
| 2012 | Decree No. 84/2012 / ND-CP of the Government dated on December 10, 2012 on functions, tasks, powers and organizational structure of the Committee for Ethnic Minorities. |
| 2012 | Joint Circular No. 01/2012 / TTLT-BTP-CEM date on January 17, 2012 of the Ministry of Justice and the Committee for Ethnic Minorities on guideline and legal assistance for ethnic minorities. |
| 2010 | Decree No.82/2010/ND-CP of government, dated 20 July 2010 on teaching and learning of ethnic minority languages in schools. |
| 2009 | Decision No 102/2009 / QD-TTg dated on August 07, 2009 of the Prime Minister on directly policy assistance for the poor in difficult area. |
| 2008 | Resolution No.30a/2008/NQ-CP of government, dated 27 Dec. 2008 on support program for rapid and sustainable poverty reduction for 61 poorest districts. |
| 2007 | Circular No.06 dated 20-September-2007 of the Committee for Ethnic Minorities Affair guidance on the assistance for services, improved livelihood of people, technical assistance for improving the knowledge on the laws according the decision 112/2007/QD-TTg |
| 2007 | Decision No. 05/2007/QD-UBDT dated 06-September-2007 of the Committee for Ethnic Minorities Affair on its acceptance for three regions of ethnic minorities and mountainous areas based on development status |
| 2007 | Decision No.01/2007/QD-UBDT dated 31-May-2007 of the Committee for Ethnic Minorities Affair on the recognition of communes, districts in the mountainous areas. |
| 2007 | Decision No.06/2007/QD-UBDT dated 12-January-2007 of the Committee for Ethnic Minorities Affair on the strategy of media for the program 135-phase 2 |

2.2. World Bank's Operational Policy on Indigenous Peoples (OP 4.10)

The OP 4.10 aims at avoid potentially adverse effects on indigenous people and increase activities to bring about projects benefits taking into account their cultural demands and needs. The Bank requires indigenous peoples, (here refer as Ethnic

Minorities), to be fully informed and able to freely participate in projects. The project has to be widely supported by the affected EMs. Besides, the project is designed to ensure that the EMs are not affected by adverse impacts of the development process, mitigation measure to be defined if required and that the EM peoples to receive socio-economic benefits that should be culturally appropriate to them.

The Policy defines that EM can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:

- a) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- b) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- c) Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- d) Speak an indigenous language, often different from the official language of the country or region.

As a prerequisite for an investment project approval, OP 4.10 requires the borrower to conduct free, prior and informed consultations with potentially affected EM peoples and to establish a pattern of broad community support for the project and its objectives. It is important to note that the OP 4.10 refers to social groups and communities, and not to individuals. The primary objectives of OP 4.10 are:

- ❖ to ensure that such groups are afforded meaningful opportunities to participate in planning project activities that affects them;
- ❖ to ensure that opportunities to provide such groups with culturally appropriate benefits are considered; and
- ❖ to ensure that any project impacts that adversely affect them are avoided or otherwise minimized and mitigated.

In the context of the Project, the EM groups (equivalent to indigenous peoples) in the Project area are likely to receive long term benefits through the dam rehabilitation and safety improvement, but they may be negatively affected by land acquisition and/or relocation. Specific policy and action plan to mitigate the potential impacts due to land acquisition and relocation will be addressed through the preparation of the Resettlement Plan (RP).

3. PREPARATION OF AN EMDP

An EMDP should be developed on the basis of consultation with ethnic minorities in the project area. Consultation is important to EMDP preparation since it provides

ethnic minority groups (both potentially affected and not affected by subprojects) with opportunities to participate in planning and implementation of subprojects. More importantly, it helps identify potential adverse impact, if any, as a result of subproject, on EM's income generation activities and their livelihoods, thereby enabling devising of appropriate measures as to how adverse impacts could be avoided, minimized, and mitigated. Consultation also aims to ensure EM people have opportunities to articulate, on the basis of their understanding of subprojects/project goal, their needs for support from the project in relation to the project goal/project activities. The whole exercise of developing an EMDP is grounded on a study that is referred to, in Bank funded projects, as social assessment.

3.1. Social assessment

Purpose. *Social assessment (SA)*, in the context of Bank's OP 4.10, is a study that aims to explore how planned project activities under a Bank financed subproject would affect the livelihoods of EM present in the subproject area. The purpose of the SA is to ensure if there is any potential adverse impact as a result of the subproject, appropriate measures are in place (in advance of subproject implementation) to avoid, mitigate, minimize such potential adverse impact, or to compensate for affected population, if unavoidable. The SA also aims to explore, based on the understanding of EM's cultural, socio-economic characteristics of the EM communities, possible development activities that the project can implement (in relation to the project goal/objectives) to ensure EM peoples in the subproject area receives socio-economic benefits that are culturally appropriate to them.

Methods. A social assessment, in a nutshell, is a series of activities that are carefully planned and implemented to generate an outcome as outlined in the *Purpose* section above. Most important with the SA exercise is the consultation process which is be conducted with EM people in the subproject area to collect relevant information, do data analysis, and write up the EMDP report. Consultation should be undertaken as a series of meetings with EM done at different times during the subproject cycle to ensure potential impact is projected as accurate as possible. As a good practice, EM consulted need to be provided with accurate and sufficient information about the subprojects before the consultation with them take place. In addition, potential impacts, if possibly anticipated by the project owner, need to be made known to EM to help them understand the nature and the magnitude of the subproject's impact on their income generation activities and livelihoods.

Appropriate consultation methods, specific to each ethnic minority groups, need to be adopted to obtain valid and reliable feedback from the EM being consulted. When

consulting EM, particular attention need to be given to vulnerable groups, particularly those below the poverty line, the landless, the elderly, women and children. It is important that a broad community support for the subproject implementation be obtained before subproject is appraised for implementation.

Data collection. There are two types of data that need to be collected for a social assessment undertaken for a subproject. Data that are already available about the affected/target EM population are secondary data. These data could be readily available from local governmental reports, statistic books, books, newspapers, and peer-review journals. The social assessment team (either appropriately trained staff from local PMU, or consultants) should check if such secondary data are sufficiently available so as not to duplicate the data collection effort. Experience shows that data specific to household level are typically not readily available. Primary data, therefore, should be obtained from affected population through household surveys/visits, or through focus groups discussion using appropriate interviewing techniques.

Type of data. When conducting a social assessment to develop an EMDP, the following information should be collected from both secondary and primary sources:

- General socio-economic data of the potentially affected EM population, specify key demographic data on household composition, gender-differentiated data on income streams and occupations, education, health status, etc.
- Key cultural traits of EM groups;
- Types of income generation activities, including income sources, disaggregated by their household member, work season, include land and productive assets.
- Annual natural hazards that may affect their livelihood and income earning capacity;
- Common pool resources, production and livelihood systems, tenure systems that EM may rely on;
- Community relationship (social capital, kinship, social network...)
- Potential (positive and adverse) impact of subprojects on their livelihoods.
- Preferences of EM for support in development activities to be funded by project (Needs Assessment)

Data Analysis. This exercise is challenging, ranging from simple to complicated, depending on the type of data collected and the complexity of data, as well as data analysis skills available from the social assessment team. As a suggestion, qualitative data analysis should be obtained and analysis to support the findings of the social assessment. Quantitative analysis should be considered well before hand, and should only be adopted with the support from trained staff and support from external consultant.

3.2. Suggestive steps in developing an EMDP

The following steps should be followed by CPO, PPMU or their consultant, in order to prepare an EMDP for a subproject.

| STEPS | IMPLEMENTATION PLAN | MONITORING & EVALUATION |
|-------|---|-------------------------|
| 1 | <i>Setting EMDP Objective</i> | |
| | <ul style="list-style-type: none"> To ensure 1) project’s potential adverse impact on EM’s income generation activity/livelihood (if any) is avoided/ minimized/ mitigated and 2) EM groups receive social and economic benefit (from project) that is culturally appropriate to them. | |

-
- 2** ***Developing Data Collection Plan***
- What data need to be collected?
 - How they are collected?
 - What tools are used to collect?
 - Who collect the data?
 - How and when they are collected?
- What to collect

Data Collection

- How the data collection exercise is done?
 - What is done to make sure data are collected as planned?
- How to collect

Data Analysis

- How data are screened and are analyzed?
 - How they are presented to inform the formulation of implementation Plan
- What to collect

- 3** ***Identify a) potential adverse impact (if any) and b) conduct needs assessment (with clear targeting and prioritizing strategy)***
- Does the data suggest what target groups may need from the project?
 - How needs is prioritized based on project's available resources (human and financial resources)?
- How do you know beneficiaries are correctly targeted, and resources are sufficient to meet the needs?
-

-
- 4 ***Verify impact and needs assessment outcome (via consultations)***
- Matching EM’s development needs against secondary data review
 - Identify possible adverse impacts project activities may have on EM groups being consulted with and how these impacts are avoided/ minimized/ mitigated.
- Does PPMU's plan meet beneficiaries' expectation and project goal
- Are consultations done appropriately?
- 5 ***Write up EMDP report***
- What activities will be done (following needs assessment verified by consultations with target groups)
 - How these activities are done?
 - What resources (financial & human) are to be needed?
 - When these activities will be done
 - Is this Implementation Plan achievable? How PPMU knows it is achievable?
(To know if Implementation Plan is achievable, an M&E Plan (right column) need to be developed along with the Implementation Plan)
- Is Implementation Plan achievable?

3.3. Procedure for review and approval of an EMDP

Once an EMDP for a subproject is completed by PPMU or their consultants, the EMDP needs to be submitted to the World Bank for prior review and comments before implementation of the subprojects for which the EMDP is associated. The

Bank may request revision of the EMDP, based on the quality of the EMDP. When there is doubt or need for technical support in preparing an EMDP, the Bank's task team should be contacted for timely support.

4. IMPLEMENTATION OF EMPF AND EMDPs

4.1. Implementation Arrangements and Budget

The Ministry of Agriculture and Rural Development (MARD), on behalf of the Government, is the project owner, has overall responsibility for the whole project. The provincial governmental authorities of the project provinces are the Employers of the sub-projects, has responsibility for investment decisions under sub-projects managed by the Ministry and the provinces. A Project Steering Committee (PSC) will be established, including representatives of the MARD, relevant Ministries and sectors, the provincial governmental authorities of the project provinces, to be responsible for frequent monitoring and managing the Project during its implementation process.

At the central level - The PISC is responsible for providing technical support to CPO in preparing EMDPs for relevant subprojects. PISC is responsible for ensuring effective implementation of the EMDP, including monitoring and evaluation of the results of the EMDP implementation. At the outset of the project implementation, PISC will provide training to its social staff – at central and provincial levels, to enable them to undertake screening (of EM present in the influence area of the subprojects) to determine when an EMDP is needed, and on the basis of the screening result, conduct social impact assessment, and prepare EMDP. Where local capacity is insufficient to prepare an EMDP, qualified consultants may be mobilized to assist CPO in development an EMDP for a subproject in accordance with the EMPF.

At provincial level - The PPMU and local governments are responsible for implementing the EMDPs. Appropriate staff and budget – sufficient to achieve the objective of an EMDP, need to be included in the EMDP for Bank's prior review and approval. In case where EM peoples are affected as a result of land acquisition, to allow construction of subprojects, compensation, assistance to EM affected will be addressed through relevant RAP which is prepared separately in accordance with the project's RPF.

4.2. Disclosure of EMDP

Once preparation of an EMDP is completed, it needs to be disclosed to affected EM peoples and their communities. The EMDP needs to be disclosed in an appropriate manner to ensure affected EM people and their community can conveniently access and can fully understand. In addition to public disclosure of the EMDP, meetings need

to be given at the community where EM peoples are affected by the subproject. Where needed, meetings should be conducted using the language of the EM affected to ensure they fully understand the EMDP objective and can provide feedback.

Please note that all EMDPs prepared during project implementation must be disclosed locally in a timely manner, before appraisal/approval of these subprojects. The EMDPs need to be disclosed in an accessible place and in a form and language understandable to affected EM as well as key stakeholders, and in Vietnam Development Information Center (VDIC) in Hanoi. For subprojects that are categorized by the Bank (at the time of appraisal of the subproject) as Category A (by Environmental screening), the EMDPs for such sub-projects must be translated into English by PPMU and submitted to the Bank for Bank's disclosure at Bank's VDIC and Infoshop.

4.3. Grievance Redress Mechanism

The grievance mechanisms under the Project will be two-tiered: one internal to the communities concerned and the other, involving third-party/external mediation. For each Project province, a Grievance Redress Committees will be established from villages/districts to provincial levels built on the existing structures consisting of concerned departments, mass organizations, women and ethnic representatives. At the village level, community based co-management will incorporate in the existing grievance mechanisms that will be chaired by elder and/or spiritual/tribal leaders, which are largely acceptable to local communities, particularly the ethnic minority groups.

The grievance redress mechanism will be applied to persons or groups that are directly or indirectly affected by the Project, as well as those that may have interests in a Project and/or have the ability to influence its outcome -- either positively or negatively. The Project will provide training and support to strengthen these existing structures for effectively and collectively dealing with possible grievances that may arise during the course of the project implementation. All complaints and grievances must be properly documented by PPMU, with copies being filed at commune and district levels.

If the affected EM peoples are not satisfied with the process, compensation or mitigation measures, or any other issue, the EM themselves or EMP's representatives or village leaders can lodge their complaints to the PPC or to the PPMU following the grievance redress mechanism established in the EMDP. All grievances will be addressed promptly, and in way that is culturally appropriate to the affected EM peoples. All costs associated with EM's complaints are exempt to EM complainants.

PPMU and independent monitoring consultant are responsible for monitoring the progress of resolution of EMs' complaints. All cases of complaints must be recorded in PPMU project files, and be reviewed regularly by independent monitoring consultant.

The grievance redress mechanism is established on the basis of the Vietnam's laws.

The mechanism of complaint and complaint and grievances resolution steps are as below:

First Stage - Commune People's Committee

An aggrieved APs may bring his/her complaint to the One Door Department of the Commune People's Committee (CPC), in writing or verbally. The member of CPC at the One Door Department will be responsible to notify the CPC leaders about the complaint for solving. The Chairman of the CPC will meet personally with the aggrieved APs and will have 30 days following the receiving date of the complaint to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints handled by the CPC

Second Stage - At District People's Committee (DPC)

If after 30 days the aggrieved affected household does not hear from the CPC, or if the APs is not satisfied with the decision taken on his/her complaint, the APs may bring the case, either in writing or verbally, to any member of the DPC or the DRC of the district. The DPC in turn will have 30 days following the receiving date of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles and will inform the DRC of district of any decision made. Affected households can also bring their case to Court if they wish.

Third Stage - At Provincial People's Committee (PPC)

If after 30 days the aggrieved PAP does not hear from the DPC, or if the PAP is not satisfied with the decision taken on his/her complaint, the PAP may bring the case, either in writing or verbally, to any member of the PPC or lodge an administrative case to the District People's Court for solution. 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. Affected households can also bring their case to Court if they want.

Final Stage - Court of Law Decides

If after 45 days following the lodging of the complaint with the PPC, the aggrieved PAP 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. Decision by the court will be the final decision.

Decision on solving the complaints must be sent to the aggrieved APs and concerned parties and must be posted at the office of the People's Committee where the complaint is solved. After three days, the decision/result on solution is available at commune/ward level and after seven days at district or province level.

To ensure that the grievance mechanism described above are practical and acceptable by the ethnic minority affected by the subproject, this will be consulted with local authorities and local communities taken into account of specific cultural attributes as well as traditional, cultural mechanisms for raising and resolving complaints/conflicts. If the ethnic minority objects, efforts will be also made to identify and determine ways to resolve that is culturally acceptable to them.

4.4. Monitoring and Evaluation

Responsibility of overall monitoring and implementing the EMPF and EMDPs rests with the PISC. Implementing the EMPF and EMDP will be subjected to external independent monitoring by a qualified consultant. The external independent monitoring consultant will be hired by PISC. This service could be integrated into the contract for independent monitoring of the implementation of RPF and RAPs.

4.4.1. Internal Monitoring

Responsible agency. The PISC under the Ministry of Agriculture and Rural Development (MARD) will be responsible for the overall implementation of the EMPF and EMDPs. PISC is responsible for overall guidance to the CPMO and implementation of subprojects' EMDPs on the part of the CPMO.

4.4.2. External Monitoring

Responsible agency. An independent monitoring consultant (IMC) will be contracted to monitor the implementation of social safeguards of subprojects, including the EMDPs. Monitoring report will be submitted to the World Bank for review and comments. External monitoring should be conducted twice a year during the implementation of the Project to timely identify issues that might need immediate action from PISC and PPMU.

4.5. Budget implementation

The screening results showed that the presence of ethnic minorities in the project area and affected by the project, (PPMU) need to conduct the steps to prepare a

development plans for ethnic minorities, which has been provided in Section III of this document. PPMU should recruit a qualified consultant unit to perform these activities.

Funding for implementation EMDP of each subproject will be charged on the basis of specific activities proposed in each EMDP. This expense is calculated on the funding of the project.

EMDPs expected to be conducted in each province include:

- Communications, public consultation (in coordination with other activities of the project);
- Training on PIM, managing irrigation works;
- Communication on disaster risk, unsafe dams and reservoirs and climate change;
- Mapping of flood safety community;
- Transfer of cultivation techniques adapted to climate, water condition;
- Repair of roads, bridges and immigration service in emergencies, safe flood discharge.

Estimated funding for the program is 100,000 USD EMDPs each province. Total expenditures for the 31 provinces under project is 3,100,000 USD

Funding source.

The funds to establish and implement EMDP will be financed using Bank's fund under the Project.

APPENDIX

Annex 1: Summary contents of minutes of minorities group consultation

| No. | Project area | Time | Place | Participants | Consultative result |
|-----|--------------|------------------------------|--|--|---|
| 1 | Thanh Hoa | 8:45 AM March 27, 2015 | Department of Agriculture and Rural Development in Thanh Hoa | <ul style="list-style-type: none"> - Representatives of Provincial Ethnic Department - Representatives of Department of Agriculture and Rural Development - Central Social Consultation | <ul style="list-style-type: none"> - Supporting the project implementation - The province has 6 ethnic minority groups living in this area. The project implementation will not affect to ethnic minority groups. - When conducting the project, activities relating to ethnic minority groups need attentions as matching customary; guaranteeing 3 basic principles: equality, solidarity and interdepend. |
| 2 | Nghe An | 8:00 AM March 26, 2015 | Department of Agriculture and Rural Development in Nghe An | <ul style="list-style-type: none"> - Representatives of Provincial Ethnic Department - Representatives of Department of | <ul style="list-style-type: none"> - Supporting the project implementation - The concept of "indigenous people" need to redefine |

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| | | | | <p>Agriculture and Rural Development</p> <ul style="list-style-type: none"> - Central Social Consultation | |
| 3 | Hoa Binh | 9:00 AM March 24, 2015 | <p>Department of Agriculture and Rural Development in Hoa Binh</p> | <ul style="list-style-type: none"> - Representatives of Land development center- Representatives of Department of Agriculture and Rural Development - Project Management Unit of Basic Construction - Representatives of Department of Natural Resources and Environment - Central Social Consultation | <ul style="list-style-type: none"> - Supporting totally the project implementation - The project area is inhabited by Muong ethnic people - There should be compensation for land reclaimed by ethnic minorities. The land must be certified by the Commune People's Committee and no conflicts - There should be particular support policies in the field of spirituality for the Muong in moving residents. |

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| 4 | Quang Ninh | March 26, 2015 | Department of Agriculture and Rural Development in Hoa Binh | <ul style="list-style-type: none"> - Central Social Consultation - Representatives of Land Development Center-Representatives of Department of Agriculture and Rural Development - Representatives of Provincial Ethnic Department - Representatives of Project Management Unit works | <ul style="list-style-type: none"> - Supporting the project implementation - There are currently 21 ethnic minorities living in the province - The situation of ethnic minorities living very difficult, sparsely populated, large poverty rate |
| 5 | Quang Binh | 10: 30 AM March 24, 2015 | Provincial ethnic Department | <ul style="list-style-type: none"> - Representatives of Provincial Ethnic Department - Resettlement | <ul style="list-style-type: none"> - Supporting the project implementation and agreeing with the draft of policy framework - Although Phu Vinh Reservoir Area Phase I has not impacted on minority groups yet, |

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| | | | | <ul style="list-style-type: none"> Planning Office - People's Committee office - Central Social Consultation | <ul style="list-style-type: none"> many reservoirs in high mountainous areas where the concentration of ethnic minorities living in. - In addition, policies and programs are supported by the state and province, needing to review the customs and habits of ethnic minorities. |
| 6 | Quang Ngai | 10: 00 AM March 20, 2015 | Provincial ethnic Department | <ul style="list-style-type: none"> - Representatives of Provincial Ethnic Department - Representatives of Department of Agriculture and Rural Development - Central Social Consultation - | <ul style="list-style-type: none"> - Provincial Ethnic Department will support the project - Two main minority ethnic as Co and H're in the province but not in the project area - The project will contribute to the development of local ethnic minorities |
| 7 | Binh Thuan | March 19, 2015 | Department of Agriculture and Rural Development in Binh Thuan | <ul style="list-style-type: none"> - Central Social Consultation - Representatives of Provincial Ethnic Department | <ul style="list-style-type: none"> - Supporting the project implementation - Repairing Reservoir of Quao river will bring many benefits for ethnic minorities. And water source will provide service for agricultural production and will contribute to increased household income. |

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| | | | | | <ul style="list-style-type: none"> - The consultation process should use the ethnic language to explain to people helping and supporting the project. - Supporting people to maintain their lifestyle during project implementation; supporting conversion from cropping pattern to cattle, goat, pig farming or growing dragon trees to households having land and irrigation water. - During construction, to ensure a certain quality of water for production and daily life. - In Ham tri commune: the project coordinate with specialized agencies of district, commune to guide people grow plants needing little water or reduce the number of rice instead of crops - In Thuan Hoa commune: Supporting long-term livelihoods for farmers; improving soil, investing irrigation pump system for production. |
| 8 | Thuan Hoa commune, Ham | March 18, 2015 | Dan Hiep hamlet, Thuan | - Representatives of village authorities | - Through group discussion and interviews in Thuan Hoa households recorded the majority of farmers that support the project. |

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| | Thuan Bac district, Binh Thuan province | | Hoa commune | <ul style="list-style-type: none"> - Village patriarch of Dan Hiep hamlet - Representatives of K'Ho and Raglay ethnic households (06 HHs) - Social Consultation | <ul style="list-style-type: none"> - In the opinion of the community, the project will not affect the production and daily life of local people that are not so dependent on the water resources from reservoir of Quao river. - The people want after repairing and upgrading reservoirs, people are provided water from Reservoir of Quao river for production and also helping increase of household economy. - Building process may affect some households getting water from Dai Ninh dam through reservoir of Quao river as making social insecurity. - Ethnic minority groups like listening to their language as well as being shy of speaking in front of crowd as a habit. So information public and consultation workshops should still speak by local language. - Furthermore, in the process of project implementation, the project can ask for the support of the village patriarch who will call local people for supporting the project |
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| 9 | Ham Tri commune, Ham Thuan Bac district, Binh Thuan province | March 17, 2015 | Lam Giang village, Ham Tri commune | <ul style="list-style-type: none"> - Representatives of Lam Giang hamlet - Representatives of Cham ethnic Households (06 HHs) - Social Consultation | <ul style="list-style-type: none"> - The people have received information about the project through television, radio and social meeting notice. - People are consensus and support the project implementation because the reservoir is having cracks and the area is lack of water - The project will potentially affect a portion of production and daily life of local people dependent on water resources of Quao River. However, after the project complete, it will increase reservoir capacity and promote development of local people through production increase. The people want the project to be implemented to ensure the safety of reservoirs and dams, and contribute to the local water supply. - The people want after repairing and upgrading reservoirs, people are provided water from the reservoir of Quao river for production to increase household economy. The process of building the dam will not affect activities growing dragon fruit and livestock, the people still maintain their |
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| | | | | | <p>livelihoods</p> <ul style="list-style-type: none"> - The process of construction can affect producers depend on water resource from reservoir of Quao river and household fishing on the lake - The construction process may disturb social order. - Recommendation: During implementation of repairing dams, people who wish to be supported by the project as transformation plant in reason of shortages water (cash crops, plants need less water); supporting people lost income by rice or allowances; the process of construction and repairing must happen quickly to reduce the impact; ensuring water levels for production in major crop |
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Annex 2: Elements for an EMDP

Executive Summary

This section describes briefly the *critical facts, significant findings* from the social assessment, and *recommended actions to manage adverse impact (if any)* and *proposed development intervention activities* on the basis on the social assessment results.

I. Description of the Project

This section provides a general description of the *project goal, project components, potential adverse impact (if any) at the project and subproject levels*. Make clear the identified adverse impact at two levels – project and subproject.

II. Legal and institutional framework applicable to EM peoples

III. Description of the sub-project population

- Baseline information on the demographic, social, cultural, and political characteristics of the potentially affected EM population, or EM's communities.
- Production, livelihood systems, tenure systems that EM may rely on, including natural resources on which they depend (including common property resources, if any).
- Types of income generation activities, including income sources, disaggregated by their household member, work season;
- Annual natural hazards that may affect their livelihood and income earning capacity;
- Community relationship (social capital, kinship, social network...)

IV. Social Impact Assessment

This section describes:

- *Methods of consultation* already used to ensure free, prior and informed consultation with affected EM population in the sub-project area.
- *Summary of results of free, prior and informed consultation* with affected EM population. Results includes two areas:

- *Potential impact of subprojects* (positive and adverse) on their livelihoods of EM in the project area (both directly and indirectly);
- *Action plan of measures* to avoid, minimize, mitigate, or compensate for these adverse effects.
- *Preferences of EM for support* (from the project) in development activities intended for them (explored through needs assessment exercise conducted during the social assessment)
- *An action plan of measures* to ensure EM in the subproject area receive social and economic benefits culturally appropriate to them, including, where necessary, measures to enhance the capacity of the local project implementing agencies.

V. Information Disclosure, Consultation and Participation:

This section will:

- a) describe information disclosure, consultation and participation process with the affected EM peoples that was carried out during project preparation in free, prior, and informed consultation with them;
- b) summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;
- c) in the case of project activities requiring broad-based community access and support, document the process and outcome of consultations with affected EM communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- d) describe consultation and participation mechanisms to be used during implementation to ensure Ethnic minority peoples participation during implementation; and
- e) confirm disclosure of the draft and final EMDP to the affected EM communities.

VI. Capacity Building: This section provides measures to strengthen the social, legal, and technical capabilities of (a) local government in addressing EM peoples issues in the project area; and (b) ethnic minority organizations in the project area to enable them to represent affected Ethnic minority peoples more effectively.

VII. Grievance Redress Mechanism: This section describes the procedures to redress grievances by affected Ethnic minority peoples. It also explains how the

procedures are accessible on a participatory manner to Ethnic minority peoples and culturally appropriate and gender sensitive.

VIII. Institutional Arrangement: This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the EMDP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the EMDP.

IX. Monitoring & Evaluation: This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the EMDP. It also specifies arrangements for free, prior and informed consultation and participation of affected Ethnic minority peoples in the preparation and validation of monitoring, and evaluation reports.

X. Budget and Financing: This section provides an itemized budget for all activities described in the EMDP.

ANNEXES TO THE EMDP