

VINH PHUC DEPARTMENT OF PLANNING AND INVESTMENT
VINH PHUC ODA PROJECT MANAGEMENT UNIT

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VINH PHUC FLOOD RISK AND WATER MANAGEMENT
PROJECT (VPFRWMP)

ETHNIC MINORITY POLICY FRAMEWORK

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Preface

This Ethnic Minority Policy Framework (EMPF) will be applied to the Vinh Phuc Flood Risk and Water Management Project where ethnic minority peoples (EMP) are living in the area of the project's influence. The objectives of the EMPF are to avoid adverse impacts on EMP, ensure culturally appropriate benefits from the project, in compliance with the World Bank's OP4.10 (*Indigenous Peoples*), and the national laws and regulations.

EMs are exposed to risks and impacts as a result of development projects. As social groups are distinct from the dominant group which is Kinh, EM peoples are typically among the most marginalized and vulnerable segments of the population. Their economic, social, and legal status often limits their capacity to defend their rights to lands, other productive resources, and restricts their ability to participate in and benefit from the development investments. Therefore, this EMPF was prepared based on the results of the social assessment conducted for this Project. Where EM peoples were consulted, consultation with them were conducted in a *free, prior and informed* manner to collect their feedback on the basis of their needs and concerns – on the basis of the potential impact of the Project, and their development needs – in line with the Project's objective, are included in the project design. The consultation with the EM peoples in the project area also aim to confirm if there is a broad community support for the project implementation. The EMPF describes the policy requirements and planning procedures that project implementing agencies will follow during the preparation and implementation of the Project.

Vinh Phuc, November 2015

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Abbreviations

CPC	Commune People's Committee
DMS	Detailed Measurement Survey
DPC	District People's Committee
DRC	District Resettlement Committee
EMP	Ethnic Minority Peoples
EMDP	Ethnic Minority Development Plan
EMPF	Ethnic Minority Policy Framework
GOV	Government of Vietnam
HH	Household
IOL	Inventory of Losses
LURC	Land Use Rights Certificate
MOF	Ministry of Finance
MOLISA	Ministry of Labor, War Invalids and Social Affairs
NGO	Non-Governmental Organization
PAD	Project Appraisal Documents
PAPs	Project Affected People
PMU	Project Management Unit
PPC	Provincial People's Committee
RAP	Resettlement Action Plan
TOR	Terms of Reference
VND	Vietnam Dong
VPFRWMP	Vinh Phuc Flood Risk Water Management Project
WB	World Bank

Definition of Terms

Project impacts

Means positive and negative impacts of the Project that caused by all project's activities. 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.

Affected people

Refers to individuals, organizations that are directly affected socially and economically by the project. This could be as a result of 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 (those with livelihood impacted permanently or temporarily). In addition, affected person is one for whom involuntary restriction of access to legally designated parks and protected areas result in adverse impacts on livelihoods.

Indigenous Peoples

Equivalent to ethnic minority peoples in Viet Nam refers 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.

Vulnerable groups

Refers to people who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits, include: (i) women headed household (single, widow, disabled husband) with dependents, (ii) disables (loss of working ability), the elderly alone, (iii) poor household, (iv) the landless, and (v) ethnic minority groups.

Culturally appropriate

Means having regard for all facets of the cultures, and being sensitive to their dynamics.

Free, prior, informed and consultation

refers to a culturally appropriate and collective decisionmaking process subsequent to meaningful and good faith consultation and informed participation regarding the preparation and implementation of the project. It does not constitute a veto right for individuals or groups

Collective attachment

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.

Customary rights to lands and resources

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.

Executive Summary

1. The Government of Viet Nam requested the financial support from the World Bank for the Vinh Phuc Flood Risk and Water Management Project (VPFRWMP). The proposed project is to provide a sustainable water environment for the long term economic and social development of Vinh Phuc Province. In particular, the project would focus on ensuring flood control in the central catchment of the province and halting the rapid deterioration of surface water quality. The project development objective will be achieved through (i) supporting structure measures for flooding control and river rehabilitation; (ii) improving wastewater collection and treatment in districts small towns and rural villages; (iii) establishing water resource and water quality monitoring and flooding and emergency response system; and (iv) institutional development and training for the government departments and water sector practitioners aimed at managing the river basin and water related sectors in an integrated manner.

2. The components of the Vinh Phuc Flood Risk and Water Management Project (VPFWMP) are presented as following:

Table 1 – Components of VP-FRWMP

Component	Activity	Investment (mill. US\$)
Component 1	Flood Risk Management	110.00
Component 2	Water Environmental management	23.00
Component 3	Project Implementation Support and Institutional Strengthening	17.00
	TOTAL	150,00

Source: VP ODA PMU, August 2015

3. This EMPF is to provide a framework where negative impacts to ethnic minority people are mitigated and positive impacts are enhanced based on free, prior and informed consultations with affected ethnic minority people in villages where they are affected by the subprojects. The EMPF develops measures to (a) avoid potential adverse impacts on ethnic minority communities; or (b) when potentially adverse impacts on ethnic minority peoples are unavoidable, they should be minimized, mitigated, or compensated; and (c) ensure that EMP receive social and economic benefits in a culturally appropriate manner and inclusive of both gender and intergenerational terms.

4. The project conducted a social assessment for the whole proposed project to gather relevant information on demographic data, including social, cultural and economic information as well as social, cultural and economic impacts. The assessment includes the following key components: (a) development of a socioeconomic baseline of project affected households for a sample, (c) a stakeholder analysis, (c) gender analysis of project affected households, and (d) screening (within the project's area of influence – as a minimum) and confirmation of presence of indigenous peoples, (here refer as Ethnic Minorities), ethnic minority communities – as per Bank's OP 4.10 in the project area.

5. From the initial EM screening, it was confirmed that ethnic minority communities including Cao Lan, San Diu, Nung and Dao are present in the project area and could be

potentially affected. A process of free, prior informed consultation with affected EM's communities of the Project during the project design was carried out and will be for the rest of the project cycle, to fully identify their views and ascertain their broad community support for the Project.

6. The social assessment indicated that, in the context of the VPFRWMP Project, the ethnic minority groups are likely to receive long-term benefits resulting from (i) enhanced preparedness for natural hazards and climate change; (ii) increased opportunities for the poor and households resilience to shocks that the project will reduce the floods, improve the environment and create more favorable conditions for abstracting investments; this will create opportunities for farmers in cultivating additional crops, reduce the healthcare costs and create more jobs in industries and services; (iii) improved basic infrastructure in selected areas of Vinh Phuc province, the coverage of improved wastewater services in the towns and villages will increased and (iv) increased of agricultural production due to reduced flooding, reducing cost for hygiene and health care due to improved sanitation facilities. Project may result in some adverse impacts (minor) due to temporary impact to fishing activities to some households – due to construction operations (dredging) which will be compensated for in case avoidance could not be made when the detailed design is available.

7. The Vinh Phuc ODA PMU, under Vinh Phuc DPI, in coordination with Board of Ethnic Minorities will be responsible for the EMDP implementation, including capacity building and strengthening the project executing agencies and stakeholders. And to ensure that the EMDP implementation is transparent and complies with the EMPF as well as the World Bank's OP 4.10 on Indigenous Peoples (OP4.10), a number of mechanisms consisting of free prior public consultation, and communication strategy, monitoring and evaluation and grievance address, will be established and performed throughout the project implementation cycle as a continuous process.

Vinh Phuc, November 2015

I. INTRODUCTION

1.1 Background

1. Vinh Phuc a province adjacent to Ha Noi, and about 60km North West. Vinh Phuc is positioned in three key development regions of Vietnam: the Red River Delta Region, the Ha Noi Metropolitan Region, and the Northern Key Economic Region. Vinh Phuc has population of about 1 million (2013 data), 22,4% of the population live in the urban areas and 77,6% I the rural areas. Per capita GDP was VND 52 million in 2012, higher than the national level of VND 36 million. The provincial poverty incidence in 2012 was 7,3% (GSO, income based measures), lower than the national level of 11,1%.

2. Vinh Phuc experienced impressive economic growth in the last two and a half decades. It is now an industrial hub of the Red River Delta and one of the key FDI destinations in the country. By December 2012, the total active FDI was about 2.5 billion from some 150 active projects. Currently Vinh Phuc attracts USD 200-350 million FDI annually and almost half of the provincial GDP comes from FDI sector. Vinh Phuc is also one of the net contributors to the state budget in the country. The level of its public debt is insignificant and covers the period of 2006-2011, the average value borrowed of Vinh Phuc remained about just one percent of the local receipt.

3. Despite the fast economic growth, Vinh Phuc is facing a number of challenges, including frequent flooding, regional water pollution, lack of infrastructure and weak institutional capacity, which have become bottlenecks for Vinh Phuc to sustain its further growth. Due to its low elevation in the Red River flood plain, two third of the province is prone to flooding. There is an especially high risk from flooding in the areas of the Phan River basin where the provincial capacity city of Vinh Yen and most of FDI zones are located. Frequent floods have caused serious impacts on agriculture in rural areas, the city of Vinh Yen and the industrial zones and enterprises, including significant loss of agriculture and industrial productivity – impacting on livelihoods – and deterioration of infrastructure in both rural and urban areas. Initial estimates of the flood damage during the period 2006-2013 are about US\$ 150 million, including significant agricultural production losses of around 30% of total crop values. Flooding also causes significant disruption to traffic in Vinh Yen City and several industrial zones. Health related costs are considerable.

4. Accelerated deterioration of water quality has been observed in Phan River catchment, including rivers and lakes around Vinh Yen City. Water pollution not only impact on public health locally, but also affects Vinh Phuc's medium long term plans to foster service and tourism sectors as part of Metropolitan Ha Noi.

5. All these water related challenges need to be addressed by the PPC. However, there is a lack of capacity and affective and integrated management system to address these challenges. For example, water resource and water quality monitoring systems in the catchment are yet to be established, currently only DONRE has two automatic water quality monitoring station. There is no, or very limited, floods warning and emergency response system. These elements are critical to provide timely and accurate information to the government for decision making and emergency response, especially in addressing flooding and pollution incidents.

6. The provincial government is determined to address the flooding and water pollution challenges to its long term sustainable development, especially to (i) improve the agricultural productivity in the entire catchment; (ii) safeguard rural communities, Vinh Yen City and the

economic development zones; and (iii) improve the investment environment for FDI. The central government and Development Partners (DP) are working with Vinh Phuc to address these water related challenges. Government funded support includes some limited dredging works for the Phan River and the Vac Lake in Vinh Yen City, construction of number of small pumping stations to divert water from fields t the Phan River and pilot water pollution control in some villages in Phan River catchment. JICA has constructed a 5,000m³/day wastewater treatment plant and 34km of primary a secondary sewer in Vinh Yen City and plans to expand the second phase of an 8,000m³/day capacity wastewater treatment plants and related sewers. ADB has planned to help Vinh Phuc through Green Cities Project, including building the tertiary sewer and households' connections to JICA financed WWTP and rehabilitating 150ha of lakes in Vinh Yen City, including dredging and embankments. However, there are still critical gaps to address flooding in the province and water pollution in the Phan River catchment. The government has approached to the World Band for support to fill these gaps. The Project is to be named the Vinh Phuc Flood Risk and Water Management Project (VPFRWMP).

1.2 The Proposed Project

7. The proposed project objective is to provide a sustainable water environment for the long term economic and social development of the Vinh Phuc Province. In particular, the project would focus on ensuring flood control in the central catchment of the province and halting the rapid deterioration of surface water quality. The project development objective will be achieved through (i) supporting structure measures for flooding control and river rehabilitation; (ii) improving wastewater collection and treatment in districts small towns and rural villages; (iii) establishing water resource and water quality monitoring and flooding and emergency response system; and (iv) institutional development and training for the government departments and water sector practitioners aimed at managing the river basin and water related sectors in an integrated manner.

8. The components of the Vinh Phuc Flood Risk and Water Management Project (VPFWMP) are presented as following:

Table 1 – Components of VP-FRWMP

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Component 1	Flood Risk Management	117.00
Component 2	Water Environmental management	17.00
Component 3	Implementation Support, Technical Assistance and Institutional Strengthening	16.00
	TOTAL	150.00

Component 1: This component improves flood risk management through structural measures in Basin B (including sub-basins B-1, B-2 and B-3) and Basin C. The measures include (i) construction and rehabilitation of three retention lakes with a total area of 260 hectare to increase regulation capacity; (ii) construction of three drainage pumping stations with total capacity of 145 m³ per second and related canals to divert excessive storm water from basin B to Pho Day and Red River; (iii) dredging key sections along 50 km of the Phan River to increase the discharge capacity; and (iv) construction of two flood control gates with associated embankments to prevent storm water entering Basin B from Basin C. Details are given below:

- Basin B1: (i) construction of Kim Xa pumping station, with a capacity of 45m³/s; (ii) dredging an area of about 100ha in Nhi Hoang and So retention lakes; (iii) rehabilitation of Yen Lap flooding control gate; and (iv) sludge disposal site 10ha;
- Basin B2: (i) construction of Ngu Kien pumping station, with a capacity of 45m³/s, including about 2km of outlet canal to the Red River; (ii) dredging an area of about 150ha in Rung retention lake; (iii) dredging 3km of canal connecting Rung retention land and Phan River; (iv) dredging a length of about 28km of Phan River (Thuong Lap-Lac Y); and (v) sludge disposal site 30ha;
- Basin B3: (i) construction of Nguyet Duc pumping station capacity of 75m³/s including about 3km of inlet canal connecting to Sau Vo lake, and about 3km of outlet canal to Red River; (ii) dredging an area of about 200ha in Sau Vo lake; (iii) dredging a length of about 18km of Phan River (Lac Y-Cau Sat); and (iv) operation road with a length of 6km and Dong Mong sludge disposal site 50ha; and
- Basin C: (i) construction of 02 flood control gates (Cau Ton and Cau Sat) and associated embankments along the two rivers, and (ii) dredging 3 rivers with a total length of about 66km.

Component 2 This component improves the environmental conditions in densely populated small towns and rural communities as well as the water quality in the Phan River by providing wastewater and drainage services. The measures include the construction and rehabilitation of wastewater collection and treatment facilities in four district towns and 33 rural villages along the Phan River. Given that the source of pollution is mostly from domestic households, this component will focus on intercepting and treating wastewater. Simple and low cost technologies that will not require sophisticated mechanical equipment, high power consumption and complicated operation & maintenance will be applied, including:

- Wastewater management for towns: construction of small scale wastewater collection and treatment facilities in up to 4-6 towns, with each facility capable of serving about 15,000 - 25,000 existing people;
- Wastewater management for rural communities: A survey will determine location, population, forecast incurred wastewater, pollution of rivers, canals, springs and drains, in the village/hamlet/residential areas along Phan river. On the basis of survey results, the construction of 50 small-sized wastewater collection and treatment schemes will be proposed. Each scheme is capable to serve a minimum of 500 people.
- It is required to note that on the preliminary survey results, a Consultant will propose appropriate measures for investment items of this Component.

Component 3, This component supports (i) project implementation including detailed engineering designs, construction supervision, safeguard monitoring and other related

activities; (ii) water resource and emergency flood early warning, including consulting services, works, equipment and other related activities; (iii) operation and maintenance (O&M) for assets to be built under the project, including trainings, development of operation manuals, and provision of necessary equipment; and (iv) institutional development for river basin management and water related sectors in an integrated manner.

1.3 Ethnic Minority in the project Area

9. Viet Nam has 54 officially recognized ethnic groups, of which the Kinh accounts for 87 percent of the population. The 53 ethnic minority groups vary in size from 500,000 to a few hundred members each, accounting for 13% of the total population of Vietnam.

10. Vinh Phuc province has 29 ethnic groups. In 2014, the total number of ethnic minority people in the province was about 44,948 people (accounting for about 4.6% of total population of the province). The ethnic minorities who are living as groups, or communities include San Diu (42,264 people, accounting for 89.9%), Cao Lan (1,872 people, accounting for 3.9%), Nung (911 people, accounting for 1.94%), Dao (776 people, accounting for 1.65%). The remaining ethnic groups account for a small proportion, living scattered among Kinh communities across districts and towns¹.

11. The ethnic minorities mainly live around mountainous area of Tam Dao and Sang belonging to districts of Tam Dao, Song Lo, Lap Thach, Binh Xuyen and Phuc Yen.

Table 2 –EM in the Vinh Phuc Province

Districts/ Town	Commune	No of EMP in the Communes	Total of Population in the Commune	Ratio (%)
Phuc Yen Town	Ngoc Thanh	5,020	12,236	41.03
Binh Xuyen	Trung My	4,491	7,618	58.95
Lap Thach	Quang Son	760	5,252	14.47
Song Lo	Lang Cong	627	6,726	9.32
	Quang Yen	1,651	8,375	19.71
Tam Dao	Ho Son	1,874	6,737	27.82
	Hop Chau	3,462	8,651	40.02
	Minh Quang	6,686	10,500	63.68
	Tam Quan	925	12,786	7.23
	Dai Dinh	3,471	9,740	35.64
	Bo Ly	1,392	6,118	22.75
	Yen Duong	2,669	5,635	47.36
	Dao Tru	11,920	14,165	84.15
TOTAL		44,948	114,539	39,24

Source: Vinh Phuc ODA PMU, August 2015

Summary of some cultural and religious traditions of EMs in Vinh Phuc

12. *San Diu Ethnic Minority.* San Diu people grow water rice fields in combination with dry fields. The construct made of bamboo ox and buffalos drawn-carriages for mobilization. Currently, San Diu people is applying innovated technical methods for their agricultural

¹ Source: Document 231/BDT-CS issued by Vinh Phuc Provincial Agency for Ethnic Minority dated 25th August, 2015

production and undertaking intensive farming of fruits and other intercrops with high productivity margins. Traditional culture of San Diu peoples is present in their clothing, and celebrations such as wedding anniversaries, funerals, worship, and the lunar New Year. Oral traditions such as tales, folk-songs, especially “Soong Co” folk-song are common. The influence of Buddhism, Taoism in the religious and spiritual life of San Diu people make it very diversified. In conclusion, they often worship gods, including worshipping their ancestors, Tutelary God, Earth God, Buddha, midwives, animism, in many cases linked to their farming activities.

13. *Cao Lan Ethnic Minority.* Cao Lan people have been living in Vinh Phuc for about 200 years, with settlements concentrated in the Dong Dong, Dong Da, Ban Mo, Dong Cham villages, and in the Quang Yen commune (Song Lo district). Cao Lan people are farmers cultivating water rice fields similar to the Kinh, San Diu and Dao groups. However, they often practice slash-and-burn techniques and use ancestral rudimentary tools. Cao Lan people mainly worship Gods of Buddhism, Taoism, and Confucianism and their ancestors and Tutelary God. In their spiritual life the Cao Lan people, some oral traditions such as fairy tales, poems, songs, chantey, and celebrating the “Going to field” festival and the “Sinh Ca” cultural identity, are practiced. In addition, other Cao Lan people’s cultural practices include lullaby, singing in wedding anniversaries, drum dancing, and fishing dancing.

14. *Nung Ethnic Minority.* The Nung ethnic group are people of cultivation, their subsistence is mainly based on crops and paddy rice agriculture and terrace cultivation still exists in many areas. Simultaneously, gardening for specialty plants, raising livestock, gathering, hunting and fishing... are auxiliary economic sectors supporting for water field agriculture. The Nung has two main types of houses: house-on-stilts and earth house. Rice is the main ingredient in the daily meal of the Nung, sticky rice is not transplanted much and is only used on occasions and holidays. The top non-staple food is corn, followed by cassava, sweet potatoes which are mixed with rice or used in extra meal. Apparel of the Nung is plentiful and diverse and generally uniform. In that unity, the costumes are distinguished by gender and by age, by social status and local groups. The Nung often calls family as “*Tu ruon*” in their local language. For a long time, paternal family is the common type of family in the Nung communities. And the most popular type is still the family with two generations - parents and their children who do not get married yet. The Nung people are under influence of rituals and educating theory of Confucianism, Buddhism, Taoism... They worship an individual who represents the entire community and can be considered a deity sent from heaven to rule the world. This deity is often called Son of God.

15. *Dao Ethnic Minority.* Dao people cultivate water rice fields in combination with dry fields. In agricultural production, popular tools such as plough, rake, mower, and stick, are used. Dao people worship the Ban Vuong and their ancestors are the Sky – Earth – People. Dao people also have festivals similar to other ethnic groups in Vinh Phuc, and an “initiation ritual”, for men whereby they are recognized as the Ban Vuong’s offspring.

Project Impacts of Component 1&2

16. The implementation of VPFRWMP project will bring positive effects related to social and economic development for this area. However, it will also cause negative impacts because of land acquisition resulting from investments of Component 1 and 2 such as dredging of water retention lakes, construction of landfill sites. The potential project’s impacts were assessed and evaluative results are based on the basis of consultations and depth interviews with key stakeholders

Positive Impacts

- Through the construction of pumping stations, dredging retention lakes, rehabilitation of flooding control gates and development of sludge disposal site, the project is expected to bring about the following benefits for local population - including EMs in the project's area of influence:
- Direct benefits for people living in the sub-catchment area, by (i) reducing vulnerability to flooding and increasing agricultural productivities (including the poorer population); and (ii) generating job opportunities for the population;
- Direct support to reduce the incidence of flooding in the project's targeted area, and its associated costs such as reduction of impacts on the agricultural production; on the physical damage to properties and other assets/goods; on the loss of income.
- Improvement of local environment conditions due to improved waste water management. Improved environmental conditions, of the majority of them farmers of low income, by the reduction of incidences of water-borne diseases and associated health care costs;
- Improvement on short-term income generation opportunities in the region and for local people that would reduce migration and the social ills caused by migration.

Negative Impacts on land and livelihoods:

- *Land Acquisition:* The implementation of sub-projects in certain areas will unavoidably involve land acquisition (both permanent and temporary). An estimated 520 ha of productive land will be required across the project area for construction operations. In addition to the impact on land, the construction activities might interfere with the daily activities of local peoples.
- *Livelihoods:* sub-project are likely to affect the livelihoods local people. For Phase-1 subprojects, only temporary and minor impact on land acquisition is envisaged. Effort will be made to avoid land impact on EM peoples. This is done through alternative technical engineering design to avoid the adverse impact on land and livelihoods of local people. During Phase 1 subprojects, no permanent land acquisition is anticipated.
- *Temporal impacts* caused by the construction activities might interfere with the daily activities of local villagers and disturb livestock breeding
- *Restriction of Water use.* Potential long term and temporary economic impacts due to changes and restriction of water use are expected. These would include farming and fishing activities. In addition, cultural impacts of water use restrictions should be assessed, mitigated and compensated for example those that will impede celebrations, or affect oral traditions related to ancestral farmer's practices.
- *Graves and Cultural Constructions.* The implementation of sub-projects may affect the cultural structures or graves of locals including EMs.
- *Construction* activities might interfere with the daily activities of local villagers and disturb livestock breeding.
- *Cultural conflict* between locals/EMs and incoming workers and workers camps could affect locals and social conflict could emerge as a result.

Mitigation Measures

17. *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 consultation among 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, and ensure community cohesion. Resettlement sites in the same old communities or in new resettlement location should be consulted and agreed upon with households to be relocated. All impacts due to land acquisition will be addressed in the respective subproject RAP, addressing the required procedures for the EMs.

18. *Water Resources for production*: all temporary and permanent impacts will be assessed, compensated, and supported under respective the RAP, addressing the required procedures for the EMs.

19. *Graves and cultural constructions/ structures*: prior, free and informed consultations will be conducted, and timing and adequate information will be provided to ethnic minority communities. The relocation or recovery of intact tombs and any cultural structures should be carried out according to the traditional practices of the affected peoples.

20. *Impact on the Community*: The project will define the procedures for the contractors work with local governments to avoid / minimize the potential negative impact on the culture of ethnic minority. The impacts' management of the construction camp(s) and mitigation of environmental pollution are specified in the environmental management plan (particularly in the fields relating to ethnic minorities).

Objective of EMPF

21. Bank's OP4.10 requires EM screening for this project. Since EM are present in the project area, a social assessment (SA) has been done and this EMPF was prepared on the basis of the SA.

22. This EMPF's objective is to provide guidance as to how an EMDP subproject should be prepared, to ensure that:

- 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.

23. This EMPF was prepared on the basis of a) social assessment prepared for the whole VPFRWMP project, and results of the environmental impact assessment; b) consultation with ethnic minority peoples present in the project areas (Please see Annex 1 of this document for consultation summary), and c) consultation with key project stakeholders, including Vinh Phuc Provincial's Department of Planning and Investment, Committee for Ethnic Minority Affairs, and the World Bank.

Screening of Ethnic Minority in the project Area

24. During the project preparation of social assessment, number of FPIC consultations was carried out from August to September, 2015 in 21 project communes with participation of about 90 EM people.

25. The survey's results on ethnic groups showed that in the project area only some San Diu, Cao Lan ethnic households in Tam Dao district and Binh Xuyen under Component 2 and basin C of the project. Because the project is located in midland region (not remote and/or separated from delta region), so these EM people's residence is recently integrated with Kinh people that there are not much differences on their living characteristics. Profile of the EM group is summarized as following:

- *Household Size.* Survey indicated that EM households size is on average of 4.2 person/household, while those indicator for Kinh at 3.9 person/household on average.
- *Occupation and Income.* Percentage of EM people working on production of agriculture, forestry, husbandry and fisheries is about 85.4%, a bit higher than Kinh people (60.3%). The EM average income is around VND 1.05 million per capita per month.
- *Access to Public Facilities.* All of the surveyed EM access to national power grid, while clean water supply is a critical issue that most of local people use water from drilled well, dug well and also rain water for daily activities.
- *Flooding.* Because of midland region, the flooding is not critical issue as indicated by EM people, while average of 71.6% of surveyed households (including both Kinh and EM) from social assessment responded that flooding seriously occurred in the locality, especially in the rainy season.

26. In the consultations, the EMs expressed their support to the project implementation because the project will not only help reducing flooding during raining seasons, but enabling to improve the agricultural productivity in the project area where EM group of San Diu, Cao Lan are residing.

27. The consultations was also implemented with other stakeholders, including committee for EM Affair, discussing on existing policies and implementations supporting to EM in the provincial project area, such as poverty reduction program (135 Program as stipulated in Decision 551/QD-TTg dated 4/4/2013), micro-credit for production development to the poor EM, for period 2012-2015 (as mentioned in Decision 54/2012/QD-TTg dated 4/12/2012), provision of concentrated water supply (as mentioned in the Decision 1592/QD-TTg dated 12/10/2009)... They also expected that the Project will further develop effective program(s) that could help EM people improve their living condition.

II. LEGAL AND POLICY FRAMEWORK FOR ETHNIC MINORITY PEOPLES

2.1 The National Policy on Ethnic Minority Peoples

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

- i. Socialist Republic of Vietnam is the unified state of all nationalities living in the country of Vietnam.
- ii. The nationalities equal, unite, respect and help each other to develop; prohibits any discrimination, ethnic division.
- iii. The national language is Vietnamese. The nation has the right to use voice, text, preserving the national identity, promoting traditions, customs, traditions and culture.

- iv. 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.

29. 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 2.

30. The Government of Vietnam has developed a series of policies to develop, enhance socio-economic condition of ethnic minorities in the mountainous and remote regions. After the program 124 and the program 125 phase 1, phase 2, the government has launched program 135 phase 3 to enhance socio-economic development in poor communes located in mountainous areas or areas inhabited by ethnic minorities. Besides the overall development program for ethnic minorities, the Government assigned the Committee for Ethnic Minorities Affairs to guide provinces to prepare projects Development Assistance for ethnic groups with less than 1,000 people, i.e. Si La, Pu Peo, Ro Mam, Brau, O Du. The government also conducted Rapid and Sustainable Pro-poor Program 61 poor districts, where many ethnic minorities live.

31. The Prime Minister promulgated the Decree No. 84/2012/ND-CP by dated 12 October, 2012 on the functions, tasks, powers and organizational structure of the Committee for Ethnic Minorities Affairs (CEMA). The Decree stipulated that the CEMA, a ministerial government, performs the function of state management of ethnic affairs in the country; state management of public services under the jurisdiction of CEMA as stipulated by law. Along with Decree 05/2011/ND-CP dated 14 January, 2011 on the work of EM, Decree 84/2012/ND-CP was issued as a legal basis for CEMA to continue concretizing guidelines and policies of the State on ethnic minorities in the period of industrialization and modernization; promote the power to unite the whole nation for the target rich people, strong country, social justice, democracy and civilization, in order to ensure and promote equality, solidarity, respect, help each other to develop and preserve the cultural identity of the peoples in the great family of ethnic groups of Vietnam.

32. The documents of the Government on the basis of democracy and the participation of local people are directly related to this EMPF. Ordinance No. 34/2007/PL-UBTVQH11, dated 20 April, 2007 (replaced for Decree 79/2003/ND-CP dated 07 July, 2003) on the implementation of democracy in communes, wards, and town provides the basis for community involvement in the preparation of development plans and supervision of community in Vietnam. Decision No. 80/2005/QD-TTg by the Prime Minister, dated 18 April, 2005 regulates the monitoring of community investments. Legal Education Program of CEMA (2013 - 2016) aims to improve the quality and effectiveness of legal education, awareness raising on self-discipline, respect, strictly abiding law of officials and public servants, the employees of the organizations for EM.

33. Development of socio-economic policies for each region and target group should consider the needs of ethnic minorities. Socio-economic development plan and strategy of Vietnam calls for special attention to ethnic minorities. Policies on education and health care for ethnic minorities have also been issued. The legal framework was updated in 2014, all legal documents related to EM are shown in Table 2.

Table 3: Legal documents relating to ethnic minority

2014	Decision No.456/QĐ-UBND of EM Affair dated on November 07, 2014 on promulgation of work plan to improve effectiveness of state management on EM.
2014	Joint Circular No 28/CT-TTg dated on August 10, 2014 on improvement of effectiveness of state management on EM .
2014	Decision No. 1049/QĐ-TTg dated on June 26, 2014 on promulgation of list of administrative units in poor area.
2014	Joint Circular No 01/2014/TTLT-UBND-BTC dated on Jan 10, 2014 on detail regulation and guidance on implementation of policy for prestigious people in ethnic minorities
2014	Joint Circular No 03/2014/TTLT-UBND-BTTTT-BVHTTDL dated on October 15, 2014 on amendment, adjustment some items of Circular No 02/2012/TTLT-UBND-BTTTT-BVHTTDL dated on December 13, 2012 on guidance on the implementation of Decision No 2472/QĐ-TTg.
2013	Joint Circular No 04/2013/TTLT-UBND-BTC-BTNMT dated on November 18, 2013 on guidance the implementation of items of Decision No 755/QĐ-TTg..
2013	Decision No 755/QĐ-TTg dated May 20, 2013 on approving assistance policy on residential land, productive land, water for EM and poor household in poor communes in stage of 2013-2015
2013	Decision No 2356/QĐ-TTg dated on December 04, 2013 on promulgation strategy action programme for EM to 2020
2013	Decision No 449/QĐ-TTg dated on March 12, 2013 on approving ethnic strategy to 2020
2013	Decision No 56/2013/QĐ-TTg dated on July 10, 2013 on adjustment, amendment some items of Decision No 18/2011/QĐ-TTg.
2013	Joint Circular 02/2013/TT-UBND dated June 24, 2013 on guidance on some items of Decision No 54/2013/QĐ-TTg
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-QĐ-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	Decision No 30/2012/QĐ-TTg dated on July 18, 2012 on criteria for selection especially poor communes, ethnic communes and mountainous area in stage of 012-2015

2012	Decision No 14/2012/QĐ-TTg dated on March 01, 2012 on amendment, adjustment some items of Decision No 139/2002/QĐ-TTg on health examination for the poor
2012	Joint Circular No. 01/2012 / TTLT-BTP-CEM date on January 17, 1012 of the Ministry of Justice and the Committee for Ethnic Minorities on guideline and legal assistance for ethnic minorities.
2011	Decision No 18/2011/QĐ-TTg dated 03/8/2011 on regulation on prestigious people among EM people.
2011	Decision No 2472/QĐ-TTg dated on December 28, 2011 on providing some newspaper and magazine for EM area and mountainous area and poor area in stage of 2012-2015
2010	Decree No.82/2010/ND-CP of government, dated 20 July 2010 on teaching and learning of ethnic minority languages in schools.
2009	Circular No 01/2010/TTLT-UBDT-BTC dated on December 30, 2009 on guidance on the implementation Decision No 102/2009/QĐ-TTg dated on August 07, 2009 on directly allowance policy for poor households in poor area.
2009	Decision No 102/2009 / QĐ-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/QĐ-TTg
2007	Decision No. 05/2007/QĐ-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/QĐ-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/QĐ-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 The World Bank's OP 4.10 on Indigenous Peoples

34. The OP 4.10 aims at avoid potentially adverse effects on indigenous people, (here refer as Ethnic Minorities), in this case Ethnic Minorities and increase activities to bring about projects benefits taking into account their cultural demands and needs. The Bank requires EMs 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 and that mitigation measure are defined if required and that the EM peoples receive socio-economic benefits that should be culturally appropriate to them. The Policy defines that EM are identified in varying degrees of the following characteristics which confirms that EMs are in the area of influence this project:

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

35. As a prerequisite for an investment project's (and subproject's) 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.

36. As per the OP 4.10 this EMPF will be applied to all the subprojects to be supported, provides guidance on how to conduct preliminary screening of ethnic minorities, social assessments, the EMP preparation identification of mitigation measures, grievance redress, gender-sensitivities, and monitoring. EMs are likely to receive long term benefits through the investments of Component 1 and 2 of the project but they may be negatively affected by land acquisition and/or relocation, among others. 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 Action Plan (RAP) of each sub -project.

37. In terms of consultation and participation of ethnic minorities, when the subprojects affect EM peoples free, prior, and informed consultation will 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 activities; 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, and
- d) The free, prior and informed consultations with EM leads to a broad community support for the project implementation..

III. PREPARATION OF EMDP

EM Screening for the EMDP

38. If the result of the screening shows that the ethnic minority people presence in the sub-project area concerning the Components 1 and 2 investments, an Ethnic Minority Development Plan (EMDP) will be prepared. Regarding the Components 1 and 2 of the Project, the procedures will include the following:

Social Assessment

39. ***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.

40. ***Methods.*** The SA exercise involves the consultation process with potentially affected peoples present in the project area. When consultation was done with EM people, consultation was conducted in free, prior and informed manner – as per Bank' OP 4.10 to collect 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, EMDP will be prepared based on free, prior and informed consultation and social assessment to ensure that the subproject will provide culturally appropriate benefits to EM people. The 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.

41. 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.

42. ***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.

43. **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).
- Impacts of climate change to life of ethnic minorities and mountainous area

44. **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.

The EMDP preparation

45. The EMDP for the subprojects should be developed on the basis of social assessment and consultation with ethnic minorities in the project area. Consultation will provide feedback from ethnic minority groups for the planning and implementation of subprojects. Assessing the EM's income generation activities and their livelihoods, will allow to devise appropriate measures as to how adverse impacts could be avoided, minimized, and mitigated, on the basis of EMs understanding of subprojects goals.

46. For consultation local language and knowledge of ethnic minority group is required. Private consultations of ethnic minority group would ensure in some cases that people can express their ideas comfortably. Methods for consultation contents, time, location of consultations with EMs should ensure participation of ethnic minority people.

47. The subproject EMDPs will need to include map of the locations of EM communities and subproject activities, location of worker camps and auxiliary works so as to help ensure that all potential impacts on, and risks to, EMs are identified/assessed.

Conducting Free, Prior, and Informed Consultation

48. As said before, the social team of the PMU executing agency should ensure a free, prior, and informed consultation, and foster an informed participation of the EM peoples consulted through the subproject cycle. It is expected to confirm whether there is a broad community support for the subproject implementation. In case the subproject results in adverse impact, it

is important that the affected EM population understand clearly and sufficiently the potential impact, so as to be able to provide a meaningful feedback on how such impact could be avoided/minimized/mitigated, and how the compensation would be made in the event the adverse impact is unavoidable.

49. The results of consultation should be provided to the affected EM communities to enable both research team and EM peoples to validate the results of the consultation process, and fine-tune the proposed actions, if necessary. Providing consultation feedback is particularly important for cases where adverse impact on the EM population were identified (from the social assessment), and were discussed with the EM peoples during the consultation process. Provision of feedback to the affected peoples could take the form of community meetings.

Broad Community Support

50. Broad Community Support for a subproject implementation is very important, with good community representation should be documented and reflected in the EMDP, particularly with subprojects with high impact on the local EM communities. The support of affected EM communities refers to a collective expression of the affected EM communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.

Write up EMDP report

51. An EMDP should contain elements may vary depending on the nature of project impacts, and the proposed development activities – as agreed upon with the consulted EM peoples. The final version of the EMDP, incorporating final feedback from consulted EM peoples has to be disclosed – as per OP 4.10 requirements. (Annex 2 of this EMPF for suggestive outline for an EMDP).

Procedure for Review and Approval of an EMDP

52. Once preparation of an EMDP is completed for a subproject, Provincial PMU needs to submit the EMDP to the Central PMU for their review and comments before it is submitted for the WB review and approval. The Bank may request revision and update of the EMDP. When there is doubt or need for technical support in preparing the EMDP, the WB's task team should be contacted for timely support. EMDPs, once accepted by Bank, need to be disclosed prior to subproject appraisal/approval.

53. ***Project's Component 3*** Technical Assistance and financial support to improve the implementation of defined regulations and OP 4.10 will we looked at and supported. The activities would be focused on improving the capacity building of PMUs and social staff and consultants to enhance EM participation and decision making aimed at poverty reduction ensuring project's benefits. In taking so, in first year implementation, the project will conduct some IEC campaigns and training workshops which enable local communities, especially EM people not only being adequate aware of basic project information, but also participate in the project preparation and implementation, so they could directly benefit from the project,

54. ***Process Framework*** The Bank will review and accept the subproject Process Framework prior to subproject implementation when new or more stringent restrictions on natural resources use (of protected area or designated park) are defined, and should have the

following key elements: eligibility criteria for compensation measures; livelihoods restoration, conflict resolution, monitoring and evaluation, budget and timeline,

IV. IMPLEMENTATION ARRANGEMENTS

55. The Vinh Phuc Provincial People's Committee (Vinh Phuc PPC), on behalf of the Government, is the project owner. Vinh Phuc PPC assume an overall responsibility for the entire project.

56. Vinh Phuc ODA PMU, in coordination with Board of Ethnic Minorities established to coordinate the project implementation. The PMU is responsible for the overall implementation of EMDPs prepared under the project and ensuring that all project stakeholders understand the purpose of EMPF, and how EMDPs for each sub-project are prepared and approved prior to implementation. The PMU is also responsible for ensuring effective implementation of the EMDP, including monitoring and evaluation of the implementation of the EMDP.

57. The PMU is responsible for assigning appropriate staff and budget – sufficient to implement an EMDP. 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 of subproject in accordance with the project's RPF.

58. At the outset of the project implementation, the PMU staffs will be provided with intensive trainings to enable them to be able to undertake screening of ethnic minority peoples in the subproject area. Where local capacity is insufficient to prepare an EMDP, qualified consultants may be mobilized to assist the PMU in development of EMDP for the subprojects. EMDP should be prepared in accordance with the EMPF.

59. Responsibility for preparation and implementation of EMDP are as follows:

- The general responsibility of the elaboration and implementation of the EM policy framework belongs to the Vinh Phuc ODA PMU. The PMU should assign social staff or shall employ consultants, if required to work in close coordination with such relevant agencies as Departments at provincial level, district People's Committees involved in the project and affected communities to prepare the EMPF. This EMPF will be cleared by the WB and approved by the Vinh Phuc PPC prior to the time of Agreement Negotiation.
- The EMDP of each sub-project will be made by social specialist hired by the PMU on the basis of principles of the EMPF. The Vinh Phuc PPC will be responsible for approving and implementing the EMDP.
- The fund for the preparation of EMDP of the sub- project will come from the counterpart fund of the Vinh Phuc province.
- The PMU, via Environment and Resettlement Division, shall be responsible for ensuring effective implementation of the EMPF and the EMDPs in close consultation to the same level departments and project districts.

Disclosure of EMPF and EMDP

60. As per Bank's requirement, this EMPF was already disclosed prior to project appraisal. Its Vietnamese version was disclosed on November 2015 on the website of Vinh Phuc PPC, and locally at district, and commune level on subsequent dates. The English version of this EMPF was disclosed on Bank's Infoshop on __November 2015.

61. For EMDP to be identified and prepared during project implementation, and once submitted and cleared by Bank, such EMDPs must be disclosed locally prior to appraisal of respective subprojects. Subproject EMDPs need to be disclosed in an accessible place and in a form and language understandable to the EM peoples as well as other project stakeholders. For subprojects 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 the PMU and submitted to the Bank disclosure on Bank's Infoshop.

Grievance Redress Mechanism

62. 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 subproject 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.

63. 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.

64. If the affected EM peoples are not satisfied with the process, compensation or mitigation measures, or any other issue, the EM themselves or EM 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.

65. 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.

66. 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.

Monitoring and Evaluation

67. *Internal Monitoring.* The PMU will be responsible for the overall implementation and monitoring of the implementation of EMDPs.

68. *External Monitoring.* 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 the PMU.

V. COSTS AND BUDGET

69. The screening results showed that the presence of ethnic minorities in the project area and affected by the project, PMU need to conduct the steps to prepare a development plans for ethnic minorities, which has been provided in Section III of this document. PMU should recruit a qualified consultant unit to perform these activities.

70. 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 sub-project/component include:

- Communications, public consultation (in coordination with other activities of the project);
- Training on PIM, managing irrigation works;
- Training on strengthening community's awareness and capacity
- 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.

71. On the basis of 4 first-year subprojects (in which one subproject have EM peoples present in the project area), it is estimated that about 2-3 subprojects (out of total estimated 20 subprojects) will need to prepare an EMDP. On the basis of the needs for development support from EM peoples, and the number of EM beneficiaries (as indicated from four first year subprojects), it is estimated an amount of 150,000 USD would be needed and allocated to support the implementation of the EMDPs. For the purpose of cost estimate and planning, each EMDP is tentatively allocated with 50,000 USD – subject to revision based on the actual needs of the EM peoples.

Funding Source.

72. The costs of EMDP implementation will allocated from the project budget which use Bank's financing.

ANNEXES

Annex 1: Summary of Minutes Of Consultation With Ethnic Minorities Group

No.	Stakeholders	Time	Place	Participants	Consultative Results
A	During EM Screening and SA Preparation				
1	Hop Chau	8:30AM August 26, 2015	Office of CPC	<ul style="list-style-type: none"> - Representatives of CPC - Representatives of CPC's Ethnic Department 	<ul style="list-style-type: none"> - Supporting the project implementation because the project will reduce flooding in 14 hamlets. - The province has a large ethnic minority group living in this area (San Riu ethnic minority accounts for 40% of total population).
2	Minh Quang	14:00 PM August 26, 2015	Office of CPC	<ul style="list-style-type: none"> - Representatives of CPC - Representatives of CPC's Ethnic Department 	<ul style="list-style-type: none"> - Supporting the project implementation because the project will reduce flooding in commune. - The province has a big ethnic minority group living in this area (San Riu ethnic minority accounts for 64% of total population).
3	Ho Son	8:30 AM August 27, 2015	Office of CPC	<ul style="list-style-type: none"> - Representatives of CPC - Representatives of CPC's Ethnic Department 	<ul style="list-style-type: none"> - Supporting the project implementation because the project will reduce flooding in commune. - The province has a large ethnic minority group living in this area (San Riu ethnic minority accounts for 28% of total population).
B	During EMDP Preparation				
4	Seven (07) communes of Cao Minh, Thien Ke, Ho Son, Hop Chau, Minh Quang, Trung My, Ngoc Thanh.	From September to October, 2015	Office of CPC and Community Halls	<ul style="list-style-type: none"> - Representatives of CPC - Representatives of CPC's Ethnic Department - EM People. 	<ul style="list-style-type: none"> - The local EMs confirmed that they are aware of the project information through project consultations and supporting the project implementation because the project will reduce flooding in commune. - Potential adverse impacts were also identified during consultations and mitigation measures were anticipatorily discussed.

Annex 2: Outline and Elements of 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, including maps of the locations of EM communities and subproject infrastructure activities