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MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT

**VIETNAM: IMPROVED LAND GOVERNANCE AND
DATABASE PROJECT (VILG)**

Ethnic Minorities Planning Framework

Ha Noi, March 2016

Abbreviations

CPMU	Central Provincial Management Unit
EM	Ethnic minorities
EMDF	Ethnic Minority Development Framework
EMDP	Ethnic Minority Development Plan
GDLA	General Department of Land Administration
HH	Household
LRO	Land registration office
LURC	Land-use right certificate
MoNRE	Ministry of Natural Resources and the Environment
PPC	Provincial People's Committee
WB	World Bank

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1. Project description

The development objective (PDO) of 'Vietnam: Improved Land Governance and Data-bases' Project (VILG) is to improve efficiency and transparency in land administration services in selected provinces of Vietnam. The PDO will be achieved through the development and implementation of the national Multi-Purpose Land Information System (MPLIS), an unified system of Land Registration Offices (LROs), and a system to monitor and evaluation of land use and management, both at national and sub-national levels. The project would comprise three components, as follows:

- **Component 1: Strengthening Quality of Land Service Delivery.** This component will support (a) modernizing and strengthening LROs to provide better land services; (b) training and providing communication systems and awareness raising for stakeholders, including implementation of ethnic minority development plans; and (c) establishing and operating a monitoring and evaluation (M&E) system for land-use management. The investments under this component will support quality enhancement of land service delivery by streamlining service procedures and standards, renovating facilities, and building up the capacity of personnel working in LROs in project provinces. The component will also help monitor the implementation of land use management in accordance with Land Law 2013 and progressively respond to current and emerging economic and social demands for better access to land information and better land services. The component will support unification of business standards and LRO working infrastructure at provincial and district levels. In addition, it will also enhance the participation of the public, corporates, and other stakeholders through communication and awareness campaigns. The activities under this component will facilitate and operationalize the technological advances that will have been brought about in Component 2 of the project and ensure better community participation.
- **Component 2: Establishment of MPLIS.** This component will support the development of the software by funding the IT Expert Panel and implementation of software for the MPLIS; the development and implementation of the national land database through digitizing existing maps and property rights records; verification, updating and integration of cadastral data (both cadastral maps users and land use information), land price data, land use plan data, land disputes and complaints resolution information, and key land resources thematic information. It will also finance limited cadastre surveying and mapping to improve the completeness and accuracy of the existing cadastral information (about 20% of the total project costs); and the enhancement of public engagement in land information services, including the establishment of an MPLIS land portal to facilitate public access to land information based on market demands.
- **Component 3: Project Management** will support overall project management, monitoring and evaluation (M&E) of activities and targets.

2. Introduction

Ethnic Minority Planning Framework (EMPF) describes the principle and measures that were approved by MoNRE. The contents of EMPF will be performed during the VILG implementation to get the maximum benefits for ethnic minorities (EM) people in a culturally appropriate manner; to ensure that EM does not suffer from negative impacts of project activities.

This EMPF also ensures the compliance with the policies of Vietnam's Government that related to EM people as well as safeguard policies OP4.10 of World Bank on Indigenous Peoples.

The principle and approach methods in EMDF will be applied to EM communities at village/mountain village in project areas. The specific methods will be performed in the mountainous districts of Northern Mountains, Central Highlands, Central Coast and Southwest where is high population density of EM people, living as communities.

The aim of VILG project is to improve the effectiveness, efficiency and transparency of land management in project areas based on the completion of land database, the development and operation for the national multi-purpose land information system to respond better to the needs of Government, Business and Community.

Project will be deployed in 165 districts/cities under 33 selected provinces with 12 provinces to be implemented at the first stage, including: Bac Ninh, Thai Binh, Ninh Binh, Thai Nguyen, Quang Binh, Ha Tinh, Khanh Hoa, Vinh Long, Ben Tre, Tien Giang and An Giang. EM communities who are residents in the selected project areas that also will be included in scope of project activities.

- The legal framework, guidance documents will be completed and applied uniformly nationwide. Both the land management agencies and land users will have in-depth access to the regulations related to the development, management and utilization of the land information system.

- The national multi-purpose land information system will be developed, therefore the quality of services of Land Registration Offices (LROs) will be improved. LROs and branches of LROs will be modernized and connected with this system. The land services for all stakeholders follow their requirements will be also deployed. The administrative reform in the area of land will be strengthened.

- The monitoring and evaluation system for land use and management will be developed and deployed at the project areas that will contribute to effectiveness of managing and performing project.

- The survey activities, in some case, will be implemented with the aim of revising, completing and updating cadastral records. The information related to land registration and use will be standardized to serve for archiving, accessing and updating the land database.

- The training and communication plan for project will be formulated and implemented with the aim of changing the awareness of related stakeholders, from the manager, organizations to individuals who have the needs of using land services, land users. Based on this, the principle of disclosure, democracy, transparency in land management and rights of accessing land information will be realized.

Based on the scope and activities of the project, in this EMPF document, a framework for future activities concerning EM people will be formulated.

3. The Legal and Policy Framework

3.1. The existing legislation relating to EM affairs

The EM and mountainous areas occupy three fourths of the natural area of Vietnam. This is the main residence areas of 53 EM groups with 12,3 million people, occupies about

14.2% of the population of Vietnam. This is an important place of defense, security, ecological environment with many potentials and advantages in agriculture, forestry, hydropower, minerals, tourism, border economy, however this is also under-developed region of the country.

The existing legal framework has reflected that the Communist Party and the Government of Vietnam has always placed the issue of ethnicities and ethnic affairs at a position of strategic importance. Citizens from all ethnicities in Vietnam enjoy full citizenship and are protected through equally enforced provisions according to the Constitution and laws, as listed in the framework. The underlying principle of the framework is 'equality, unity, and mutual support for common development', with priorities given to 'ensuring sustainable development in ethnic minorities and mountainous areas'.

In particular, **Article 5 of the Constitution**, amended in 2013, acknowledges the right to equality amongst ethnic groups in Vietnam, including the use of ethnic languages and writings, preservation of ethnic identities, customs, traditions and cultures, and prohibition against any behaviour of discrimination and ethnic division. The article confirms that the State shall pursue a policy on comprehensive development and create conditions for ethnic minorities to display their internal strengths in tandem with the national development.

This fundamental principle has been institutionalised in laws, Government decrees and resolutions and the Prime Minister's decisions, which can be divided into three following categories by: (i) ethnicities and ethnic groups; (ii) by geographical areas (for socio-economic development); and (iii) by sectors and industries (for socio-economic development), such as support for production, poverty reduction, vocational training and job creation, protection of the eco-environment, preservation and promotion of culture and tourism, communication, and awareness raising in legal issues and legal aid.

The document of the Government on the local democracy and citizen participation is directly related to EMPF. Ordinance No. 34/2007 / PL-UBTVQH11 dated April 20th, 2007 of the Standing Committee of the National Assembly, of the XIth National Assembly on exercise of democracy in communes, wards and townships had provided the basis for the participation of the community in preparing the development plans and the supervision of community in Vietnam. Decision No.80/2005/QD-TTg of the Prime Minister dated April 18th, 2005 on investment supervision by the community.

3.2. The Land Law 2013

The **Land Law 2013** has included many important implications regarding EM groups and their land arrangements. In particular, **Article 27** stipulates that the State shall issue policies on residential land and land for community activities for EMs in accordance with customs, traditions, cultural identities and actual conditions in each region. The State shall issue policies to create conditions for EM people who are directly involved in agricultural production in rural areas to have land for agricultural production. In addition, **Article 28** stipulates that the State shall be responsible for developing and managing the land information system and ensure organisations and individuals' rights to access to this system. The State will timely and publicly disclose information to organisations, individuals, and state agencies. The authorised people in the management and use of land shall be responsible for creating favourable conditions and providing land information organisations and individuals, as stipulated. Furthermore, **Article 110** stipulates waiver and exemption of land use charges and land rentals in cases of using land for implementing policies on housing and residential land for EM households and individuals in

areas with especially difficult socio-economic conditions, border and sea islands areas; and in cases of using agricultural land for EM households and individuals.

According to the Land Law 2013, a residential community refers to a community of Vietnamese residents living in the same village, residential quarter or residential unit, who share customs and traditions, or the extended family. A resident community that uses land with such structures as shrines, temples, worship venues or ancestral houses or agricultural land, as stipulated in **Provision 3 of Article 131** in the Land Law 2013, which are not under any disputes and verified by the Commune's People's Committee in the land location as land for community use will be granted LURC, ownership of housing and other properties attached to the land (**Article 100**). Also, the State shall allocate land to and recognise land use rights of these resident communities in order to preserve national identities as attached to ethnic customs and traditions (**Article 131**). At the same time, in the allocation and rental of land, priorities should be given to EM households and individuals that have no or insufficient productive land in a local area (**Article 133**).

Article 43 in the Land Law 2013 on “collecting views on land use plans and land use planning” stipulates “The agency tasked with land use plans and land use planning, as stipulated in Provisions 1 and 2 under Article 42 of this Law, shall be responsible for collecting views from the people regarding land use plans and land use planning”. The collection of the people's views should be conducted through publicity of information on contents of land use plans and planning, conferences and direct consultation.

In addition, the Government has implemented many policies to provide assistance in residential and productive land, allocate land and forests to EM people and poor households. This has contributed to improving EM beneficiaries' living conditions, thus motivating them in afforestation and protection of forests. In particular, some major programmes for EMs include Programme 135 (to build infrastructure in poor, remote and deep areas), and Programme 134 (to eradicate temporary houses).

3.3. Consistency with WB's operational policy on indigenous peoples

OP4.10 (updated in 2005) of WB required the borrower to follow a process of free, prior, and informed consultation before the project commencement with the indigenous people who are affected by project. The purpose of this consultation is to avoid or reduce to a minimum extent the negative impacts of the project on EMs and to ensure the activities of the project consistent with the culture and local customs; encourage the decision making of local and the involvement of communities within the legal framework of Vietnam on decentralizing and managing land policies that are consistent with the WB policies.

WB's safeguard policies defined that the indigenous people is group (a) self-identified as members of separate indigenous cultural group that are recognized by other groups; (b) together occupied separate habitat on geographically; or ancestral territory in the project area and shared natural resources in this environment or territory; (c) cultural regulations under a separate habits and custom in comparison with mainstream culture and society; (d) indigenous language often different with official language of the country or the region.

In the area of VILG, EM groups in the project areas are likely to receive long-term benefits due to receiving the communication to enhance awareness of the provisions of law and the access to land information and services. The issuance of EMPF is the basis for formulating the concrete policies and actions to mitigate the potential impacts that may occur during

implementation of the project activities (including activities of mapping, adjusting to develop land information system) as well as to ensure EM people receive benefits in a culturally appropriate manner. This can be achieved by regular consultation and participation of EM people in the project's activities.

4. Ethnic minorities

4.1. General information

VILG will implement in 165 districts under 33 provinces/cities; in which the North has 14 provinces, the central regions 10 provinces, and the South nine provinces. EM groups mainly reside in northern mountainous provinces, Central Highlands, the central region and the south-western region, including the following groups:

- The Tay, Nung, Mong, Dao, San Chay, San Diu,...in northern mountainous provinces;
- The Chut, Khua, Van Kieu, Ra - glai, Co ho,...in central provinces;
- The Gia - rai, E -de, Ba - Na, ... in central highlands;
- The Khmer, Cham,...in south-western provinces.

In 12 provinces under the first stage of the project, seven provinces have EM populations, namely Thai Nguyen, Ninh Binh, Ha Tinh, Quang Binh, Khanh Hoa, Vinh Long and An Giang. However, the Muong group in Ninh Binh is found as having a very high level of assimilation with the Kinh group (the majority). The consultation showed that members from this group no longer identify themselves as members of a distinct indigenous cultural group. They live in a mixed pattern with the Kinh people, without any collective attachment to geographically distinct habitats or ancestral territories in the project areas and to the natural resources in these habitats and territories. The respondents said that they no longer maintain strong customary cultural, economic, social, or political institutions that are separate from those of the Kinh group's society and culture. Members of this group use Vietnamese as their main language, and their only one in many cases, in daily communication. Therefore, given the defining criteria applicable to ethnic minorities groups under OP 4.10, an EMDP is not required for this province.

There are 393,271 EM people living in the provinces which are carried out at the first stage of the projects, specifically, there are 240,170 EM people living in districts under the project, in which: Khmer people are the most crowded with 40,031 people who live in An Giang and Vinh Long provinces; the crowded second is Tay (41,417 people), Nung (38,691 people), San Diu (34,065 people) live in Thai Nguyen province; Sachin Quang Binh (2,392 people); Ede (1,979 people), Ra-Glai (1,492 people) in Khanh Hoa. Especially, attention is paid to the Chut people in Ha Tinh, despite their small population (137 people), as they are under the government's protection plan.

Details of the EM in the project province that implement at the first stage are attached in Annex 01.

4.2. Project preparation

EMPF is formulated based on the consultation result with related stakeholders as land administration agencies and EM people who live in project areas. The consultation process is very important activity for preparing EMPF and also EMDPs because it provides the EM

groups (including potential affected people by the project) with the opportunities to get involved in planning and implementing the project components.

The more importantly, it helps to identify factors which have potential negative impact (if yes) that can take appropriate measures to avoid, minimize and mitigate the negative impacts. The consultation process is implemented to ensure the EM people have full opportunities to clearly understand the project activities and to express their wishes of getting support from the project, based on their understanding of project targets and related to the objectives and activities of the project. For all the projects financed by WB, all EMDPs must base on the research result which is referred to as Social Assessment.

The consultation and social assessment was implemented at six out of the 12 provinces of the first stage of project, includes: Thai Nguyen, Bac Ninh, Ninh Binh, Ha Tinh, Quang Binh and An Giang.

4.3. Methodology for preparing EMPF and EMDPs

To prepare EMPF and EMDPs, consultations were conducted with various stakeholders within MonRE and the land authorities at various levels in the project provinces.

For consultations at the local level to prepare EMPF and EMDPs, a team of five researchers, including one lead researcher, and four team members, have been employed for this assessment. A number of conventional qualitative research instruments are employed, including focus group discussions, in-depth interviews, note-taking, and photographing, and non-participant observation.

- **Focus group discussions:** Each FGD usually includes 6-8 participants who are recommended and invited by local guides following the requirements of the research team. Gender-disaggregated data are paid attention through the establishment of gender sensitive FGDs. Local guides are the chiefs of the selected residential units who have a very good understanding of the community. In order to understand likely different impacts and their responses to the project, a variety of respondent groups are selected, including land administrators, land user organisations, and land user householders, including local poor/near-poor and representatives from local EM groups.
- **In-depth interviews:** The team plans to explore some case studies with more in-depth information. The informants for such in-depth interviews may be selected from the FGDs (researchers may find some discussants who have more interesting details to provide so have him/her for a separate in-depth interview). Also, the interviewees may be recommended directly by local guides after researchers have fully explained the assessment objectives.
- **Triangulation:** A few extra interviews with local officials and land administrators are added under a technique known as ‘triangulation’ to validate the information we have obtained from local residents/factory workers. They are an additional source rather than a proper sub-group. Also, there are some issues the latter may raise but do not understand why, given their positions. In such cases, the extra interviews would help clarify or supplement what local residents have stated. These interviews serve to validate and, in some cases, supplement the information provided by local residents.

4.4. Information on respondents

The fieldwork was conducted in seven project provinces with EM populations, from early November 8 to December 31, 2015. They are Thai Nguyen, Ninh Binh, Quang Binh, Ha Tinh, Khanh Hoa, Vinh Long, and An Giang. However, the Muong group in Ninh Binh is found as having a very high level of assimilation with the Kinh group (the majority). The consultation showed that citizens from this group no longer identify themselves as members of a distinct indigenous cultural group. They live in a mixed pattern with the Kinh people, without any collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories. The respondents said that they no longer strongly maintain customary cultural, economic, social, or political institutions that are separate from those of the Kinh group's society and culture. Members of this group use Vietnamese as their main language, and their only one in many cases, in daily communication. Therefore, given the defining characteristics under OP4.10, an EMDP is not required for Ninh Binh.

For each study province, two districts/towns were selected, and for each district/town, a commune selected for consultation. At the provincial, district and commune levels, the study team held consultative meetings and group discussions with various land administrators and land-user organisations. The main methods used are qualitative, such as group discussions, in-depth interviews, observation, and photographing. In each province, the team organised eight meetings and group discussions, and some in-depth interviews with stakeholders and EM people. In total, the team held 64 meetings and group discussions with nearly 400 respondents. The respondents include:

- **Land administrators:** are officials from the Departments of Natural Resources and the Environment (DoNREs), the Divisions of Natural Resources and the Environment (DivNRE), and commune officials (leaders of people's committees, cadastral officers and leaders of commune's mass organisations. They are directly or indirectly involved in land administration.
- **Representatives from the related sub-national agencies:** include those from the Departments of Information and Communication, the Departments of Justice, the Tax Administration, the Farmers' Association, the Women's Union, the Committee for EM Affairs, and the Youth's Unions.
- **Economic and other organisations:** include land user organisations, commercial banks, law firms, notary offices and real estates companies.
- **The public:** include non-poor, poor and EM people in the study sites. The EM groups include the Tay and Nung in Thai Nguyen, the Muong in Ninh Binh, the Bru Van Kieu and Chut in Quang Binh, the Chut in Ha Tinh, and the Khmer in An Giang. Usually, many of the EM respondents are also poor or non-poor, who live in difficult areas and have poor education.

4.5. Ensuring free, prior and informed consultation with EM people at each stage of preparing and implementing the project

During project implementation, as a principle of ensuring inclusion, participation and cultural suitability, the project should hold continuous consultations including soliciting feedback from all communities so that remedial actions can be taken to support improved participation and provision of benefits to households including those of EMs. In particular, households, including EM ones, which have registered their land in the information system and

have any complaints or denunciation on their registered land can lodge these grievances through the existing GRM to be handled according to the existing laws. Meanwhile, free, prior and informed consultation will be conducted with households, including EM ones, which have not registered their land, before registering their land in the information system.

The consultation methods to be used are appropriate to social and cultural traits of EM groups that the consultations target, with particular attention given to land administrators, household land users, village leaders and other service providers related. The methods should also be gender and inter-generationally inclusive, voluntary, free of interference and non-manipulative.

The process of consultation should be two-way, i.e. both informing and discussing as well as both listening and responding. All consultations should be conducted in good faith and in an atmosphere free of intimidation or coercion, i.e. without the presence of those people who may be intimidating to respondents. It should also be implemented with gender inclusive and responsive approaches, tailored to the needs of disadvantaged and vulnerable groups, enabling incorporation of all relevant views of affected people and other stakeholders into decision making. In particular, land users from EM groups will be provided with relevant information about the project as much as possible in a culturally appropriate manner during project implementation, monitoring and evaluation to promote their meaningful participation and inclusion. The information may include but not be confined to conceptualization, design, proposal, safeguards, execution, and monitoring and evaluation. In particular, all relevant information for consultation will be provided through two channels. Firstly, information will be disseminated to village leaders at their monthly meeting with leaders of commune's people's committees in order to be relayed to villagers in village meetings in a culturally appropriate manner and an accessible language. Secondly, notices in an accessible language will be posted at commune's people's committees at least a week ahead of a planned consultative meeting. Such early notices ensure sufficient time to understand, assess and analyze information on the proposed activities.

In addition, the project activities and interventions should draw the active participation and guidance (formal and informal) of local leaders that are available in communities, such as heads of villages and extended family networks, members of mediation panels, and chief monks (in Khmer pagodas). The community supervision board at the commune level should be engaged to closely monitor the participation standards of local institutions and officials in various project activities and interventions during the implementation of VILG. Inputs/information used for monitoring and evaluation may include EM's access to the land information system established by the project, their benefits from the received information etc.). By enabling participation of relevant EM stakeholders during project planning, implementation, monitoring and evaluation, the project can ensure that EM people receive social and economic benefits that are culturally appropriate to them. In doing so, the land information established by VGIL can contribute to transparency and efficiency efforts and development outcomes as a whole among EM groups. Capacity should be built for those stakeholders to avoid the existing constraints in conducting local consultations, such as one-way consultation; lack of information; rush time; and coercion.

5. Main findings of the social assessment

Based on the direct consultation conducted in eight provinces for preparing EMPF and EMDPs, the following issues are identified, with some recommendations made:

Generally, EM people expressed their support for the project and hope that if the project will be implemented, their requirements related to basic land information will be satisfied such as land use planning, information on land lots, guidance for receiving land-use right certificates when there are household separation, inheritance, transfer of land use rights as well as provision of land services in the area for people. They believe that the project will help reduce time and efforts for land users in getting land information and services. However, specific measures will be required to ensure that some of the most vulnerable EM communities in upland areas are not disadvantaged by VILG. EMDP, prepared in conjunction with the social assessment findings, is a vital tool in this regard.

Land information, whether it be from IEC printed or audio-visual materials, or from the geoland portal, should be communicated in a manner fully accessible to EM people, especially in terms of language and culture. For instance, in An Giang, some household land users, especially in rural and Khmer areas, prefer communication through village loudspeakers and in Khmer language (for the Khmer group). Amongst EM communities, the broadcasting of information in indigenous languages may have immediate, positive impacts, at least in the short-term. Media broadcasts could be complemented by the dissemination of leaflets and posters, which may contribute to the retention of information.

While Kinh people themselves often face problems in understanding technical information and documentation relating to land, EM groups are at a double disadvantage. To address this problem, and the risk that EM groups will become further disadvantaged by the dissemination of increasingly topical information about land administration, land administration processes and procedures, particular efforts will need to be made to ensure that any new information is made available in languages, forms and via channels which are highly accessible to EM populations. Short video clips or films in EM languages may be produced, especially for those EM groups that do not have their own writing, such as Bru Van Kieu and Chut in Quang Binh.

Amongst the EM populations (and perhaps even rural Khmer communities and less literate Kinh communities), wherever possible written forms of information should be minimised, while greater attention should be paid to capacity building amongst heads of villages and local cadre to ensure that these individuals fulfil their current role as key disseminators of information more effectively. As EMs tend to be heavily dependent on village leaders and cadre as sources of information, capacity should be built at this level to ensure householders are regularly updated about the processes, and their potential involvement. For the Khmer group in An Giang, it is important to communicate land regulations and policies to village heads, leaders of women's unions, and chief monks who are considered closer to their community and can make a substantial impact on the Khmer household land users.

Under the project, MPLIS will be established to record all the existing cadastral data on land use, land use plan data, land price data and key land resource information. It will not create or change any land rights of any individuals, households or organisations from EM groups in the project sites. Where the existing mapping is not consistent with land use data, re-surveying and re-mapping will be conducted to ensure consistency with the stored land use data. Where EM land users have not been registered with the administration, they will have to register as actual land users, and this information will be recorded in MPLIS without changing or judgment of their land use rights. Where there are disputes on land use rights amongst EM individuals and organisations, the system will record the land as under dispute and dispute resolution will be conducted under the project. It means that the project will only digitalise all the existing information into the system and there will be no change of land use rights of all

land users under the project. Therefore, the respondents anticipated no adverse impacts, direct and indirect alike, on EM groups with customary land holdings or customary land use rights, including restrictions of access to land and resources, unintended changes and disruptions to the social organization, and intensification of external pressures for land and forest resources.

Most of EM people have limited awareness of land laws, even some groups (the Chut in Ha Tinh) do not have any knowledge about law. Through the directly interview EM people show that when they meet the difficulty in any case that they will meet the village heads, commune's staff or respectful people as Su Ca and A Cha. Therefore, in the project area that development of network local people, especially the team of respected people, Fatherland Front, the youth, women, cadastral officials and key support staff. If absence of these objects, the land policies for EM will not reach them. Lesson learn from the implementation of VLAP had shown the important role of supporting from local units such as the Farmers' Association, the Women's Union, and the Youths' Union. It should promote the role of this unit to improve the efficiency of providing land information for EM people.

The consultation showed that customary land use is not considered an issue in the visited sites, except the Chut in Huong Khe district in Ha Tinh. In the past, their community-based migration and shifting cultivation led to intra-family marriages, with serious consequences for genetic issues. They are now under the government's protection plan, and have shifted to sedentary settlement and cultivation. They have been allocated with residential land, agricultural land, and also forest land from state forestry enterprises for protection, with legalised land-use rights.

To address the issues of language barriers and poor literacy amongst the vulnerable groups, it is important to consider regular mobile services to provide tailored support to enable these groups to access land information. Analysis of lessons learnt from legal aid mobile services which have functioned effectively for the vulnerable groups, including the poor/near-poor, EM groups and women, across the country for more than a decade could be useful for VILG. Furthermore, PPMUs may coordinate with legal aid offices to learn their long-term experiences.

In addition, the EM respondents provided some stories on the existing formal ineffective grievance redressal mechanism. Some said that they did not have information on where and how to lodge their complaints, if any. Others were not aware of the procedures to settle grievances.

Ethnic diversity at the local level

The needs and approaches to land information vary considerably among EM groups, depending on their differences in the level of development, ability to receive, environmental conditions and platform experiences. The Khmer people have the demand for land information but face difficulties in accessing information and have no support in receiving knowledge about their rights and obligations. Cultures and customs also vary among ethnic groups as well as within an ethnic group. Measures to solve issues of land use rights are very different in each province as a result of differences in their cultures and customs. Hence, VILG should have different measures for different EM groups to avoid irrelevance.

6. The suggestion for preparing an EMDP

CPMU, PPMU or consultant should comply with the suggestion steps for preparing an EMDP for the project.

Step	Implementation plan	Monitoring the implementation
1	<p><i>EMDP targets</i></p> <p>For ensuring: (1) Avoiding, minimizing, mitigating potential negative impacts (if yes) and (2) Receiving the benefits for EM groups that are suitable to their cultures.</p>	<p>Monitor whether public consultation is organized or not.</p>
2	<p><i>Developing the data collection plan</i></p> <p>The data to be collected can be both quantitative and qualitative regarding:</p> <ul style="list-style-type: none"> • Natural conditions; • Socio-economic conditions: the population of the selected project sites, the EM populations (broken down by each ethnicity group, by household and individuals); economic structures, growth rates, etc. • Land administration and use of land: the current use of land, land registration, issuance of land-use rights certificates, ownership of houses and other assets attached to land, and customary use of land among EM groups. • EM groups' perceptions on the land legislation, accessibility to land information, and both positive and negative potential impacts of the proposed project. These qualitative data come from local consultations. <p>The data can be collected by VILG PPPUs or, at the preparation stage, the related local officials from DoNRE, who are likely to be involved in the proposed project. A study group usually comprises three or four people. They can collect the existing secondary data from the related organizations and individuals. For example, population data can be collected from population censuses, usually from the Provincial Committees for EM Affairs or the Population Division of the Provincial Statistical Office.</p> <p>They can collect qualitative data through conventional qualitative methods, such as group discussions, in-depth interviews, observation and photographing. Such direct consultations with representatives from the related land administrators as well as land-use organisations and individuals, including those from EM organisations.</p> <p>The team may spend 3-4 days in each of the selected</p>	<p>Factors to monitor (whether they are in accordance with the plan)</p> <p>The data (both quantitative and qualitative) collected (whether they are relevant and reliable; any discrepancies found)</p> <p>Methods used to collect the data (whether they are relevant and effective)</p>

<p>districts. The data collection process should be completed at least six weeks before the appraisal mission to allow sufficient time for analysis and writing-up.</p> <p>The team leaders should communicate regularly with the coordinator in Hanoi to report emerging issues, consult necessary and report the progress to make the study to be followed . The coordinator would provide adequate supervision and guidance to the teams as needed.</p> <p><i>Review and analysis the data:</i></p> <ul style="list-style-type: none"> • Compilation and aggregation of the data from the focus group meetings and participant groups in each location; • Based on this type of aggregation it is possible to begin analyzing patterns in the data according to the frequency with which certain responses occur. This is where triangulation of the responses and recommendations made by different participant groups becomes important. The purpose of this is to identify areas of commonality in which there is a high degree of consensus and also areas in which there major differences of opinion between one or more groups; • Iterative analysis of the data and in-depth knowledge of the local situation is required to interpret and assess the relevance and implications of this type of information; and • It is important to verify the findings and the main conclusions with participants and other stakeholders to ensure that the analysis has not somehow drifted away from what people were trying to say. <p>Some data should be tabulated properly and placed either in the main text or annexes, whichever is more relevant depending on the specific report structure of each province.</p>	<p>The approaches employed to analyse the collected data (whether they are relevant and effective; identify any constraints)</p>
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3	<p>Based on the data collected and findings from public consultation, the study team should determine:</p> <p>(a) The factors from the project activities that may cause potential positive and negative impact (if any) and</p> <p>(b) Assess the needs of the related EM groups (with clear target and priority strategy).It is important to prioritize their needs based on the sources (human resources, technology, finance, and institutions)available to the project.</p> <p>On a basis of the identified factors, the team should discuss and propose what specific measures the project can do to avoid, minimise and mitigate the negative impacts, specifying who should do what and how given the available resources.</p>	<p>Check whether beneficiaries and impacts on them have been identified appropriately.</p> <p>Check whether all the existing resources have been sought to address to maximise positive impacts and minimise potential negative impacts.</p> <p>The expectation of beneficiaries and whether the project objectives can be met.</p>
4	<p><i>Writing up an EMDP</i></p> <p>An EMDP should be structured to address the important social safeguards issues relating to the EM groups in the project sites (more detailed information can be found at Annex 2):</p> <ul style="list-style-type: none"> • Background information on the project sites and a profile of the related EM groups in the project sites (socio-economic and political conditions as well ethnic cultures and customs); • Key activities/mitigation measures that should be implemented locally, as identified on a basis of the assessment of specific needs from the public consultation with the related EM groups in each study site; • Key stakeholders who will implement these activities; • Resources needed (finance and human resources) for these key stakeholders to implement these activities. • A timeframe (frequency) to implement these activities; • An GRM mechanism (in addition to the existing government structure); • An institutional arrangement for implementing the identified activities; • Disclosure of EMDP; • An indicated budget estimates. 	<p>Determining the implementation plan can be successful or not, and how PPMU perceive the effectiveness of this plan.</p> <p>The implementation and monitoring plan should be developed with the CPMU and PPMUs to make it easier to them to adopt it.</p>

7. The proposed measures for an EMDP

7.1. Establishing a participatory community group

A community participatory group is established to receive the feedback information from stakeholders such as agencies, organizations, individuals who use the land services, especially in receiving land information services, land user, particularly EMs.

PPMU of VILG will organize the regular workshops to receive comments from the community participatory group and set focus in the issues as below:

- *What is the land information requirement for EM groups? How to pay attention to their custom in mapping, and providing land information, and other land-related services?*
- *How the land administration officials should pay attention to their customary land arrangements in process of mapping and providing land information?*
- *How to express the attention to the related issues in the management and use land by EMs?*
- *What is the difficulty of EM groups in understanding the Vietnamese language on the communication facilities or during the meetings? How to organize the public awareness activities to overcome these difficulties?*
- *How to help EMs access the land information efficiently and practically through the VILG's activities?*

7.2. Utilizing modern and effective communication tools

- VILG PPMU will compile the easy audiovisual communications tool by using DVD with Vietnamese and some of contents of VILG will be translated into EM languages (only for the EM groups that face language barriers) for using in the operation time at localities which based on the proposal of community consultation group at district level. The way to access and utilize MPLIS for LROs are the contents that introduction in this communications tool. The communications tool will be archived at cultural centre to introduce VILG and land administration.
- VILG PPMU can review to provide PCs for commune offices and village so that EM people can access information easily and conveniently (will be trained and guided) or access information through the heads of village, Su ca, A Cha,...)
- VILG PPMU will promote the access and sharing land information to the public;
- VILG PPMU will mobilize the active involvement of community in monitoring and implementing the Land Law;

7.3. Enhancing community's awareness and training of local officials and land administrators:

- The division of nature resources and environment at district will organize the meetings at each communes, villages to respond the answers and explain by EM languages (if

need). This activity will be deployed before and during the project implementation time. The DiVRE cooperate with commune authorities to select the persons who support meetings, local organizations or land administrators. The communication tools include video with local language will be using at the meeting and archiving at a cultural house. Before the meeting, the heads of village will be involved in training in few days.

- VILG PPMUs cooperates with information agency of provincial and local level to propagate, disseminate the project in local mass media.
- The documentation which serves for meetings and public consultation at commune level will be provided by VILG PPMU that based on the forms, legal documents or communication documents prepared by VILG CPMU. All of these documentations will be prepared in understandable manner, with clear messages and images (can be translated into EM languages if necessary).
- Training land administrators and officials: The orientation workshops for land administrators and officials in approaching EM groups will focus on (1) special requirements of EM people who have language barriers; and (2) the importance of public consultation that combine with the content of project's training to enhance the project management capacity for land administrators and officials as well as the quality of providing land information services for the related officials.
- The CPMU will organize a final conference to summarize lessons learned and best practices from the implementation of project in the main district to replicate successful models in the mountainous and EM areas.

7.4. Establishing support services to access land information and registration in areas with EM populations

The branches of LROs will take the responsibility for supporting to access land information and registration for EM groups; to train communal officials, heads of village, prestigious persons from communities in finding the information; to support the reception and utilization of land information system through internet to provide land information for EM groups and verify land transactions.

The branches of LROs will consult with local authorities, heads of village and community consultation groups to formulate the plan, the periodic schedule time consistent with the condition of local EM groups. The communal and village community authorities will announce the plan and schedule so that people know and utilize the services when needed.

The project would maintain close engagement with EM beneficiaries, who will have increased and better access to land information and better services with integrated digital data vital for improving land governance. For this purpose, the Project will build on the successful process established under VLAP through Local Facilitators (LFs) to address the needs of targeted beneficiaries. Access to land information and better land services are expected to increase with the improvement of LROs and the promotion of e-governance, and the building of stakeholders' capacity.

The project will promote activities by local mass organisations, such as the youths' unions and women's unions, which involve EM communities in their work, and civil society

organisations. These organisations can add value to information transparency efforts in EM communities through introduction of more participatory planning processes, and capacity development, among other areas. Especially, local facilitators may be encouraged to be recruited from local mass organisations, especially the women's unions.

CPMU will develop the webpage which under the MoNRE' website to provide land information which are directly related to the interests of EM groups.

7.5. Consideration of gender sensitivity

It is essential to increase the participation of women, especially in the EM groups in the project sites, in various project activities and interventions, such as information dissemination and training, local facilitator work, and commune working groups. It is important to raise awareness for women of their rights and benefits in joint husband-and-wife titling and use of land-use rights certificates for bank loans, lease and contributions to joint business, their rights to access to the GRM system and how to lodge their complaints when needs arise.

It should be recognised that engagement of and awareness raising for women, especially EM women, is a time-consuming process which should be planned and phased effectively with clear and practical short-, medium- and long-term objectives to make various steps feasible, with lessons reviewed and learnt as well as plans revised after each phase. Importantly, women from various groups should be consulted in good faith throughout the project cycle, from the design to the evaluation steps to ensure their voices to be heard and paid due attention to.

There is a risk that female attendance at information workshops and meetings may be low. Specific measures may therefore be necessary to enhance women's current access to information and their associated engagement in VILG. Efforts will be needed to arrange a location and time suitable for the participation of women, and additional promotional activities may also be necessary to maximise attendance by female householders.

Training provided to local land administrators and facilitators as well as project staff should take into account gender sensitivity. The composition of a mobile support team, as suggested earlier in this report, may ideally include a female member to address issues that require gender sensitivity. For instance, some female clients may not feel comfortable in seeking information and advice from male staff as a result of certain cultural and customary barriers.

7.6. Performing regular the monitoring and evaluation activities

To an possible extent, PPMUs will disaggregate the M&E data which related to project's activities at sites by ethnicity, poverty/near-poverty status, and gender.

8. Disclosure of EMDP

When the preparation for EMDP is completed that the release its report to the affected EM people and their communities should be deployed. The EMDP report should be written in an easy to understand for the EM and their community can fully realize and participate without difficulty. Besides, the release of EMDP report, the community meetings should be organized at localities where EM has been affected by project. If necessary, these meeting will be used by

minority languages to ensure that EM can fully understand the EMDP objective therefore they can provide feedback.

It should note that all of EMDP which prepared during the time of implementing project need to be released on time and in the right place at locality. It should also be released before project commencement. EMDP report need be noticed at the public places where people usually use as well as utilize easy words for EM. Its report also posted on the portal of WB (InfoShop), project's website and PPC's website.

9. Estimated budget

The performance budget for EMDP of each province will estimate based on the activities which proposed in EMDP report. This budget will combine with project's budget. The expected activities will be deployed at each province as the below:

- Communication, public consultation (coordinate with another activities of project);
- Training in communication skills and enhancement public awareness;
- Communication in registering on land and transaction on land; finding and utilizing land information;
- Formulation of communicating data based on the guidance of CPMU.

10. The grievance redress mechanism

10.1. An overview of GR activities that may be related to VILG

VILG is designed to improve the land database, establish and deliver MPLIS on a basis on a unified national system architect and management software, and improve the national land database including cadastral data; (2) land-use planning data; (3) data on specific land prices; and (4) data on land statistics and inventory. The purpose are to improve land administration and provision of public service in the land sector and to share land information with stakeholders, such as the tax administration, notary service, planning, urban and construction management, businesses and people. For more active land markets and in case of inaccurate land information, mapping or re-mapping may be conducted for new registration and re-registration of land. The project also aims to strengthen the public services in the land sector through modernizing land registration offices with improved procedures, service standards and equipment, capacity building, improve communication and establish a system to monitor and evaluate the administration and use of land.

As a result, during the implementation of VILG, the following issues of complaints and denunciation may be anticipated:

- Complaints may be lodged by communities, organizations, households and individuals regarding discrepancies between paper records and database and mis-conducts of land officials in the provision of public services;
- Communities, organisations, households and individuals may denounce illegal behaviors in provision of public services in the land sector; and
- Land disputes in case of mapping or re-mapping (in active market areas and in case of inaccurate land information) for registration and re-registration of land.

10.2. Principles and procedures to settle complaints and denunciations during the project implementation

10.2.1. The principles

According to Article 204 of the Land Law 2013, land users and individuals who have entitlements and obligations relating to land use have the right to lodge complaints and make a suit against administrative decisions or behaviors regarding land administration. The procedures to settle complaints against administrative decisions and behavior regarding land administration follow the Law on Complaints 2011 and the related documents guiding the implementation. The procedures to settle complaints against administrative decisions and behavior regarding land administration follow the Code on Administrative Proceedings.

According to Article 205 of the Land Law 2013, individuals have the right to denounce violations of the laws on the management and use of land. Therefore, within the framework of VILG, individuals have the right to denounce illegal behavior in the provision of public services by LROs.

VILG will establish a land database on the existing documents and data. For more active land markets and in case of inaccurate land information, mapping or re-mapping may be conducted for new registration and re-registration of land. The project will only record the existing situation of land use, not conduct procedures to establish land use rights. Therefore, “the settlement of land disputes” is not within VILG’s scope of work. Disputes, if any, would be transferred to authorised people for settlement according to Article 203 of the Land Law.

In addition, it is encouraged that land-related grievances will be settled through informal institutions that are available in communities, such as heads of villages, extended family networks, mediation panels, and chief monks (in Khmer pagodas).

10.2.2. Procedures to settle cases within VILG’s jurisdiction

VILG’s PMUs are responsible for considering and settling cases within their jurisdiction. Complaints on behavior in provision of public services by LROs will be settled as follows:

- Individuals can lodge first-time complaints at LROs or branches of LROs, or make a suit at the People’s Court according to the existing legislation on civil proceedings.
- If individuals do not agree with first-time resolutions of LROs, they can submit their complaints to the Department of National Resources (DoNRE) and the Environment, or make a suit at the People’s Court according to the existing legislation on civil proceedings.
- If individuals do not agree with second-time resolutions of DoNRE, they can make a suit at the People’s Court according to the existing legislation on civil proceedings. (Please see the chart below).

For complaints on discrepancies between paper records and the database, the below chart may apply, but VILG’s PPMU will receive those complaint, both written and verbal, and provide first-time resolutions.

For denunciations on violations of the land legislation or disputes, the reception of written denunciations, authority and procedures to settle follow the existing legislation on denunciation and land.

VILG will establish an unit in charge of comments and complaints from the public in general, and from EM groups in particular in the project sites regarding the implementation of the project. Complaints will be handled in a timely manner, and written responses will be provided to complainants. The provincial PMUs and the related agencies at the district and commune levels will record and document the received complaints and resolutions, which will be attached to bi-annual process reports to the central PMU for synthesis and submit to the World Bank.

Forms of comments and complaints: written documents submitted, emails or direct communication (such as through telephones).

Channels for receiving comments and complaints: People can send written texts or present their issues to village elderly, village heads or commune officials. In case of resolution failure, these complaints will be referred to the district level or the provincial PMUs for settlement.

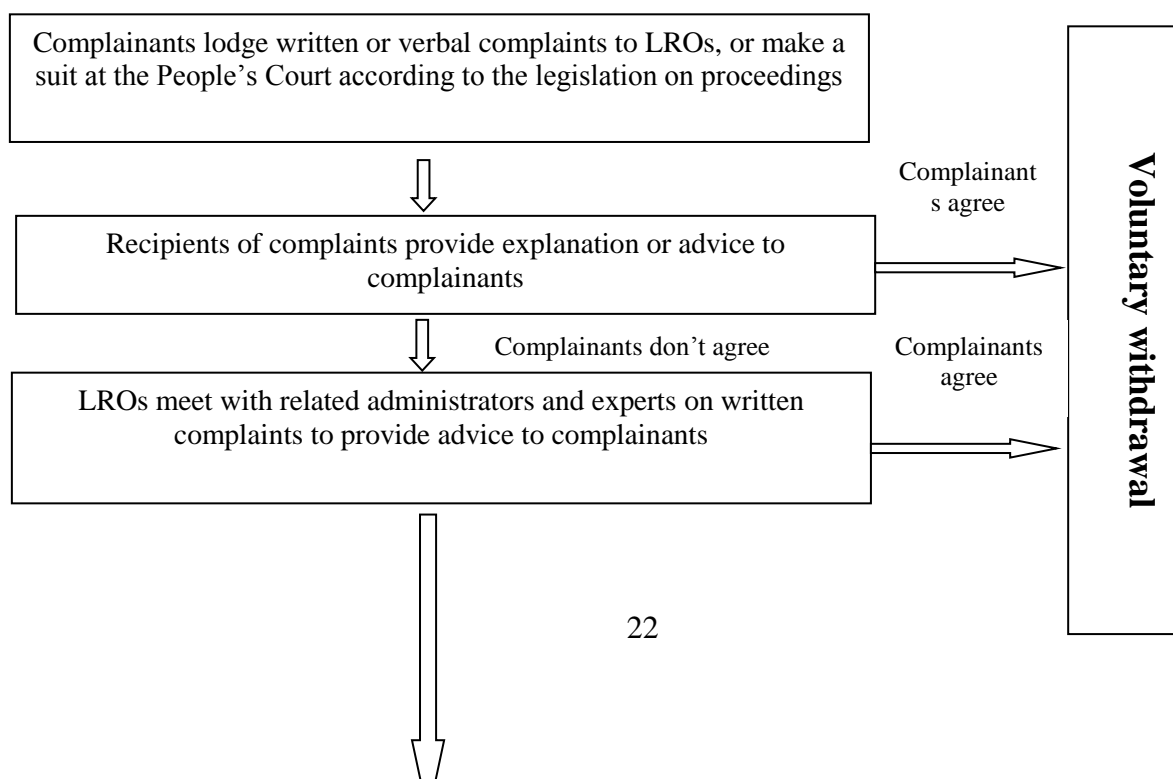
DoNRE would settle cases when complainants do not agree with first-time resolutions provided by VILG’s PPMUs.

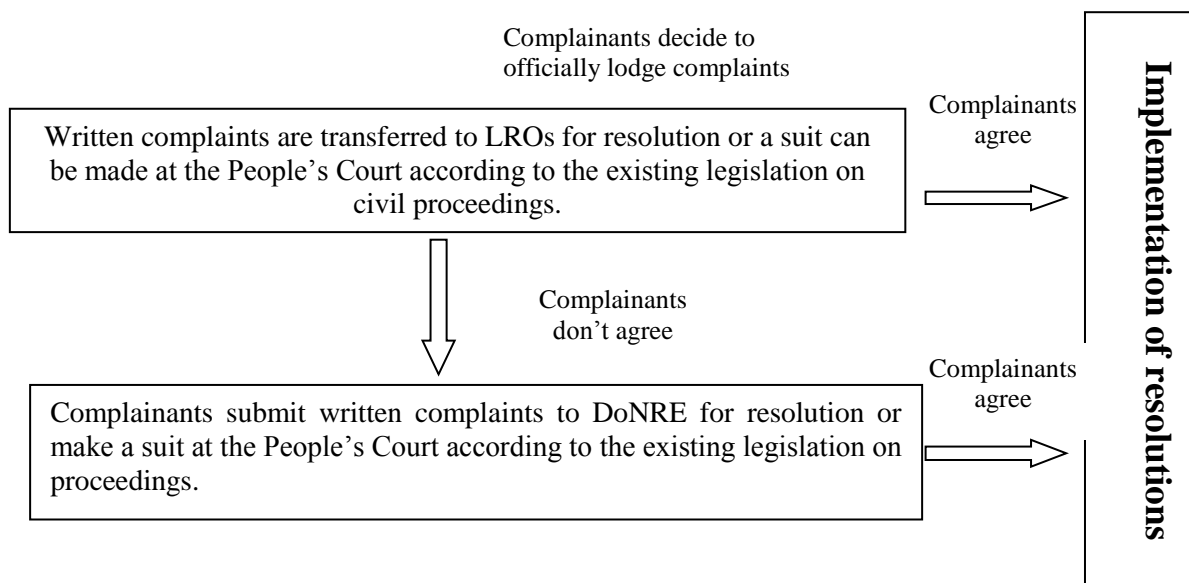
Citizens can make a suit at the district-level administrative court regarding administrative decisions any time if they want to.

10.3. Dissemination of information

The information on GRM will be included in the POM. Local officials and people in the project sites will be communicated on this GRM.

A chart on settling complaints regarding LROs’ provision of public services in the land sector





11. Implementation and monitoring the implementation of EMDPs

CPMU has the responsibility for implementing these plan and guiding, monitoring the PPMU for deployment of EMDP in the areas that have EM.

11.1. Implementation of EMDPs

CPMU will assign one full-time official to work on social and community participation issues in the project. This official will support PPMUs and local authorities by prepping materials in the implementation of the EMDPs and in monitoring progress. He/she will ensure that each EMDP is implemented and delivered as per work plan and quality.

The training courses in land governance as well as the other training courses in improving land services for land officials will be financed by project including the contents about EM focus on some issues (1) special requirements of customers with language barriers; (2) importance of public consultation.

The Provincial Committee for EM Affairs is a member of the National Steering Committee at the central level and provincial level. This committee has legal capacity to implement the policies and programs on EM. They will be invited for consulting the issues related to project implementation and the problems of EM.

11.2 Monitoring the implementation of EMDPs

The monitoring system of project had been formulated to survey the acceptance/satisfaction of communities on land management services in district under project's provinces.

All the main result indicators which are related to measures in this framework will be detached and compared to report on the project progress in key districts. This indicators will includes (beside other contents) the availability of services in LROs, the enhancement of public awareness and budget for local training and meeting of consultant at district level

The monitoring indicators must be provided for the Committee for EM Affairs and the consultant groups at district level.

The periodic reports of PPMU (quarter, month) will include the situation of implementing action plan of EMDP at provinces, in which clearly report performing activities related to EMDP in project areas; also report on comment of EM groups that related to project implementation at provinces and the next plan for the project, submit to CPMU.

The supervision of MoNRE and mission of WB will be implemented in districts which have many EM groups with higher frequency. In the fourth year of the project, the quantitative impact assessment related to the identified risks will be conducted to assess EMDP implementation.

Annexes

Annex 1: Table summary for the EM in the project areas where will be implement in the first stage

1. An Giang province

No	District	Khmer people	
		<i>No. of HH</i>	<i>Population</i>
1	Tri Ton	10.355	42.333
2	Tinh Bien	8.007	35.820

2. Quang Binh province

No	District	Chut people		Bru-Van Kieu people		Other groups	
		<i>No. of HH</i>	<i>Population</i>	<i>No. of HH</i>	<i>Population</i>	<i>No. of HH</i>	<i>Population</i>
1	Minh Hoa	1.145	4.928	1.028	5.102	17	65
2	Tuyen Hoa	145	617	0	4	3	20
3	Bo Trach	63	303	611	2.889	7	27
4	Quang Ninh	-	-	801	3.373	-	-
5	Le Thuy	-	-	1.200	5.057	-	-

3. Ha Tinh province

No	District	Chut people		Lao, Muong, Man people	
		<i>No. of HH</i>	<i>Population</i>	<i>No. of HH</i>	<i>Population</i>
1	Huong Khe	34	137	-	-
2	Huong Son, Huong Khe, Vu Quang	-	-	458	1696

4. Thai Nguyen province

No	District	Tay people		Nung people		Giao people		San Chay people		San Diu people		Other groups	
		<i>No. of HH</i>	<i>Population</i>	<i>No. of HH</i>	<i>Population</i>	<i>No. of HH</i>	<i>Population</i>	<i>No. of HH</i>	<i>Population</i>	<i>No. of HH</i>	<i>Population</i>	<i>No. of HH</i>	<i>Population</i>
1	Thai Nguyen city	4828	19.312	2151	8.603	264	1.057	198	792	1504	6.015	719	2.875
2	Dinh Hoa	9201	46.004	687	3.437	394	1.971	1668	8.339	9	43	217	1083
3	Phu Luong	4173	20863	1103	5516	535	2675	2303	11515	978	4888	151	753
4	Dong Hy	594	2.969	3027	15134	1159	5796	446	2229	3264	16322	589	2947
5	VoNhai	2917	14.583	2599	12997	1815	9075	548	2741	34	170	814	4071
6	Dai Tu	3131	15.654	2521	12604	830	4152	1350	6750	654	3270	126	631
7	Pho Yen	224	1.119	90	450	97	483	6	30	1914	9570	47	233
8	Phu Binh	361	1.804	919	4594	21	103	4	19	623	3115	67	333

Annex 2: The necessary information for EMDP

I. Overview

The overall project purpose

The basic data for EM in project provinces (population proportion, poverty rate).

Some of basic information on the situation of land use ownership and registration of land use right of EM groups in project provinces (including the related factors to custom, habit, language, sex).

Some of basic information on the situation of assessing land information (such as the demand for information, communication channels, methods to provide information, expectations in information) of EM groups in project provinces (including the related factors to custom, habit, language, sex).

II. Summary of the SA findings relating to EM groups.

The main findings include:

The potential impact of project (positive and negative impacts) for EM in project areas (both directly and indirectly).

The support of EM for the project activities.

The measures to determine, mitigate the risks and negative impacts when implement project activities.

The action plan of measures to avoid, mitigate negative impacts.

III. The disclosure of information and EMDP

Description of measures to disclose information and the means/tools to be used for disclosing information.

IV. Capacity building:

This part will provide measures for enhancing capacity and skills for (a) local authorities/staff in settling EM issues in project areas; and (b) representative of EM communities in project areas so that they can guide, disseminate the provisions of land law for EM households in residential areas.

V. The Grievance redress mechanism, settling disputations:

This part will describe the procedures to settle disputation of affected EM.

VI. The organization structure:

This part will describe institution arrangement, mechanism and responsibility for implementing EMDP's measures. It also describes the process of involving the organizations and local authorities that related to implement of EMDP's measures.

VII. The monitoring and evaluation:

This part will describe the mechanism and standards that suitable to monitor and evaluate the implementation of EMDP for project.

VIII. Budget and Finance:

This part will describe allocation budget for all activities that are described in EMDP.