

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

FINAL ETHNIC MINORITY POLICY FRAMEWORK

SCALING-UP URBAN UPGRADING PROJECT

PROJECT'S LOCATION

**BEN TRE (BEN TRE PROVINCE), VI THANH (HAU GIANG
PROVINCE), VINH LONG (VINH LONG PROVINCE), LONG
XUYEN (AN GIANG PROVINCE), BAC LIEU (BAC LIEU), TAN AN
(LONG AN PROVINCE), SOC TRANG (SOC TRANG PROVINCE)**

February 2017

PREFACE

The Ethnic Minority Policy Framework (EMPF) has been prepared to ensure that the World Bank's *Indigenous Peoples policy* (OP4.10) is applied to all of the subproject activities of components under the Viet Nam Scaling-up Urban Upgrading Project (SUUP) for where Ethnic Minorities (EM) are living. The objectives of the EMPF are to avoid adverse impacts on EMs peoples, and to provide them with culturally appropriate benefits from the project.

The EMP policy recognizes the distinct circumstances that expose EMs to different types of risks and impacts from development projects. As social groups with identities that are often distinct from dominant groups in their national societies, Ethnic Minority Peoples are frequently among the most marginalized and vulnerable segments of the population. Their economic, social, and legal status often limit their capacity to defend their rights to lands, territories, and other productive resources, and restricts their ability to participate in and benefit from development.

Therefore, this EMPF has been prepared based on the results of a social assessment of the Project and the free, prior and informed consultation of the minority communities in areas where EMs are living that may potentially be affected by the Project. The process of consultation ensures that all the EM's needs and concerns are integrated into the activities of the project and confirms the broad support of the EM for the project. The EMPF describes the policy requirements and the planning procedures that project executing agencies will follow during the preparation and implementation of subprojects.

TABLE OF CONTENTS

ABBREVIATIONS.....	III
GLOSSARY	IV
I. INTRODUCTION	- 1 -
1.1. Background.....	- 1 -
1.2. Project objectives	- 2 -
1.3. Project’s components	- 2 -
1.4. Ethnic Minority in the project area	- 3 -
1.5. Objectives of the EMPF	- 5 -
II. NATIONAL LEGAL AND POLICY FRAMEWORK.....	- 7 -
2.1. National Legal and Policy Framework for Ethnic Minorities	- 7 -
2.2. World Bank’s Operational Policy on Indigenous Peoples (OP 4.10).....	- 11 -
III. POTENTIAL IMPACTS OF THE PROJECT	- 13 -
3.1. Positive impacts	- 13 -
3.2. Negative impacts.....	- 13 -
IV. CONSULTATION AND INFORMATION DISCLOSURE	15
4.1. Consultation and Information Disclosure	15
4.2. Implementation of free, prior and informed consultation.....	16
4.3. Broad Community Support (BCS).....	16
4.4. Information Disclosure	16
V. IMPLEMENTATION ARRANGEMENTS.....	18
5.1. Institutional Arrangement	18
VI. GRIEVANCE REDRESS MECHANISM	19
VII. MONITORING AND EVALUATION	20
7.1. Internal Monitoring.....	20
7.2. External Monitoring.....	20
VIII. GUIDELINES FOR EMDP PREPARATION	21
8.1. Screening	21
8.2. Social Assessment:	21
8.3. Preparation of the Ethnic Minority Development Plan (EMDP).....	22
8.4. Procedure for Review and Approval of an EMDP	23
IX. COSTS AND BUDGET	23

ABBREVIATIONS

BCS	Broad Community Support
CEMA	Committee for Ethnic Minorities Affairs
CPC	City People's committee
DMS	Detailed Measurement Survey
EM	Ethnic Minority
EMPF	Ethnic Minority Policy Framework
EMDP	Ethnic Minority Development Plan
FPIC	Free, prior and informed consultation
GOV	Government of Viet Nam
HH	Household
IMA	Independent Monitoring Agency
IOL	Inventory of Loss
LAR	Land Acquisition and Resettlement
LIA	Low Income Area
LURC	Land Use Rights Certificate
MOF	Ministry of Finance
MOLISA	Ministry of Labour, Invalids and Social Assistance
NGO	Non-Government Organization
OP 4.10	The World Bank's policy on indigenous people
PAD	Project Appraisal Document
PAH	Project Affected Household
PAP	Project Affected person
PPC	Provincial People's Committee
PRA	Participatory Rapid Appraisal
RP	Resettlement Plan
RPF	Resettlement Policy Framework
PMU	Project Management Unit
SUUP	Scaling-up Urban Upgrading Project
TOR	Terms of Reference
USD	US dollars
VND	Viet Nam dong
WB	World Bank

GLOSSARY

Project impact	Means positive and negative impacts on EMs caused by all project components. Adverse impacts are often consequences immediately related to the taking of a parcel of land or to restrictions in the use of the 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. Adverse impacts also refer to impacts on (i) customary rights of use and access to land and natural resources; (ii) negative effects on the socioeconomic and cultural integrity; (iii) effects on health, education, livelihood, access to the project benefits, and social security status; and (iv) other impacts that may alter or undermine indigenous knowledge and customary institutions.
Displaced people (affected)	Refers to individuals or organizations that are directly affected socially and economically by Bank-assisted investment projects caused by the involuntary taking of land and other assets that results in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. The involuntary land acquisition includes the exercise of possession when the proprietor has allowed and benefited from others' occupation of the area. In addition, affected person is one for whom involuntary restriction of access to legally designated parks and protected areas that result in adverse impacts on livelihoods also.
Indigenous People	Equivalent to ethnic minority people in Viet Nam, refers to a distinct and vulnerable group with social and cultural characteristics in varying degrees as follows: (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, socio-economic, 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	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) disabled (loss of working ability), the elderly alone, (iii) poor and near poor household, (iv) the landless, (v) ethnic minority groups and (vi) the social policy households.

Culturally appropriate	Means having regard to all aspects of the cultures, and being sensitive to their dynamics.
Free, prior and informed consultation	Indigenous Peoples' communities refer to a culturally appropriate and collective decision-making 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.

I. INTRODUCTION

1.1. Background

1. In recent years, Vietnam has made efforts to develop the country's market economy, which promotes the increase of urban population and urbanization. Vietnam is experiencing large scale, high quality and rapid urban development; Urban appearances have undergone positive changes through modernization, by forming new urban spaces, and by progressively meeting the working and living environment needs for urban citizens. Urbanization is seen as the driving force for development, economic restructuring, labor structure in each locality, each region and country. However, the process of urbanization in Vietnam is taking place spontaneously, on a large scale and in an unplanned manner. This leads to many problems including: Asynchronous and overloaded technical infrastructure and social infrastructure systems; Poor planning of transportation and low quality of transport infrastructure in urban areas, leading to increasingly serious traffic congestion; degraded and outdated drainage system in many urban areas resulting in frequent local flooding; Discharge of untreated waste and wastewater leading to environmental pollution.

2. To overcome the shortcomings mentioned above, Vietnam in general and the Mekong Delta region in particular, have set very clear objectives: to gradually establish and develop an urban system with synchronous, modern and sustainable infrastructure systems that are resilient to climate change; to enhance connections between urban areas ensuring comprehensive development of the technical infrastructure, social infrastructure and landscape; to utilize resources economically and efficiently, creating better living conditions for urban citizens; and to gradually erase the gaps between urban and rural areas.

3. With the support of the World Bank, the Government of Vietnam will have implemented two urban upgrading projects between 2004 and 2017: 1) Vietnam Urban Upgrading Project (VUUP1), implemented in the four cities of Nam Dinh, Hai Phong, Ho Chi Minh city, Can Tho; and 2) Mekong Delta region Urban Upgrading Project (MDR-UUP) implemented in the six cities of Can Tho, Cao Lanh, My Tho, Tra Vinh, Rach Gia and Ca Mau. The projects have brought significant benefits to each city by improving living conditions especially for poor HH and improving urban management. The Government considers the cities in the Mekong Delta Region (MDR) to be special priorities due to the increasing level of high vulnerability from natural water-related risks, requiring synchronous management to ensure the resilience of the MDR cities.

4. Building upon the lessons learnt from previous generation of urban upgrading projects, the Government of Vietnam has requested financial assistance from the World Bank for the Viet Nam Scaling-up Urban Upgrading Project (SUUP) in order to support the development of infrastructure for the 7 remaining cities in the Mekong Delta Region including Bac Lieu, Long Xuyen, Ben Tre, Vinh Long, Vi Thanh, Tan An and Soc Trang which are cities in the provinces of Bac Lieu, An Giang, Ben Tre, Vinh Long, Hau Giang, Long An and Soc Trang respectively.

1.2. Project objectives

5. The project's objectives are to improve access to infrastructure in low-income areas, improve connectivity of priority city-level infrastructure and enhance the capacity of local governments to carry out coordinated urban planning in participating cities.

6. Urban upgrading in the low-income residential areas will be implemented through a multi-sectoral investment package. An urban development program will be broadly implemented through investment in primary and secondary infrastructure in order to enhance connectivity of network infrastructure. The project will promote construction of green infrastructure and adaption to climate change, improving access to public spaces and improving the capacity of the city on urban planning, land management and climate resilience.

1.3. Project's components

7. Components of the Viet Nam Scaling-up Urban Upgrading Project are presented below:

- ***Component 1: Tertiary Infrastructure Upgrading in Low Income Areas:*** This component includes: (a) construction, rehabilitation, and upgrading of roads and lanes; (b) construction and rehabilitation of drains; (c) improvements to environmental sanitation by rehabilitating or constructing public sewers, constructing septic tanks, providing access to septic management services, and house connections to public sewers; (d) improvement of water supply including the installation of metered domestic connections; (e) provision of metered domestic connections for electricity and public lighting in residential lanes and streets; and (f) construction and rehabilitation of social infrastructure facilities such as schools, markets, community halls, public places and green spaces. The investments will utilize disaster and climate resilient technical and engineering standards.
- ***Component 2 – Priority Primary and Secondary Infrastructures.*** Component 2 provides support to improve priority networked infrastructure in line with the broader city development agenda, and with a view to increasing connectivity with tertiary infrastructure in LIAs. It will include: (a) roads improving the connectivity among different parts of the city; (b) water supply lines; (c) drains and sewers; (d) electrical power lines; (e) river and canal embankments. Social infrastructure facilities such as markets, community halls, public places, schools and green spaces will also be included to benefit urban poor, where needed. The investments will utilize disaster and climate resilient technical and engineering standards. An initial hydraulic model will be developed for the catchment areas of the upgrading sites and integrated with existing urban plans for flood and salinity intrusion control, drainage, and waterways investments.
- ***Component 3 – Resettlement Sites.*** Component 3 will provide support to prepare resettlement areas for affected persons, including construction of primary, secondary and tertiary infrastructure and public facilities.
- ***Component 4 – Implementation Support and Capacity Building.*** Component 4 activities will focus on provision of support for (i) improving capacity for project implementation (management capacity for social safeguards, finance, procurement, monitoring and evaluation, including audits and learning inside/outside Vietnam); (ii) strengthening

capacity of participating cities for strategic and coordinated institutional planning, land management and utilization of GIS; (iii) enhanced capacity for disaster and climate risk-informed urban planning.

1.4. Ethnic Minority in the project area

8. Vietnam has recognized 54 official ethnic groups in which the Kinh ethnic group (Vietnamese or Vietnamese dominant) accounts for 87% of the population. The 53 remaining Ethnic Minority (EM) groups have different populations ranging from some hundreds to several hundred thousand of people for each group.

9. Mekong Delta is home to various ethnic groups, including the Kinh (88.8%), the Khmer (8%), the Chinese (Hoa) (1.8%), the remainder are Cham people and other smaller groups. As indicated in Table 1, the total population of EM in the Mekong delta in 2013 was 1,787,450 people out of a total population of 17,445,900 (accounting for 10.2%), of which the number of Khmer is: 1,428,848 (79.94%), the number of Chinese: 316,460 (17.66%), and the number of Cham and other smaller EM groups is: 42,140 (2.36%).

10. EM are unevenly distributed across the Mekong Delta Provinces. Within the project provinces, Soc Trang and Bac Lieu have by far the largest populations of EM. An Giang (Long Xuyen city) also has an important population of EM, however they are concentrated in rural areas and not in Long Xuyen City. In the provinces of Ben Tre, Vinh Long and Hau Giang (Vi Thanh City), there are relatively small populations of EMs (between 11,000 & 28,000) also concentrated in rural areas, while Long An province (Tan An city) has a very low population of EMs (440).

Table 1- Information on Ethnic Groups Situation in the Mekong Delta

No	Province	Population	Kinh	Ethnic Minority Groups				%
				Khmer	Chinese (Hoa)	Other Groups	Total Ethnic Minorities	
1	Long An	1.436.900	1.436.460	200	91	148	440	0.03%
2	Tien Giang	1.703.400	1.698.189	243	4.933	36	5.211	0.31%
3	Ben Tre	1.262.000	1.250.425	4.376	5.936	1.262	11.575	0.92%
4	Tra Vinh	1.027.500	667.296	332.396	27.808	-	360.204	35.06%
5	Vinh Long	1.040.500	1.011.706	76	6.035	22.683	28.794	2.77%
6	Dong Thap	1.680.300	1.668.538	6.721	5.041	-	11.762	0.70%
7	An Giang	2.155.300	2.043.883	84.164	13.916	13.337	111.417	5.17%
8	Kien Giang	1.738.800	1.479.718	217.350	38.254	3.478	259.082	14.90%
9	Can Tho	1.222.400	1.183.019	23.899	15.482	-	39.381	3.22%
10	Hau Giang	773.800	746.329	18.417	8.822	232	27.471	3.55%
11	Soc Trang	1.308.300	853.304	377.857	76.760	378	454.996	34.78%
12	Bac Lieu	876.800	402.764	360.820	112.756	460	474.036	54.06%
13	Ca Mau	1.219.900	1.216.819	2.329	626	125	3.081	0.25%
	Total	17.445.900	15.658.450	1.428.848	316.460	42.140	1.787.450	10.25%
	Provinces with participating cities under the SUUP				(Source: Statistics of the provinces, 2015)			

11. Screening for ethnic minority population was conducted in all the cities in May and June 2016 by cities' consultants with the help of ethnic minority leaders and local authorities. The screening checked: i) the names of ethnic groups in the wards; ii) the total number and the percentage of ethnic minority in wards where investments are proposed; and iii) the number and percentage of ethnic minority households in the zone of influence of the proposed investments.

12. Two cities, Bac Lieu and Soc Trang, have a large population of ethnic minorities in the sub-project areas. In these two cities, Khmers form specific communities in some of the LIAs where interventions are proposed. In the other cities, some individual EM HH are sometimes present. Screening confirmed that these individual HH are urbanized and integrated into the urban mainstream way of life. This has considerably reduced their relative vulnerability and cultural distinctiveness relative to the dominant Kinh community. These HH are spread in the cities and do not comprise an EM community. Therefore, OP 4.10 is not triggered for these cities

Bac Lieu City

13. There are 3 EM groups in Bac Lieu city: Khmer, Chinese and Cham. On 31/12/2015, the total number of EM households in the city was 7,113 households (or 32,662 people), accounting for 21% of the population in the city. 16,975 Khmer people (10.9%) live in communities that are mainly located in LIAs. Chinese people represent 10% of the population. Cham people account for a minor percentage of the population and are living in a scattered manner with other groups, all over the city. Ethnic population data for Bac Lieu is shown in table 2 below.

Table 2 – Ethnic minorities living in Bac Lieu city

Area	Number of ethnic minority people			Total population of the area	Percentage of EMs per total population (%)
	Khmer	Chinese (Hoa)	Cham		
Ward 1	414	1.980	25	21.811	11,1
Ward 2	373	1.123	-	14.522	10,3
Ward 3	295	3.200	-	17,197	20,3
Ward 5	90	2.844	-	19,180	15,3
Ward 7	400	778	10	17,574	6,8
Ward 8	1,437	503	10	15,835	12,3
Nha Mat ward	727	565	-	10,739	12,0
Hiep Thanh commune	493	1.485	-	9,379	21,1
Vinh Trach commune	3,120	853	-	15,451	25,7
Vinh Trach Dong commune	9,626	2.300	11	13,831	86,3
City	16,975	15.631	56	155,519	10,9

Source: Annual abstracts of statistics year 2015 of Bac Lieu province

	Wards/communes with investments under the SUUP
--	--

Soc Trang

14. Khmer and Chinese (Hoa) are the two-main EM group in Soc Trang with respectively 23.2 % and 12.7 % of the total population of the city. These percentages are respectively of 17% and 11% in the wards where investments are proposed. Most Khmer households affected by the Project are concentrated in Low Income Areas (LIAs).

15. Other groups such as Thai, Tay, Nung have very little population and are not present in the project area. The breakdown of ethnic minority population by Ward is shown in Table 3 below.

Table 3 – Ethnic minorities living in Soc Trang city

Ward	Total	Number of ethnic minority people					
		Chinese		Khmer		Other	
		No	%	No	%	No	%
Ward 1	7,043	3,451	49.0	239	3.4	12	0.17
Ward 2	24,341	1,702	7.0	2,906	11.9	29	0.12
Ward 3	25,458	1,848	7.3	4,090	16.1	31	0.12
Ward 4	13,408	2,109	15.7	2,453	18.3	19	0.14
Ward 5	14,540	879	6.0	9,535	65.6	6	0.04
Ward 6	14,384	2,097	14.6	1,369	9.5	11	0.08
Ward 7	11,666	606	5.2	4,526	38.8	10	0.09
Ward 8	13,918	2,742	19.7	2,331	16.7	8	0.06
Ward 9	8,990	1,818	20.2	1,942	21.6	7	0.08
Ward 10	4,308	283	6.6	2,669	62.0	-	0.00
Total	138,056	17,535	12.7	32,060	23.2	133	0.096

Source: Soc Trang City

	Wards with investments under the SUUP
--	---------------------------------------

1.5. Objectives of the EMPF

16. Based on the screening conducted, Indigenous People are present in two sub-projects areas of two participating cities, Bac Lieu and Soc Trang. Therefore OP 4.10 on Indigenous Peoples is triggered for these two cities. An Ethnic Minority Planning Framework (EMPF) needs to be prepared in order to guide preparation of Ethnic Minority Development Plans (EMDP) in these two cities as well as to prepare for any changes in other cities that might lead to impacts on EMs.

17. The main objective of the EMPF is to ensure that: the development process fosters full respect for the dignity, human rights and cultural uniqueness of EMs; EMs do not suffer adverse impacts during the development process; and EMs receive culturally compatible social and economic benefits.

18. The EMPF provides a framework for both mitigating negative impacts and ensuring that EMs will benefit from the Project. This EMPF is based on free, prior and informed consultation of affected ethnic minority people. The EMPF ensures:

- (a) How to avoid potential adverse impacts to ethnic minority communities; or
- (b) When ethnic minorities are adversely impacted, the impacts will be minimized and mitigated or compensated; and
- (c) Ensure that EMs receive social and economic benefits in a culturally appropriate manner which is inclusive in both gender and intergenerational terms, and obtain broad community support for the proposed sub – project.

19. This EMPF was prepared on the basis of a) a social assessment prepared for the project, including ESIA; b) consultation with ethnic minority people present in the project areas.

II. NATIONAL LEGAL AND POLICY FRAMEWORK

2.1. National Legal and Policy Framework for Ethnic Minorities

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

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

21. The Socio – Economic Development Plan and Socio – Economic Development Strategy of Vietnam specifically calls 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 was updated in 2014.

22. The Government of Vietnam has developed a series of policies to develop, enhance the socio – economic conditions of ethnic minorities in the mountainous and remote regions. After the program 124 and the program 125 (phase 1 and phase 2), the government launched program 135 phase 3 with an opportunity to enhance socio – economic development in poor communes and villages located in mountainous areas or where inhabited by ethnic minorities. In addition to the overall development program for ethnic minorities, the Government assigned the Committee for Ethnic Minorities Affairs to guide provinces to implement projects to provide 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 a Rapid and Sustainable Pro – poor Program in 61 poor districts, where many ethnic minorities live.

23. Several Decrees, circulars and decisions have been issued regarding EMs. Decree No. 05/2011/ND-CP (January 14th, 2011), provides the guidance for activities related to EMs which include support for the maintenance of language, culture and customs of EMs. According to this Decree, proposed projects affecting land, environment, or the life of EM communities, should disclose information and consultations should be carried out with representatives of the local authorities to ensure that all investments result in improved living conditions, and are carried out in a culturally appropriate manner (article 9).

24. The Prime Minister promulgated the Decree No. 84/2012/ND-CP 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 government agency,

performs the function of state management of ethnic affairs in the country; state management of public services falls under the jurisdiction of CEMA as stipulated by law. Decree 05/2011/NDCP dated 14 January, 2011 on the work of EMs and Decree 84/2012/ND-CP were issued as a legal basis for CEMA to continue: implementing guidelines and policies of the State on ethnic minorities in the period of industrialization and modernization; promoting the power to unite the whole nation with the goals of enriching people, and strengthening the country, social justice, democracy and civilization, in order to ensure and promote equality, solidarity, respect and to help each other to develop and preserve the cultural identity of the peoples in the great family of ethnic groups of Vietnam.

25. The following regulations issued by 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 (which replaced Decree 79/2003/ND-CP dated 07 July, 2003) on the implementation of democracy in communes, wards and towns provides the basis for community involvement in the preparation of development plans and supervision of community in Vietnam. Decision No. 80/2005/QĐ-TTg by the Prime Minister, dated 18 April, 2005 regulates the monitoring of community investments.

26. In 1995, The Committee of Ethnic Minority Affairs developed a framework for External Assistance through the Development of Ethnic Minorities. This framework resulted in a strategy for the development of ethnic minority people within the Government's goal of stability, sustainability growth and reduction of poverty. The key points of this framework are: a) to fight against poverty; b) to encourage active participation of the populations of ethnic minorities; d) to develop natural and human resources in sustainable manner; and e) to ensure mutual respect between, and increase the responsibility of the parties involved. The Decree No. 60/2008/NĐ-CP of the Prime Minister dated 9 May 2008 regulates the functions, tasks, powers and organizational structure of the Committee for Ethnic Minority Affairs (CEMA). The CEMA performs its functions of state management of nationwide ethnic minority affairs, public services within its authorities, and provincial departments. In provinces with a significant ethnic minority population, a Department of Ethnic Minority Affairs exists under the Provincial People's Committee. The functions of CEMA include the development of regulations on the implementation of development programs for EM, the monitoring of programs as well as acting as coordinator among different ministries of Vietnam and cooperating with international organizations within its authority as regulated by law. The legal framework was updated in 2014.

27. All legal documents related to EM are shown in Table 4.

Table 4: Legal documents relating to ethnic minority

2016	Decision No. 2086/TTR-UBDT dated 31/10/2016 on Approval of the Special policy to support socio-economic development in ethnic minority and mountainous areas in the period of 2017 - 2020
2016	Decision 2085/QD-TTg dated 31/06/2016 on Approval the Special policy to support socio-economic development in ethnic minority and mountainous areas in the period of 2017 – 2020
2016	Decision No. 12/2016/QD-TTg dated 11/03/2016 (On the continued implementation of Decision No 30/2012/QD-TTg dated 18/07/2012 on the criteria for determining particularly difficult villages, communes in ethnic minority and mountainous area in 2012-2015) and Decision No 1049/QD-TTg dated 26/06/2014 (Promulgating list of administrative units in disadvantaged areas)
2015	Decision No. 1557/QD-TTg dated 10/09/2015 of the Prime Minister on the approval of a number of indicators for the Millennium Development Goals for ethnic minority associated with sustainable development goals after 2015.
2014	Decision No. 456/QD-CEM dated 07/11/2014 on the issuance of the implementation plan to raise the effectiveness and efficiency of the State management of ethnic minority affairs.
2014	Directive No.28/CT-TTg dated 10/08/2014 on improving the effectiveness and efficiency of the State management of ethnic minority affairs.
2013	Joint Circular No. 05/2013-TTLT –UBDT-NNPTNT-KHDT-TC-XD dated 18/11/2013 guiding the supported program 135 on investment in infrastructure, economic development for extremely difficult communes, borderline communes, social security area, and extremely difficult village and hamlets...
2013	Decision No. 2214/QD-TTg dated 14/11/2013 of the Prime Minister, approving the scheme for Enhancing international cooperation to support the socio-economic development of Ethnic Minorities.
2013	Decision No. 56/2013/QD-TTg dated 07/10/2013 on the amendment and supplement of some provisions of Decision No 18/2011/QD-TTg dated 18/03/2011 of the Prime Minister on the policy for prestigious people in ethnic minorities.
2013	Decision No. 29/2013/QD-TTg of the Prime Minister, dated 09/06/2008 on a number of policies to support resettlement land, cultivated land and jobs for ethnic minorities and difficult households in the Mekong delta region.
2013	Decision No. 551/QD-TTg dated 04/04/2013 of the Prime Minister, approving the program supported 135 investment in infrastructure, support for production supported program 135 on investment in infrastructure, production development for extremely difficult communes, borderline communes, social security area, and extremely difficult village and hamlets.
2012	Circular No.02/2013/TT-UBDT dated 04/12/2012 guiding the implementation of some articles of Decision No. 54/2012/QD-TTg dated 04/12/2012 of the Prime Minister promulgating the loan policy for economic development for ethnic minority households with special difficulties
2012	Decision No. 42/2012/QD-TTg dated 08/10/2012 of the Prime Minister Regarding Support for organizations and units utilizing employees that are ethnic minority

	people in mountainous and special difficult areas
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 guidelines and legal assistance for ethnic minorities.
2010	Decision 2123/QD-TTg dated 22/11/2010 of the Prime Minister approving the scheme on educational development for ethnic minorities.
2010	Decree No.82/2010/ND-CP dated 15/07/2010 regulating for teaching and learning the spoken and written language of the ethnic minorities in general education and continuing education centers.
2009	Decision No. 61/QD-UBND on 12/03/2009 on the recognition of the communes and districts in mountainous areas and highlands due to the adjustment of administrative boundaries.
2008	Resolution No.30a/2008/NQ-CP of government, dated 27 December 2008 on the support program for rapid and sustainable poverty reduction for 61 poorest districts
2008	Decision No. 1366/QD-TTg dated 25/09/2008 of the Prime Minister on the amendment and supplement to Decision No. 289 / QD-TTg of March 18, 2008 on the issuance of a number of policies in support of EM, social policy households, poor and nearly poor households and fishermen.
2008	Resolution No. 30a / 2008 / NQ-CP dated 20/5/2013 of the government on supporting program for rapid and sustainable poverty reduction for 61 poorest districts.

Challenges and gaps in the legal systems

28. In terms of the national legal framework, equality and rights of Ethnic Minorities (EM) are stipulated clearly in the Viet Nam Law. The new Constitution of Viet Nam (2013) acknowledges equality among ethnic groups and includes general principles such as: i) All the ethnicities are equal, unified and respect and assist one another for mutual development; all acts of national discrimination and division are strictly forbidden; ii) The national language is Vietnamese. Every ethnic group has the right to use its own language and system of writing, to preserve its national identity, to promote its fine customs, habits, traditions and culture.; and iii) The State implements a policy of comprehensive development, and provides conditions for the ethnic minorities to promote their physical and spiritual abilities and to develop together with the nation.

29. Several Decrees, circulars and decisions have been issued regarding EMs. Decree No. 05/2011/ND-CP on ethnic minorities' works (Article 9) indicates that investors of planning and construction projects that affect the land, environment, ecology and life of ethnic minority groups shall publicize these projects, collect opinions of inhabitants in affected areas, organize resettlement and create conditions for relocated people to enjoy a better life in new areas.

30. Some gaps remain, they are discussed below:

- No provision is made in the legal framework for a separate indigenous peoples' plan (IPP) or for a separate social impact assessment to be prepared. However, for projects with impacts on socioeconomic status and cultural traditions, a framework policy has to be

prepared (Land Law No: 45 /2013/QH13. Article 87 and Decree No. 47/2014/ND-CP Art. 17.1). Under the Project, SAs and EMDPs will be prepared.

- The legal framework doesn't clearly recognize customary rights on land. However, under the land law, land used stably before 1st July 2014, is entitled to compensation. Land Law (At. 131) also specifies that the use of agricultural land by communities is regulated as follows: a) Communities are allocated land or recognized land use rights by the State to preserve national dignity associated with the traditions and customs of the peoples. Under the Project, customary rights on land, if any, will be recognized.
- The existing legislation doesn't require the consent of ethnic minorities for commercial exploitation of their culture and knowledge, their physical relocation from their traditional land, or the commercial development of natural resources on their traditional land. They are treated like other citizens with the same rights. There is no specific mechanism to assess community support for the project. Under this Project, the broad community support for the Project will be sought.

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

31. The OP 4.10 aims at avoid potentially adverse effects on indigenous people and promote activities that bring Project benefits while taking into account their cultural demands and needs. The Bank requires indigenous peoples, (here refer as Ethnic Minorities), to be fully informed and able to freely participate in projects. The project has to be widely supported by the affected EMs. The project is designed to ensure that the EMs are not affected by adverse impacts of the development process, with mitigation measure to be defined if required, and that the EM peoples receive socio-economic benefits that are culturally appropriate to them. The Policy defines that EMs can be identified in particular geographical areas by the presence, in varying degrees, of the following characteristics:

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

32. As a prerequisite for approval of an investment project, 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. 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.

33. According to OP 4.10, this EMPF will be applied for subprojects, providing instruction on how to perform a preliminary screening of ethnic minorities, social assessment, identifying mitigation measures, resolving complaints/claims and gender-sensitive issues, and monitoring. Ethnic minorities will have long-term benefits through investment in the components of the project. However, they can also be negatively affected by land acquisition and/or resettlement. Specific policies and action plans to minimize the potential impact of land acquisition and resettlement will be addressed through the preparation of a resettlement action plan for each subproject.

34. Concerning consultation and participation of ethnic minority peoples, where the sub-projects affect ethnic minorities, the free, prior and informed consultation will ensure:

- a) Ethnic minority and ethnic minority communities will be consulted at each stage of preparation and implementation of subproject;
- b) Methods of consultation appropriate to the culture and society of EMs are applied when carrying out consultation for EMs. During the consultation process, special attention will be paid to the concerns and wishes of women, youth, children and their accessibility to development activities;
- c) The ethnic minority people and communities affected by the project will be provided with information (including information about the potential negative impact of the project in line with their culture at each stage of preparation and implementation of the subproject);
- d) Free, prior and informed consultation will be carried out for EMs to achieve broad support of the community for the implementation of the project.
- e) In situations where the EM groups (equivalent to indigenous peoples) in the two cities are likely to receive direct benefits from the Project (most of the affected EM are located in LIAs where drainage, sanitation and access will be improved), but are negatively affected by land acquisition and/or relocation related to the sub-projects, a specific policy and action plan to mitigate the potential impacts due to land acquisition and relocation will be developed through the preparation of the Resettlement Plan (RP) for the two cities.

III. POTENTIAL IMPACTS OF THE PROJECT

35. The project is expected to have significant positive social impacts by developing policies for ensuring consultation and participation and promoting social inclusion of the poor and vulnerable people living in the project area (in particular in the 30 LIAs) as well as by upgrading urban infrastructure (roads, drainage, water supply and sanitation, public facilities, and power supply) based on community priorities. Adverse impacts of the project will be caused by unavoidable land acquisition in all seven of the project cities, including impacts on Khmer ethnic minority peoples in two of the seven cities. Other adverse impacts are (i) potential negative effects on the socioeconomic and cultural integrity due to the presence of outside workers; (ii) effects on livelihood due to relocation; (iii) increased risks of flooding along some upgraded lanes in LIAs.

36. The potential impacts were assessed on the basis of extensive consultations with ethnic minority communities in the project area and through key informant and stakeholders interviews. These impacts will be detailed in the two EMDPs prepared for Bac Lieu and Soc Trang. Summary of consultation is presented in Annex 2.

3.1. Positive impacts

- For component 1 (upgrading LIAs), the proposed project is likely to directly benefit households in LIAs (including Khmer communities mainly located in LIAs) by improving sanitation conditions and widening of alleys that are linked to: better health outcomes over time in the LIAs, raise of land values and reduced transportation time and cost to travel to work, school and health facilities through better roads and increased intra-urban connectivity.
- Selected investments (i.e. canal improvement) will directly assist in reducing flooding during the rainy season, creating future resilience to heavy floods and reducing the associated costs related to physical damage to property and possessions, cleanup, loss of commercial goods, and loss of trading income.
- During the construction process, many local non-skilled workers (especially Khmer) will be hired and this will create short-term income opportunities for local people.

3.2. Negative impacts

The potential negative impacts linked to the subprojects are presented below:

- Land Acquisition: The implementation of sub-projects in certain areas will unavoidably involve land acquisition (both permanent and temporary) in areas where EM are present.
- Impacts on livelihood: EM HH are often involved in small-business activities; relocation of EM HH may result in loss of customers if HH are relocated too far from their current location and place of business; temporary disruption of commercial activities during construction may also take place.
- Presence of outside workers. During construction time, many workers will come and stay

in LIAs, thus social problems may occur, affecting local security and health. Young EM people are particularly at risk;

- EM in LIAS may be exposed to increased risk of flooding in their house after the roads have been upgraded, as the lanes will be higher than their houses.

IV. CONSULTATION AND INFORMATION DISCLOSURE

4.1. Consultation and Information Disclosure

37. This section provides a framework for ensuring that the ethnic minorities in the project area (equivalent to the indigenous peoples as defined in OP 4.10 of the WB) have equal opportunity to share the project benefits, that free, prior and informed consultation, and adequate information dissemination will be conducted to ensure their broad-based community access to and support for the project. Consultation will also ensure that any potential negative impacts are properly mitigated and the EMPF will be applied to all the subprojects. The framework provides guidance on how to conduct preliminary screening of ethnic minorities, social assessments, EMDP establishment and identification of mitigation measures given due consideration to consultation, grievance redress, gender-sensitivities, and monitoring.

38. In terms of the consultation and participation of ethnic minorities, when the subprojects have an impact on EM, the affected EM peoples have to be consulted on the basis of free, prior, and informed consultation (FPIC), to ensure:

- a. EM people and the community that they belong to, are consulted at each stage of subproject preparation and implementation;
- b. Socially and culturally appropriate consultation methods are 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;
- c. Affected EM people 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 project implementation.

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

40. Consultation is important to EMDP preparation since it provides ethnic minority groups (both those potentially affected and those not affected by subprojects) with opportunities to participate in planning and implementation of subprojects. More importantly, it helps identify potential adverse impacts, if any, on EM's income generation activities and their livelihoods as a result of a subproject, thereby enabling appropriate measures to be developed to avoid, minimize, and mitigate adverse impacts.

41. Consultation also aims to ensure that EM people have opportunities to articulate, on the basis of their understanding of the subprojects/ the project goal, their needs for support from the project in relation to the project goal/project activities. The exercise of developing the EMDP is grounded on a study that is referred to, in Bank funded projects, as social assessment.

42. Method and form of consultation contents, time, and location of consultations have also to be appropriate for ethnic minority culture.

43. Annex 2 presents a summary of the consultation conducted in Bac Lieu and Soc Trang cities during EMDP preparation.

4.2. Implementation of free, prior and informed consultation

44. As mentioned above, the project must ensure the implementation of free, prior and informed consultation, promoting the participation of EMs in promulgation of information during the cycle of the subproject. The purpose of the implementation of free, prior and informed consultation is to determine whether the project has received extensive support from the community or not. In case the sub-project has negative impacts, it is important that the affected EMs fully and clearly understand the potential impact so that they can provide practical feedback on how to avoid/minimize/mitigate those effects and the arrangements for compensation in the event of an unavoidable negative impact.

45. 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 – conducted in a manner similar to the FPIC standard.

4.3. Broad Community Support (BCS)

46. The broad community support for the implementation of the project is very important. The Bank will provide project financing only where free, prior and informed consultation results in broad community support. A meaningful BCS should come from good social assessment and consultation. It is important that the BCS (with good community representation and its level of support) be documented and reflected in the EMDP, particularly with project/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.

4.4. Information Disclosure

47. The draft EMPF was disclosed prior to project appraisal. The Vietnamese version was disclosed locally at provincial, city, and ward/commune level on 10 January 2017. The English version of this EMPF was disclosed on the Bank's Infoshop on 12 January 2017.

48. Once the EMDPs have been cleared by the Bank, EMDPs must be disclosed locally prior to the appraisal of respective subprojects. EMDPs need to be disclosed in an accessible place and in a form and language understandable to the EM peoples as well as to 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 each PMU and submitted for the Bank disclosure on Bank's Infoshop.

49. Each EMDP will be updated before implementation to reflect any additional development needs that the EM peoples may have when the impact of the subproject is confirmed on the basis of final detailed engineering design.

V. IMPLEMENTATION ARRANGEMENTS

5.1. Institutional Arrangement

5.1.1. Implementation of the EMPF

50. The EMPF will apply to all the subprojects where ethnic minorities are present and residing. The PMU is responsible for implementing the EMPF in order to guide the preparation of site-specific EMDPs.

5.1.2. Implementation of the EMDPs

51. The effective implementation of the EMDP requires the close cooperation of relevant authorities: investors, local authorities, socio-political organizations, unions and the EM people themselves.

52. The PPC is the project owner and is responsible for overall implementation of the Project.

53. The PMU is responsible for implementing the overall EMDP prepared for the Project as well as ensuring that the project's relevant authorities understand the purpose of the EMDP.

54. The PMU is responsible for assigning appropriate staffs and allocating sufficient budget to implement the EMDP. Where the EM people are affected by land acquisition for the construction of project items, compensation and assistance for the affected EM will be implemented through the Resettlement Plan prepared for each city under the Resettlement Policy Framework (RPF) of the Project.

55. From the start of the Project, members of the PMU will receive in-depth training to undertake EM screening in the subproject area. Each city will hire a consultant to prepare the EMDP. The EMDP should be developed under the EMPF.

56. Responsibility for preparing and implementing the EMDP is as follows:

- The PMU is responsible for overall coordination and implementation of the EMDP. The PMU will hire consultants to cooperate closely with related agencies such as Departments, People's Committees of communes/wards involved in the project and the affected EM communities to implement the EMDP.
- The EMDP of the project will be prepared by the Social Consultants hired by the Project Management Unit on the basis of the principles of the EMPF. The People's Committee of the relevant province is responsible for approving and implementing the EMDP.
- Budget for preparation and implementation of the EMDP is taken from the counterpart funds of each city.
- The PMU is responsible for ensuring effective implementation of the EMPF and EMDP with close consultation with other departments at the same level and the wards/communes in the project area.

VI. GRIEVANCE REDRESS MECHANISM

57. A complaint settlement mechanism will be applied to people or groups of people directly or indirectly affected by the project. All the complaints and claims should be recorded correctly in written document. A printed publication of this must be kept at the community and commune/ward level.

58. If the affected EM persons are not satisfied with the process and compensation/mitigation or any other issue, a representative of that EM person or she/he can submit her/his complaints to the PPC of the city or to the PMU. For those people in the vulnerable group with limited capacity (illiteracy, cognitive limitations, disabilities ...), the judicial officers of the ward commune will guide representatives of those people to write letters and provide guidance on complaint procedures. Complaints need to be resolved in a satisfactory manner in line with the wishes of the affected EM person. EM people are exempted from any costs related to their complaints. The PMU and the independent monitoring consultant are responsible for overseeing the progress of settlement of complaints by ethnic minorities. All complaints should be recorded in the project file of the PMU, and is frequently checked by the independent monitoring consult.

59. Complaint mechanism is established on the basis of Viet Nam law. The procedure for settling claims/complaints is presented below

- (1) **The first stage – Commune/Ward People’s Committee:** Affected people can submit their complaint to the one-door service of the ward/commune (in written or oral form). Members of the Ward/commune People's Committee will be responsible for reporting to leaders of the ward/commune on the complaint. Chairman of the ward/commune People’s Committee will meet privately with the affected household to understand the problem. The Ward/Commune People’s Committee has to solve that complaint within 30 days from the receipt of the complaint. The Ward/Commune People's Committee Office is responsible for keeping records of all complaints that the Ward/Commune People’s Committee processes.
- (2) **The second stage, the City People’s Committee:** If after 30 days, the affected households do not receive feedback from Ward/Commune People’s Committee or if the affected households are not satisfied with the resolution, they can present the case in written or oral form to the receiving division of the City People’s Committee. The City People’s Committee has 30 days to solve the case from the date of receiving the complaint. The City People’s Committee is responsible for keeping the records of all complaints and will inform the City Resettlement Committee and affected people on any decision taken. PAPs can complain to the provincial level if they are not satisfied
- (3) **The third stage – Provincial People’s Committee:** If after 30 days, the affected households do not receive feedback from City People’s Committee or if the affected households are not satisfied with the resolution, they can present the case in written or oral form to any staff at the receiving division of the Provincial People’s Committee. The Provincial People’s

Committee has 45 days to solve the case from the date of receiving the complaint. Provincial People's Committee is responsible for keeping the records of all complaints. PAPs can make claim to the court if they want.

- (4) **The final stage - the court:** If after more than 45 days, the PAPs have not received feedback or resolution from the PPC, or are not satisfied with the decision, they can submit the case to the Court for consideration and judgment. The court's decision will be the final decision.

60. The complaint settlement decision will be sent to the claimer and related authorities and will be publicly posted at the headquarters of the People's Committee where the complaint is solved. The decision will be posted at the Ward/Commune level, three days after being solved and at the City/Province level, seven days after being solved. Should a complainant wish not to have any decision publicized, he/she will inform the Ward/commune PC to not publicly post such decision.

61. To ensure that the complaint mechanism described above is put into practice and approved by the affected EMs, the mechanism should be consulted on with local authorities and local communities, taking into account specific elements of traditional culture, including cultural systems that affect the generation and resolution of complaints.

VII. MONITORING AND EVALUATION

62. Responsibility for overall monitoring and implementation of the EMPF and EMDPs rests with the PMU. Implementation of the EMPF and EMDP will be subjected to external independent monitoring by a qualified consultant. The external independent monitoring consultant will be hired by the PMU. This service could be integrated into the contract for independent monitoring for the implementation of RPs.

7.1. Internal Monitoring

63. Responsible agency. The PMU will be responsible for the overall implementation of the EMPF and EMDPs.

7.2. External Monitoring

64. Independent monitoring: an Independent Monitoring Agency (IMA) will be hired to carry out monitoring of the implementation of social safeguards of the sub-projects, including the EMDPs. Monitoring report will be submitted to the Bank for review and comments. Independent monitoring should be conducted twice a year in the project implementation to timely identify issues that might need immediate action from PMU. Independent monitoring: Independent monitoring Consultants (IMC) will be hired to carry out monitoring of the implementation of social safeguards of the sub-projects, including the EMDPs. The monitoring report will be submitted to the Bank for review and comments. Independent monitoring should be conducted twice a year during the project implementation to ensure the timely identification of issues that might need immediate action from the PMU.

VIII. GUIDELINES FOR EMDP PREPARATION

8.1. Screening

65. All seven participating cities were visited during project preparation by a team made up of the World Bank Task Team, PMUs and Consultants. Representatives of CEMA and affected wards were also met to identify the presence of EM in the project area. Where EM are found, the Consultants was requested to conduct additional screening to check: i) the names of ethnic groups in the commune; ii) the total number and the percentage of ethnic minority in wards where investments are proposed; and iii) the number and percentage of ethnic minority households in the zone of influence of the proposed investments. Annex 3 presents the form used for screening.

8.2. Social Assessment:

66. **Objective:** The Social Assessment (SA), in the text of Operational Policy 4.10 of the World Bank, is a study with the aim of discovering how the planned activities of the Project and the sub-projects funded by the World Bank affect the livelihoods of ethnic minorities living in the sub-project areas. The purpose of the SA is to ensure that if there are any negative impacts that may occur as a result of the sub-project, then the appropriate measures are taken immediately (before the implementation of subproject) to avoid, mitigate and minimize the negative impacts, or if they are unavoidable, to provide proper compensation to those affected. The SA also aims to survey, based on a specific understanding of the cultural and socio-economic characteristics of the ethnic minority communities, the feasible development activities that the project can proceed with (in relation to the purpose/objective of the project) in order to ensure that EM people in the sub-project area receive socio-economic benefits that are most appropriate for them.

67. **Method.** The Social Assessment includes a consultation process for potential affected people in the project area. Consultation work should include organizing meetings with EM people at different stages during the implementation of the subproject to ensure the most accurate forecast of potential impact. It's a good practice that the EMDP be prepared based on free, prior and informed consultation and social assessment to ensure that the sub-project brings benefits in a culturally appropriate manner for the EM. EMs should be provided adequate and accurate information about the sub-projects before carrying out consultations. In addition, if potential impacts of the project can be estimated, these impacts should be made known to EM people to help them understand nature and extent of the impact of the project on their livelihoods and income generating activities.

68. Consultation methods that are appropriate and specific to each EM group need to be submitted for approval in order to be confident of receiving reasonable and reliable comments from the EM peoples to be consulted. When carrying out consultation for EM people, it is necessary to pay special attention to vulnerable groups, especially those below the poverty level, the landless, the elderly, women and children. It is important to have the extensive support of the community before appraising the subproject to be implemented.

69. **Data collection.** There are 2 types of data to be collected for the sub-project social assessment: (i) Available secondary data on affected EM population/EM population target. These data can be found in the reports of local authorities, abstracts of statistics, newspapers, and magazines. The team in charge of the social impact assessment (probably the trained staffs of the PMU, or consultant) should examine whether the available secondary data is sufficient or not to avoid duplication of data collection work. Experience has shown that there is no specific data at the household level; and (ii) primary data collected from the affected people through surveys/interviews of households, or through focus group discussions, using appropriate interviewing skills.

70. **Data Type:** When implementing social impact assessments to develop a EMDP, information must be gathered from both primary and secondary sources. The following socio-economic data must be collected on the EM people who may be affected by the Project to determine specific demographic patterns, household composition, income and occupation, education level, health status, etc. disaggregated by gender:

- Cultural characteristics of ethnic minority groups.
- The income-generating activities, including income, demographic decentralization, seasons, including land and production assets.
- Natural hazards annually affecting livelihoods and income production activities;
- The common resource, production system and livelihoods that property owning EMs can rely on;
- Community relations (social capital, family relationship, social networks, ...);
- Potential impacts (positive and negative) of the sub-project on EM livelihoods;
- Incentive assistance for ethnic minority people in the implementation of development activities, funded by the project (Needs Assessment).
- The impact of climate change affecting EM lives in the area.

71. **Data analysis:** This job is a challenge, from simple to complex, depending on the type of data collected and the complexity of the data, as well as data analysis skills of the assessment team. It is proposed that the qualitative data should be collected and analyzed to support the search to be carried out for the social impact assessment. Quantitative analysis should be carefully considered prior the project and be carried out with the support of trained staff and external consultants.

8.3. Preparation of the Ethnic Minority Development Plan (EMDP)

72. The EMDP for subprojects will be built on the basis of the social assessment and consultation with ethnic minority communities in the project area. Consultation will provide feedback from EM groups for planning and implementation of subprojects. The assessment of income generating activities for EMs and their livelihoods will help to develop the mitigation measures for preventing/avoiding/minimizing the negative impacts based on an understanding by the EM community of the objectives of the subproject.

73. During consultation, the local language skills and knowledge of the team in relation to EM consultation are essential. The consultations with individual members of an EM group will ensure that EM people can express their genuine opinions. Method, content, time and place of consultation with ethnic minorities should be appropriate to ensure their participation.

74. The final EMDP including the final feedback from the consulted EM people will be disclosed - as required by OP 4.10.

75. An outline for the preparation of each EMDP is presented in Annex 1.

8.4. Procedure for Review and Approval of an EMDP

76. After completing the EMDP for the subproject, The PMU will submit the plan for consideration and approval of the World Bank. The WB may require revision and upgrading of the EMDP. Any arising concerns or demand for technical assistance for preparing the EMDP can be solved by prompt contact with the WB's mission team for their timely support. After receiving approval from the WB, the EMDP will be published before the appraisal/approval of the subproject.

77. PMU will also submit the EMDP to the Committee for Ethnic Minorities Affairs (CEMA) of the province for review and comments

78. During EMPF/EMDP preparation, the EMPF/EMDP were also submitted to EM groups and various provincial representatives in the sub-project area during public meetings.

79. Each EMDP will be updated before implementation to reflect any additional development needs that the EM peoples may need when the impact of subproject is confirmed on the basis of final detailed engineering design. The updated EMDP will be prepared in coordination with each provincial CEMA and will be submitted to PPC for approval.

80. Updated EMDP will also be submitted to EM groups in the two sub-project areas according to the provisions set-forth in Chapter IV.

IX. COSTS AND BUDGET

Budget for implementation of the EMDP of each subproject was calculated on the basis of specific activities proposed in each EMDP. This budget will be added to the total budget of the Project. The costs of EMDP implementation will be allocated from the Project budget which use Bank's financing. Necessary resources will be made available for the implementation of the EMPF and any subsequent EMDPs that may be required.

Table 5 presents the budget to implement the two EMDPs prepared under the SUUP.

Table 5: Costs Estimate for the Implementation of the two EMDPs

Items	Sub-project Bac Lieu	Sub-project Soc Trang	Total
Proposed Development Activities	1,525,914,984	1,888,647,833	3,414,562,817
Implementation costs	300,000,000	300,000,000	600,000,000
Monitoring and Evaluation	150,000,000	150,000,000	300,000,000
Sub Total	1,975,914,984	2,338,647,833	4,314,562,817
Contingencies	197,591,498	66,250,000	263,841,498
Total costs for EMDP implementation (VND)	2,173,506,482	2,404,897,833	4,578,404,315
Total costs for EMDP implementation (USD)	97,791	106,884	204,675

Annex 1: Outline for the EMDP

Executive summary:

This section briefly describes important data and key findings from the social assessment and proposes actions to manage adverse impacts (if any) and propose interventions based on social assessment results.

1. Project description

This section describes the overall project objectives, project components, the potential negative impacts (if any) at the project and subproject levels. It also clarifies adverse impacts for these two levels of project and subproject.

2. Institutional and legal framework applied for EM groups

3. Description of the population in the subproject area

- Basic Information on demographic, social, political and cultural characteristics of the ethnic minorities likely to be affected.
- The production system, livelihood, property rights that the EMs can rely on, including natural resources they depend on (including common property, if any).
- The types of income-generating activities, including income sources, divided by household members and production season;
- Annual natural disasters affecting livelihoods and people's income;
- Community relationships (social capital, family relationship, social networks ...)

4. Impacts on Ethnic Minorities

This section describes:

- Potential impacts of subprojects (positive and negative) to the livelihoods of EM in the project area (both direct and indirect).

5. Information promulgation, consultation and participation

This section presents:

- Methods of consultation used to ensure free, prior and informed consultation with ethnic minority groups affected in the subproject area.
- Summary results of free, prior and informed consultation with ethnic minority groups.
- Describe the promulgation of information, consultation and participation of affected EM households which has been carried out during the project preparation stage including the free, prior and informed consultation of the EM;
- Summarize the opinions of the EM on the results of the social impact assessment and determine their interests in the consultation process and solutions to mitigate impacts during the project design;

- Provide documentation, procedures and results of consultation with the affected ethnic minority communities and the agreements reached since the consultations for the activities of the projects and measures to resolve the impacts from such activities in the case that project activities require accessibility and community support on a large scale;
- Describe the mechanisms for consultation and participation used in the implementation process to ensure participation of the EM in the project implementation, and
- Confirm publication of the draft and the final EMDP for the affected EM community

6. Proposed Development Activities

This section provides development activities in order to maximize benefit of the project for the ethnic minorities. It includes:

- EM's demand for support during the development activities (to learn through a needs assessment in the process of implementing social assessment).
- Action Plan for implementation of measures to avoid, minimize, mitigate, or compensate for these negative impacts.
- Action Plan for the implementation of measures to ensure the EM in the subproject area receive reasonable socio-economic and cultural benefits, including measures to strengthen the institutional capacity of implementing agencies in the area (if required).

7. Grievance Redress Mechanism

This section describes the process to resolve the complaints of the affected EMs and explains accessibility for EM people in accordance with their cultural characteristics and gender sensitivities.

8. Organization mechanism

This section describes both the institutional responsibilities and mechanisms for the implementation of various measures of the EMDP as well as procedures for implementing measures stated in the EMDP by the related local organizations.

9. Monitoring and Assessment

This section describes the mechanisms and standards used by the project to monitor and evaluate the implementation of the EMDP. This section also specifies the nature of the free, prior and informed consultation and participation of the affected EM in the process of preparing and approving the monitoring and assessment reports.

10. Funding and Budget

This section provides itemized funding for all activities described in the EMDP.

Annex 2 Summary of Consultation during EMDP Preparation

1. Bac Lieu City

No.	Time	Location	Participants	Number of participants	Gender		Main comments
					M	F	
1	19/9/2016	People's Committee of ward 8	Consultant; Investor's representative; Representative of People's committee of ward 8; Representative of unions, associations Representative of Khmer community	15	7	8	<ul style="list-style-type: none"> - Local authority support the project and expresses high consensus on the requirement for special priority for Khmer people through the EMDP; - Regarding supporting activities, Khmer people should rather be provided with vocational training courses than be supported in cash; - For the capacity for implementation management for the ethnic minority, there are a few ward staffs being trained in ethnic minority issues so to implement the plan in an effective manner, it is required to have training courses for improving staff's capacity in EM issues.
2	21/9/2016	House of Mr. Tran Van Em, alley 14, Tra Kha clusters, ward 8	Consultant; Investor's representative; Representative of People's committee of ward 8; Head of Tra Kha, Tra Khua clusters; EM households	35	20	15	<ul style="list-style-type: none"> - People totally agree with the implementation of the project and are happy that the project pay special attention to people's wishes; - Most of the elderly and middle-aged people wish their lives will not be disturbed by the project. when the project affect land, house, they will get reasonable compensation; - The alley 14 in Tra Kha after being upgraded can lead to households' floors higher than the road, so they can be inundated during raining due to run-off water, so the project should have technical solution for this issue;

No.	Time	Location	Participants	Number of participants	Gender		Main comments
					M	F	
3	22/9/2016	House of Mrs. Cuong, alley 14, Tra Kha cluster, ward 8	Consultant; Investor's representative; Representative of People's committee of ward 8; Head of Tra Kha, Tra Khua clusters; EM households	40	23	17	<ul style="list-style-type: none"> - People totally agree with the implementation of the project and are happy that the project pay special attention to people's wishes; - Most of the elderly and middle-aged people wish their lives will not be disturbed by the project. when the project affect land, house, they will get reasonable compensation; - The younger people want to have vocational training or borrow fund for doing business;
4	23/09/2016	People's Committee of ward 8	Consultant; Investor's representative; Representative of People's committee of ward 8; EM households in LIA 1, 2, 3, 5 and along roads as Nguyen Dinh Chieu, De Lo Ren, Lo Bo Tay	35	19	16	<ul style="list-style-type: none"> - People totally agree with the implementation of the project and are happy that the project pay special attention to people's wishes; - Most of the elderly and middle-aged people wish their lives will not be disturbed by the project. when the project affect land, house, they will get reasonable compensation; - Language is not an issue because the Khmer have largely integrated into the Kinh community and are able to communicate in Vietnamese;

Soc Trang City

No.	Time	Ward	Participants			Consultation contents	Main comments
			Total	Male	Female		
1	14h00, Aug 29 th 2016	2	16	11	5		<ul style="list-style-type: none"> - Participants support the project and expresses high consensus on the requirement for special priority for Khmer people through the EMDP. They hope the project will be soon implemented to improve their environment and enhance people's living conditions. - Other concerns are related to the implementation schedule. EM community and people hope that the project will not cause any negative impact on the Khmer community in particular and the ward in general due to the presence of outside workers.
2	8h00, Aug 30 th 2016	4	15	7	8	<ul style="list-style-type: none"> - General information about the project, the proposed investments of the project implementation; - Project implementation plan, including EMDP and RP; - Introduction of compensation and support policy framework of the project, the compensation principle and the compensation conditions; - The livelihood restoration programs and measures to enhance benefits to the Khmer community; 	<ul style="list-style-type: none"> - Participants strongly support the EMDP and suggested the Project should be carried out soon. - Questions regarding the proposed investments were raised and were explained satisfactorily with additional information by representatives of the Department of Construction, Division of Labour Management and representatives of local authorities. - Mrs. Tam, a single mother with 2 little children, wondered if she will be supported under the project policy. The consultant has explained and provided her with further information included in RP/EMDP
3	14h15, Aug 31 th 2016	6	21	10	11	<ul style="list-style-type: none"> - Discussion with affected households. - Concerns of Khmer HH regarding the project preparation and implementation; - 	<ul style="list-style-type: none"> - Additional information regarding Project/ policies for the Khmer community about the differences between the SUUP's policies and other projects' policies due to specific requirements of WB. - Some HH worried that the upgraded lanes/alleys with a higher elevation could cause inundation of their houses during periods of rain as the ground level of their houses will be lower. The Consultant indicate that the technical team will propose a suitable design solution to avoid flooding.

No.	Time	Ward	Participants			Consultation contents	Main comments
			Total	Male	Female		
4	14h00, Aug 26 th 2016	8	15	5	10		<ul style="list-style-type: none"> - Community strongly agreed with the EMPF and hoped that the project would be soon carried out. - For the resettlement site in 5A Mac Dinh Chi, all Khmer households, subject to displacement, agree with the proposed site because the distance from their current location to the new one is not far; they could keep their current jobs and their life will not be too disrupted. - Households want to send their working-age members to vocational training centers. - Regarding religion and gender – two of the most sensitive issues – no impact is anticipated. There is no Khmer pagoda affected by the project's investments;

Annex 3: Form for EM screening

When to conduct screening: at the time of initial consultation with wards/clusters

What information to collect: Preliminary EM screening needs to collect socio-economic data on the EM population living in the subproject area; to identify the level of vulnerability of each EM group; to identify if EMs form specific community within the project area;

How to collect information: Information can be collected from the head of the EM group, the head of the clusters and the competent authorities of the ward.

Who to conduct screening: Consultant or trained staff at City level and member of the PMU

Province: _____ **City:** _____ **Ward/cluster:** _____

Name of ward/cluster in the project area	Name of ethnic group living in the project area	Number of EM people, number of EM households	Total number of EM people	
			Female	Male