

**VIETNAM ELECTRICITY  
NATIONAL POWER TRANSMISSION CORPORATION**  
**ĐIỆN LỰC VIỆT NAM**

**RENEWABLE ENERGY ACCELERATING CHANGE PROJECT  
(REACH)**

**ETHNIC MINORITY PLANNING  
FRAMEWORK (EMPF)**

(DRAFT FOR CONSULTATION)



**FEBRUARY 2021**

## **PREFACE**

This document is called the Ethnic Minority Planning Framework (EMPF) for the “**Vietnam Renewable Energy Accelerating Change Project (REACH)**”. It has been developed in compliance with World Bank’s Environmental and Social Framework (ESF), specified in the Environmental and Social Standard 7 (ESS7) and the regulations of the Government of Vietnamese (GOV) on Ethnic Minority Peoples for Binh Phuoc, Dong Nai, Ba Ria – Vung Tau, Dak Lak, Dak Nong and Tay Ninh province.

TABLE OF CONTENT

<b>PREFACE</b> .....	<b>i</b>
<b>ABBREVIATIONS</b> .....	<b>5</b>
<b>GLOSSARY</b> .....	<b>6</b>
<b>I. INTRODUCTION</b> .....	<b>9</b>
1.1. Project Overview .....	9
1.2. Objectives of REACH .....	9
1.3. Project Components.....	10
<b>II. OVERVIEW OF ETHNIC MINORITIES IN THE PROJECT AREAS</b> .....	<b>11</b>
2.1. Economic, cultural and social characteristics of EMs in the Project area .....	12
2.2. Objectives of the EMPF.....	12
<b>III. THE POTENTIAL IMPACTS OF THE PROJECT</b> .....	<b>13</b>
3.1. The Positive Impacts of the Project .....	13
3.2. The Negative Impacts of the Project.....	13
<b>IV. LEGAL FRAMEWORK FOR ETHNIC MINORITIES</b> .....	<b>14</b>
4.1. National Legal and Policy Framework for Ethnic Minorities .....	15
4.2. World Bank Environmental and Social Standard 7 (ESS7) .....	18
<b>V. MEANGINGFUL CONSULTATION AND REACH GUIDELINES</b> .....	<b>19</b>
5.1. Consultation with EM throughout project cycles .....	19
5.2. Implementation of Free, Prior and Informed Consent (REACH).....	21
<b>VI. DISCLOSURE OF INFORMATION</b> .....	<b>23</b>
6.1. Disclosure for EMPF .....	23
6.2. Disclosure for EMDPs .....	23
<b>VII. GUIDELINES ON PREPARATION AND IMPLEMENTATION OF EMDP</b> ....	<b>24</b>
7.1. Screening .....	24
7.2. Social Assessment (SA).....	25
7.3. Developing an EMDP .....	26
7.4. Procedure for Review and Approval of an EMDP .....	27
7.5. The main content of the EMDP .....	27
<b>VIII. IMPLEMENTATION ARRANGEMENT</b> .....	<b>27</b>
<b>IX. GRIEVANCE REDRESS MECHANISM</b> .....	<b>28</b>
<b>X. MONITORING AND EVALUATION</b> .....	<b>31</b>
10.1. Internal Monitoring and Evaluation.....	31
10.2. External Monitoring and Evaluation .....	31

**XI. COST AND BUDGET ..... 32**  
**ANNEXES ..... 33**  
Annex 1: Social Assessment for the purposes of ESS7..... 33  
Annex 2: Form for EM screening..... 34  
Annex 3: Outline of EMDP Executive ..... 35

**LIST OF TABLE**

Table 1 - Information on population of ethnic groups in the project provinces..... 12  
Table 2 - Legal documents relating to ethnic minority ..... 16  
Table 3 - Potential Meaningful Consultation Steps..... 21  
Table 4 – Potential REACH Steps..... 22

**ABBREVIATIONS**

BCS	Broad Community Support
CEMA	Committee for Ethnic Minorities Affairs
CPC	City People’s committee
EM	Ethnic Minority
EMPF	Ethnic Minority Planning Framework
EMDP	Ethnic Minority Development Plan
REACH	Free, Prior and Informed Consent
GOV	Government of Viet Nam
HH	Household
IMA	Independent Monitoring Agency
LURC	Land Use Rights Certificate
NGO	Non-Government Organization
NPT	National Power Transmission Company
ESS7	The World Bank’s Environmental and Social Standard on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
PAH	Project Affected Household
PAP	Project Affected Person
PPC	Provincial People’s Committee
PRA	Participatory Rapid Appraisal
SPMB	Southern Vietnam Power Projects Management Board
TOR	Terms of Reference
USD	US dollars
VND	Viet Nam Dong
WB	World Bank

**GLOSSARY**

Affected Person/ Affected Household (AP/AH/ PAP)	<p>Refers to any persons/individuals, household, firms, private or public organizations who, on account of changes that result from the Project, would have their (i) Standard of living adversely affected; (ii) Rights, ownership or interest in any houses, land (including residential, commercial, agricultural, forest, salt and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted, or otherwise, adversely affected, in full or in part, permanently or temporarily; and/or (iii) Business, occupation, place of work or residence or habitat adversely affected, with or without displacement.</p> <p>In the case of affected households, the term of PAP includes all members who are residing in the same house and operating as a single economic unit, who are adversely affected by the project or any its components.</p>
Affected communities	<p>Means that villages/communities are affected by impacts as a result of: (a) land acquisition due to any the project activities, whether being relocated or not relocated; economic impacts (permanent or temporary); (b) host communities receiving displaced households, or (c) the surrounding communities, and social and cultural aspects, that would be negatively impacted by the project; (d) natural resources that contribute to either livelihoods or cultural identify.</p>
Assistance and recovery	<p>Support provided by the project to affected households losing assets, employment or livelihoods sources, in addition to compensation payment for acquired assets provided, in order to restore livelihoods.</p>
Collective attachment	<p>Means physical presence in and economic ties to lands and territories traditionally owned, or customarily used or occupied, by EMs concerned, including areas that hold special significance 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.</p>
Customary rights to lands and resources	<p>Refers to patterns of long-standing community land and resource usage in accordance with EMs customary laws, values, customs, and traditions, including seasonal or cyclical use, rather than formal legal title to land and resources issued by the State.</p>
Entitlements	<p>The range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to PAPs, depending on the type and degree nature of their losses, to restore their social and economic base.</p>
Ethnic Minorities	<p>As defined by the World Bank, the term of Indigenous Peoples is used in a generic sense to refer to a cultural and social group is possessing the following characteristics in varying degrees:</p>

- (i) Self-identified as a member of a distinct indigenous cultural group and recognition of this identity by others;
- (ii) Collective attachment to geographically distinct habitats and ancestral territories in the project area and to the natural resources in these habitats and territories;
- (iii) Customary cultural, social, political institutions that are separate from those of the mainstream society or culture; or
- (iv) A distinct language or dialect, often different from the official languages of the country or region in which they reside.
- (v) In Vietnam, the term indigenous refer to ethnic minorities (EMs).

Free, prior and informed consent

Ethnic Minority communities may be particularly vulnerable to the loss of, alienation from or exploitation of their land and access to natural and cultural resources. In recognition of this vulnerability, in addition to the General Requirements of the ESS7 (Section A) and those set out in ESSs 1 and 10, the Borrower will obtain the REACH of the affected EM communities, where the project will: (a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) cause relocation of EM communities from land and natural resources subject to traditional ownership or under customary use or occupation; or (c) have significant impacts on EM's cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected EMs' lives.

Livelihoods

Capabilities, assets and activities required to maintain the living standards and quality of life, including cash income and selfconsumption.

Meaningful consultation plan

Refer to a two-way process that:

- (a) Begins early in the project planning process to gather initial views on the project proposal and inform project design;
- (b) Encourages stakeholder feedback, particularly as a way of informing project design and engaging stakeholders in the identification and mitigation of environmental and social risks and impacts;
- (c) Continues on an ongoing basis;
- (d) Is based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful, and easily accessible information in a time frame that enable meaningful consultations with stakeholders in a culturally appropriate discrimination, and intimidation; and
- (e) Considers and responds to feedback;
- (f) Supports active and inclusive engagement with project-affected parties;

(g) Is free of external manipulation, interference, coercion, discrimination, and intimidation; and;

(h) Is documented and disclosed by the Borrower

Plan	Set of principles, objectives, procedures and budget defined in advance to ensure sound and smooth operation of the project. Quantitative targets (land, persons) in the plan foreseen targets. They will be adjusted as needed during the project design and implementation.
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, temporary and permanent impact on income and livelihoods, as a result of restrictions in the use of legally designated parks or protected areas. People directly affected by land acquisition may lose their home, farmland, property, business, or other means of livelihood. In other words, they lose their ownership, occupancy, or use rights, because of land involuntary acquisition or restriction of access.
The agreement of the affected Ems (indigenous) communities	For the policy application purposes, the term refers to a collective expression by the affected EMs (indigenous) communities, through individuals and/or their recognized representatives, in support of the project. There may be broad community support even when some individuals or a group of individuals disagree with activities of the project.
Vulnerable groups	Distinct groups of people who might suffer disproportionately from the loss of fixed and movable assets, other assets and production base or face the risk of being marginalized from the effects of resettlement and specifically include social development by the consequences of the loss of land or assets and other impacts of the project. Vulnerable households are: (i) divorced or widowed female headed households with dependents and low income, (ii) households with disabled or invalid persons, (iii) households with persons falling under the generally accepted indicator for poverty as defined by the Ministry of Labor, Invalids and Social Affairs, (iv) children and elderly households who are landless and with no other means of support, and (v) EM households.



## **I. INTRODUCTION**

### **1.1. Project Overview**

1. Over the past decades, energy sector has been a fundamental enabler of inclusive economic development. Energy sector's institutional and administrative arrangements were able to successfully manage growth. EVN has been able to transform into one of the best performing power utilities in the region. However, as Vietnam plans its next phase of growth, energy sector stands at an inflection point. Given the rapidly evolving nature of Vietnam's economy, the coming decades would require a strong focus by the energy sector on the 'quality', and not just the 'quantity' of growth. The key challenges confronting the sector include: (i) managing the transition to clean-energy based power system, (ii) ensuring energy security under the new growth factors, and (iii) bringing in modern efficiencies and new technologies which keep pace with the changing nature of the energy industry. Adapting to these new challenges would once again require bold vision of the authorities as well as a strong reform agenda capable of reshaping the sector and its institutional landscape. government's climate impact mitigation strategy

2. The Government of Vietnam (GOV) has requested the World Bank (WB) to finance the Renewable Energy Accelerating Change Project (REACH). This project is in line with the Seventh Power Sector Development Plan (PSDP7). The proposed project will contribute to improved capacity of the electricity grid for enhanced variable renewable energy (VRE) integration of private sector-led renewable energy generation and reduced greenhouse gas (GHG) emissions, reduced electricity costs, reduction in dependence on fossil fuels, as well as reduction in air and water pollution. The total cost of the project is USD\$350 million. The proposed Project will be implemented from 2022 - 2026. The Project comprises of two components: (1) Grid Strengthening for VRE Integration and (2) Dispatch Management.

3. EVN will be the project owner and responsible for coordinating with all relevant Government agencies as well as its subsidiary companies responsible for following respective components. The National Power Transmission Corporation (NPT) will implement Component 1, while the National Load Dispatch Centre (NLDC) will implement Component 2. The project will be implemented in Dak Lak, Dak Nong, Binh Phuoc, Binh Duong, Tay Ninh, Dong Nai, Ba Ria – Vung Tau, Binh Dinh and Phu Yen provinces.

4. The Project will apply the World Bank Environmental and Social Framework (ESF) and comply with applicable Vietnamese legislations. The REACH's environmental and social risk has been rated at Substantial. Nine out of the ten Environmental and Social Standards (ESSs) in the ESF are relevant to the Project, including: (i) ESS1 - Assessment and Management of Environmental and Social Risks and Impacts; (ii) ESS2 - Labor and Working Conditions; (iii) ESS3 - Resource Efficiency and Pollution Prevention and Management; (iv) ESS4 - Community Health and Safety; (v) ESS5 - Land Acquisition, Restrictions on Land Use and Involuntary Resettlement ; (vi) ESS6 - Biodiversity Conservation and Sustainable Management of Living Natural Resources; (vii) ESS7 - Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities; (viii) ESS8 - Cultural Heritage; and (ix) ESS10 - Stakeholder Engagement and Information Disclosure.

### **1.2. Objectives of REACH**

5. The Project Development Objective (PDO) is to improve the capacity of the electricity grid to integrate private sector led renewable energy generation projects.

6. The proposed project is comprised of the following two components: (i) Grid Strengthening for VRE Integration Component; and (ii) The Dispatch Management Component.

### **1.3. Project Components**

7. The Project includes the following components:

#### **Component 1: Grid Strengthening for VRE Integration (US\$ 330 million of which US\$182 million from WB and US\$ 142 million from EVN)**

8. Component 1 provides financing for construction of two new 500 kV transmission lines and substations which are critical for evacuating power from renewable energy producing centers to the demand centers. This investment in backbone transmission grid strengthening will enable a better integration of around 543 MW of existing/under construction solar and wind energy projects and unlock around 2.3 GW of new generation. It is anticipated that all these new VRE projects will directly replace new coal power plants as per the draft PSDP 8. In addition, it will enable a reduction in transmission losses in those regions. This component will be included the subprojects:

- i. **500 kV Bac Chau Duc Substation and Transmission Line.** This includes 10 km long quad-circuit 500 kV transmission line (TL), and a substation (SS) with capacity of 950 MVA will be added as part of this sub-project. The sub-project is located in Ba Ria - Vung Tau Province, in the Southern region of Vietnam. Total estimated cost of this sub-project is US\$ 75 million, of which US\$ 41 million would be mobilized by the World Bank and the remainder by EVN.
- ii. **500 kV Krong Buk - Tay Ninh 1 Transmission Line.** This includes nearly 300 km long 500 kV double circuit TL. The physical footprint of this TL will traverse several provinces from the central highland of Dak Lak to the South-Eastern province of Tay Ninh. The total estimated cost of this sub-project is US\$ 243 million, of which US\$ 133 million would be mobilized by the World Bank and the remainder by EVN.
- iii. **220 kV Phuoc Dong Substation.** This includes an upgrade of 250 MVA of substation capacity and associated equipment. The sub-project is located in the Tay Ninh province in the South East of Vietnam. Total estimated cost of this sub-project is US\$ 12 million, of which US\$ 8 million would be mobilized by the World Bank and the remainder by EVN.

#### **Component 2: Dispatch Management (US\$ 20 million of which US\$ 12 million from WB and US\$ 8 million from EVN).**

9. Component 2 finances system management infrastructure (sensors, hardware, and software) for the power grid operator to digitize and automate the tasks for VRE integration. As the volume of VRE increases in the generation mix, the number of power plants is expected to be dramatically increase (for instance, the number of solar power plants had increased from about a dozen a few years ago to over 150 today). This created difficulties for the National Load Dispatch Center (NLDC) to visualize, monitor, and control the network. In addition, the variability of the solar and wind energy also requires additional sensitivity in management of operations with regards to efficient forecasting of supply and demand as well as faster response to voltage and frequency changes. The investment supported under this component will be part of the new state-of-the-art NLDC Control Center which is being setup by EVN with the anticipated enhancements required for grid management needs.

10. **Institutional arrangements and capacity for implementation and sustainability.** EVN will be the overall responsibility for the implementation of the project and will be responsible for: (i) coordinating with all relevant Government agencies as well as its subsidiary companies responsible for respective components. Component 1 will be implemented by NPT/SPMB and Component 2 will be implemented by EVN/NDLC. In turn, NPT and NLDC would assign specific project management boards (PMBs) to undertake day-to-day management of the project related tasks

## **II. OVERVIEW OF ETHNIC MINORITIES IN THE PROJECT AREAS**

11. Vietnam is a multi-ethnic country with over fifty distinct ethnic groups (53 are recognized by the Government of Vietnam), each with its own language, lifestyle, and cultural heritage. As of 01 April 2019, Vietnam's population reached 96.2 million people, of which the Kinh people had 82.1 million people, accounting for 85.3% of the country's total population; the remaining 53 ethnic minorities have 14.1 million people, accounting for 14.7% of the country's total population. The Viet (Kinh) people mainly inhabit in the Red River delta, the central coastal delta, the Mekong delta and major cities. The other 52 ethnic minority groups, totaling over 8 million people, are scattered over mountainous and remote areas (covering two-thirds of the country's territory) spreading from the North to the South. Among ethnic minority groups, the most populated are Tày, Thái, Mường, Mông, Khmer, Nùng, etc. with a population of around 1 million each, while the least populated are Brâu, Rơ Mâm, Ó Đu with several hundred people each. A number of EMs mastered some farming techniques with rice cultivation in swamped paddy fields, which involves irrigation and other hunting, fishing, collecting practices.

12. Vietnam's policy of not discriminating against EMs is evidenced by the establishment of Council for Ethnic Minority Affairs, under the National Assembly. The Constitution (2013) provides legal and institutional frameworks to protect EMs and ratifies their distinct languages as one of the aspects of cultural diversity and identity. The Committee of Ethnic Minorities Affairs (CEMA - a ministerial level agency) is responsible for all activities related to EM people to ensure equal access and participation to Government policies and investments. This has been the case, when for example, EMs received preferential treatment for accessing college admission and to benefit from other social programs and subsidies (e.g. cooking oil, provision of iodized salt, among others).

13. The government, multilateral and bilateral agencies, and NGOs have organized numerous development and special assistance programs that target EMs. Yet EMs in Vietnam are severely disadvantaged in comparing with the rest of the country. The poorest EMs remaining are harder to reach; facing challenges due to isolation, limited assets, low levels of education and poor health status. EMs poverty is a growing and persistent challenge. According to the latest poverty line data, 66.3 % of EMs are poor compared to only 12.9 % of Kinh population (WB, 2012). There are many reasons for the pervasive poverty of EM groups in Vietnam. Such as dealing with population growth, depletion of natural resources, and cultural dislocation resulting from decades of imposed change.

14. The major ethnic groups of the 6 project provinces have distinct religious and cultural traditions including the majority Kinh, the Khmer, the Muong, the Mong, the S'Tieng, the Cho Ro and smaller groups of Vietnamese ethnic Hoa and ethnic Cham. For ethnic minority populations in the project provinces, in addition to diversified agriculture production,

aquaculture plays an essential role and contributes an increasing proportion to the economic structure.

Table 1 - Information on population of ethnic groups in the project provinces

<b>Province</b>	<b>Population</b>	<b>Kinh</b>	<b>Ethnic minorities</b>	<b>Proportion of ethnic minorities</b>
Ba Ria – Vung Tau	1,148,313	972,095	<b>176,218</b>	<b>15.35%</b>
Dak Lak	1,869,322	1,161,533	<b>707,789</b>	<b>37.86%</b>
Dak Nong	645,401	332,431	<b>312,970</b>	<b>48.49%</b>
Dong Nai	3,097,107	2,311,315	<b>785,792</b>	<b>25.37%</b>
Tay Ninh	1,169,165	1,050,376	<b>118,789</b>	<b>10.16%</b>
Binh Phuoc	994,679	816,631	<b>178,048</b>	<b>17.90%</b>

(Source: Provincial Population Census, 2019)

### **2.1. Economic, cultural and social characteristics of EMs in the Project area**

15. The basic characteristics of ethnic minority communities are rural communities; The form of community organization is quite similar to that of the Kinh people in terms of area of cultivation, residence and social institution. They have their own written language and language, but still use the common language of Vietnamese.

### **2.2. Objectives of the EMPF**

16. The purpose of the EMPF is to establish the requirements of ESS7, organizational arrangements, and design criteria to be applied to subprojects to be prepared during project implementation accordingly to the presence of ethnic minorities in the project area.

17. Based on the screening conducted, EMs are present in sub-projects areas of Binh Phuoc, Dong Nai, Ba Ria – Vung Tau, Dak Lak, Dak Nong and Tay Ninh province. Therefore, ESS7 on Indigenous Peoples is relevant for these locations. Since the exact location and project impact are not known, an Ethnic Minority Planning Framework (EMPF) is prepared to guide the screening and the preparation of Ethnic Minority Development Plans (EMDP) where relevant. The main objective of the EMPF is to:

- (i) Ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of EM communities.
- (ii) Avoid adverse impacts of projects on EM communities, or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts.
- (iii) Promote sustainable development benefits and opportunities for EM communities in a manner that is accessible, culturally appropriate and inclusive.
- (iv) Improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the EM communities affected by a project throughout the project's life cycle.

- (v) Obtain the Free, Prior, and Informed Consent (REACH) of affected EM communities in the unlikely event that it is necessary.
- (vi) Recognize, respect and preserve the culture, knowledge, and practices of EM communities, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

**III. THE POTENTIAL IMPACTS OF THE PROJECT**

**3.1. The Positive Impacts of the Project**

18. The implementation of REACH will be an important factor for economic development in remote and inaccessible areas, and provide more opportunities for rural household to access good quality electricity. The Government’s Poverty Reduction program will be more effective, reducing the gaps between regions. EVN, NPT will improve the high voltage networks by using preferential loans. They will be able to expand the retail network in the localities, strengthen the quality of customers’ services, reduce electric loss, increase the number of users and have an opportunity to connect electricity to remote and inaccessible areas.

19. Although the project has no activities that directly benefit individual households, end users are supplied with good quality electric services. With electric appliances, they have opportunities to approach new culture and technique, improve the quality of their lives and access better public services. Potential positive impacts of REACH on the ethnic minority community are described in the following table:

No.	Positive impact	Description
1	Enhancing power supply reliability in domestic use, business and production activities of local people	The construction of the TLs will enhance power supply reliability and stability in the area, ensure power supply for domestic use, business, production and irrigation activities of local people
2	Improving the spiritual and material life of local people, contribute to development and poverty reduction	Positive support to the local socio-economic development, crafts activities and services. Households will be used electricity with better quality, increasing the number of electrified households, improving the spiritual and material life of local people.
3	Creating more jobs for local people	The pre-construction, construction, maintenance activities all require local general workers.

**3.2. The Negative Impacts of the Project**

20. As typical identified in other linear project, subprojects in REACH may cause medium social adverse impacts, including for example land losses due to the construction of tower foundation and substation, social disruption, in-migration etc. Potential negative impacts of REACH on the ethnic minority community are described in the following table:

**LABOR MANAGEMENT PROCEDURES (LMP)**

<b>No.</b>	<b>Negative impact</b>	<b>Description</b>
1	Acquisition of productive land, affecting livelihoods of local people	<p>Implementing the subproject components will acquire part of productive land of HHs within subproject area, adversely affecting production activities of the local people.</p> <p>Income from crops, farm produce of local people is affected due to several perennial plants, fruit trees are affected by construction activities of the subproject.</p>
2	Temporary impacts to production activities of local people	Soil, debris, construction materials will drop onto farming fields during construction, and installation activities will impact to production of households concerned.
3	Causing environmental pollution	The transporting of construction materials will cause noise, dust, smoke etc. Besides gasoline, fuel, construction materials, machinery will all be likely to degrade community environmental areas.
4	Causing impacts to native culture and social security	A large number of workers will come and work in the community for a period of time. This is also likely to pose a threat for issues related to social security and cultural conflicts (i.e. commercial sex, drug abuse, theft etc.)
5	Risks for labor accidents	Given the large number of workers and that some general workers who are recruited but not trained, and are inexperienced in terms of labor safety, the chances of labor accidents are high
6	Risks for HIV/AIDS infection, women trafficking and other social evils	During the construction of the subproject, there is no way can avoid communicating between workers and local people, so there is a chance for HIV infection, women trafficking, and other social evils

**IV. LEGAL FRAMEWORK FOR ETHNIC MINORITIES**

21. This framework has been developed in compliance with World Bank’s Environmental and Social Framework (ESF), specified in the Environmental and Social Standard 7 (ESS7) and the regulations of the Government of Vietnamese (GOV) on Ethnic Minority Peoples.

**4.1. National Legal and Policy Framework for Ethnic Minorities**

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

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

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

58. The Government of Vietnam has developed a series of policies to develop, enhance socio-economic condition of ethnic minorities in the mountainous and remote regions. The Government implemented the program 135 (also called SEDEMA<sup>1</sup>) with the phase 1, phase 2 to enhance socio-economic development in poor communes located in mountainous areas or areas inhabited by ethnic minorities. Phase 3 of the program was also implemented which included supporting for infrastructure investment, production development for difficult communes, boundary communes, communes in the whole region, difficult hamlets, villages in the period 2012-2015, which is the component project of the National Objective program of sustainable poverty reduction and the period 2016-2020 to enhance socio-economic development in poor communes located in mountainous areas or areas inhabited by ethnic minorities. Besides the overall development program for ethnic minorities, the Government assigned the Committee for Ethnic Minorities Affairs to guide provinces to prepare projects Development Assistance for ethnic groups with less than 1,000 people, i.e. Si La, Pu Peo, Ro Mam, Brau, O Du. The government also conducted Rapid and Sustainable Pro-poor Program for 61 poor districts, where many ethnic minorities live.

59. 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 ministerial government, performs the function of state management of ethnic affairs in the country; state management of public services under the jurisdiction of CEMA as stipulated by law. Along with Decree 05/2011/ND-CP dated 14 January 2011 on the work of EM, Decree 84/2012/ND-CP was issued

---

<sup>1</sup> Socio-economic Development Program for Ethnic and Mountainous Areas

as a legal basis for CEMA to continue concretizing guidelines and policies of the State on ethnic minorities in the period of industrialization and modernization; promote the power to unite the whole nation for the target rich people, strong country, social justice, democracy and civilization, in order to ensure and promote equality, solidarity, respect, help each other to develop and preserve the cultural identity of the peoples in the great family of ethnic groups of Vietnam

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

61. The Land Law 2013 affirms that land belongs to all peoples, with the State representing on behalf of all peoples the ownership and management of this land. The State authorizes the land use rights to the land users through land allocation, land lease, recognition and management of land use. For the allocation of forestland, the Land Law provides the allocation of production forestland, protection forestland, special use forestland for organizations, households, individuals, community; however, each type of forestland allocated for different user has different rights. Those being allocated by the State are called “land users”. Land Law prescribes that land users are issued with land use certificates, entitled to products from the investment on the land. Households, individuals allocated by the State for production plantation land have the right to transfer, convert, lease, inherit, mortgage and joint venture the value of the land area; forest allocated communities are not able to transfer, convert, lease, inherit, mortgage and joint venture the value of the land area.

62. Development of socio-economic policies for each region and target group should consider the needs of ethnic minorities groups. Socio-economic development plan and strategy of Vietnam calls for special attention to ethnic minorities. Policies on education and health care for ethnic minorities have also been issued. The legal framework was updated in 2014, all legal documents related to EM are shown in **Table 3**.

**Table 2 - Legal documents relating to ethnic minority**

<b>Year</b>	<b>Number of Documents and Main Contents</b>
2017	Decision No.582/QD-TTg dated 28 April 2017 on approving the list of especially difficult hamlet, commune under area III, II and I of ethnic minority and mountainous areas in the period of 2016 - 2020
2016	Decision No.2086/TTR-UBDT dated 31 October 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 No.2085/QD-TTg dated 31 June 2016 on Approval the Special policy to support socio-economic development in ethnic minority and mountainous areas in the period of 2017 – 2020



**LABOR MANAGEMENT PROCEDURES (LMP)**

<b>Year</b>	<b>Number of Documents and Main Contents</b>
2016	Decision No.12/2016/QD-TTg dated 11 March 2016 (On the continued implementation of Decision No 30/2012/QD-TTg dated 18 July 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 June 2014 (Promulgating list of administrative units in disadvantaged areas)
2015	Decision No.1557/QD-TTg dated 10 September 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 November 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 August 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 November 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 November 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 October 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 June 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 April 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 December 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 October 2012 of the Prime Minister Regarding Support for organizations and units utilizing employees that are ethnic minority people in mountainous and special difficult areas

## LABOR MANAGEMENT PROCEDURES (LMP)

Year	Number of Documents and Main Contents
2012	Joint Circular No. 01/2012 / TTLT-BTP-CEM date on 17 January 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 November 2010 of the Prime Minister approving the scheme on educational development for ethnic minorities.
2010	Decree No.82/2010/ND-CP dated 15 July 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 March 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 September 2008 of the Prime Minister on the amendment and supplement to Decision No. 289 / QD-TTg of 18 March 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 May 2013 of the government on supporting program for rapid and sustainable poverty reduction for 61 poorest districts.

### 4.2. World Bank Environmental and Social Standard 7 (ESS7)

63. This ESS applies to a distinct social and cultural group identified in accordance with paragraphs 8 and 9 of this ESS. In some countries, such groups are referred to as ‘Indigenous Peoples’ or ‘Ethnic Minority’ in the national context of Vietnam

64. This ESS applies whenever EM are present in, or have collective attachment to a proposed project area, as determined during the environmental and social assessment. This ESS applies regardless of whether EM communities are affected positively or negatively, and regardless of the significance of any such impacts. This ESS also applies irrespective of the presence or absence of discernible economic, political or social vulnerabilities, although the nature and extent of vulnerability will be a key variable in designing plans to promote equitable access to benefits or to mitigate adverse impacts..

65. In this ESS, the term EM is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees:

- (a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
- (b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and
- (c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
- (d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside

66. This ESS also applies to communities or groups of EM communities who, during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area, because of forced severance, conflict, government resettlement programs, dispossession of their land, natural disasters, or incorporation of such territories into an urban area. This ESS also applies to forest dwellers, hunter-gatherers, pastoralists or other nomadic groups, subject to satisfaction of the criteria in paragraph 8.

67. Following a determination by the World Bank that EM people are present in, or have collective attachment to the project area, the borrower may be required to seek inputs from appropriate specialists to meet the consultation, planning, or other requirements of this ESS. The World Bank may follow national processes during project screening for the identification, in accordance with paragraphs 8 and 9, of EM communities (as they may be referred to in the national context), where these processes meet the requirements of this ESS.

68. According to ESS7, 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. During the screening process to determine the presence in the project area of EMs, once EMs' presence is confirmed, the next steps for preparation of the site-specific EMDPs are mentioned in this EMPF.

## **V. MEANGINGFUL CONSULTATION AND REACH GUIDELINES**

### **5.1. Consultation with EM throughout project cycles**

69. Consultation activities will be continuously conducted throughout various stages of the project implementation (e.g. planning, implementation, monitoring). It will be conducted will be conducted in coordination with stakeholder engagement activities under SEP of ESS10. During these processes, public information and consultation will be conducted to gather information for assessing the project resettlement impacts and to provide recommendations on possible alternative technical options to reduce and/or mitigate potential negative resettlement impacts on local population and to proactively address issues or problems that may emerge during implementation. Local authorities, affected communities and EMs will be informed about the project proposal, its objectives and proposed activities, at an early stage of project preparation. The key discussion points will be focused on the development needs and priorities of local locality and their perception toward the project objectives. EMs will also be consulted on project potential impacts and possible measures to reduce potential negative impacts, and improve benefits for local people.

70. Meaningful consultation will be conducted through open public consultation to achieve the following objectives: (i) involvement of EMs and stakeholders in resettlement planning and enable them to participate in the assessment of impacts and risks; (ii) participation in making decision that affects their lives; (iii) transparency in information of benefits and entitlements and (iv) understanding the role of stakeholders and EMs in the

application of ESS7 and ESS10. The consultation methods will be tailored to each targeted group, including (but not limited to) participatory rapid appraisal, stakeholder consultations through site and household visits, public meetings, focus group discussions and the household socio-economic survey. The consultation process confirms that affected EM communities (i) broadly support project objectives; (ii) are aware of project benefits, and believe them to be culturally appropriate; (iii) have had sufficient opportunity to identify their preferences and constraints, as relate to compensation and resettlement as well as environmental issues.

71. The Social Safeguard Consultant will coordinate with PMBs to organize meetings with local stakeholders, including Provincial Ethnic Minority Committee, local authorities to discuss on the impacts (both positive and negative) of the proposed project on ethnic minorities.

72. During these sessions, the participants expressed their aspirations and their concerns about the project implementation:

- (i) Local authority supports the project and expresses high consensus on the requirement for special priority for Khmer people through the EMDP;
- (ii) Regarding supporting activities, Khmer people would rather be provided with vocational training courses than be supported in cash;
- (iii) 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.

73. Use appropriate language from the beginning for the consultation activities recommended. It should be noted that many EMs in Vietnam, especially women and the elderly, have limited Vietnamese reading skills. Educational attainment and literacy capabilities of affected EM communities will be determined through the social impact assessment. These methods and methods of suitable communication/media for culture and gender will be used to eliminate communication barriers. This may include translation of documents into ethnic languages, using interpreters in community meetings, greater use of communication methods with visual aids in EM communities with high illiteracy or low educational qualifications, and holding separate meetings for women and men according to local cultural traditions in the necessary places. The consultation process should ensure that the affected EM communities:

- (i) are broadly understand the objectives of the project;
- (ii) are aware of the project's benefits and believe that the benefits are suitable with their culture;
- (iii) have had sufficient opportunities to identify their priorities and limitations related to compensation, resettlement and environmental issues.

74. EMs will be consulted in all the activities of the project that may have potential positive or negative impacts to them. At subproject level, the respective EMDP will define specific actions defining how each EMs will be fully informed and consulted by the project management unit and the relevant unit of District Peoples' Committee (DPC) and/or Communes Peoples' Committees (CPC). The participation of women in consultation process will be prioritized. Implementing Agencies (IAs) are responsible for establishing and maintaining suitable tools/instruments to ensure that all activities related to consultation, participation and disclosure will be properly tracked and documented. All efforts will be made to engage EMs in the

planning, design, implementation and monitoring of measures to increase the benefits from the project and to avoid negative impacts. A meaningful consultation process is provided in the Table 4 below.

**Table 3 - Potential Meaningful Consultation Steps**

Meaningful Consultation Task	Responsibility	Timing
Identify key stakeholders at the Provincial and affected community level	EMDP Consultant	As soon as sub-project sites are known
Disclose information on proposed subproject at least 2 weeks in advance of initial meeting	PMBs	As soon as sub-project sites are known
Initial information meeting on Sub-project and its potential impacts (could also double as the initial focus group discussion for SA) to ensure early engagement	EMDP/SA Consultant, PMBs, Commune, District and Provincial Authorities	Prior to finalizing subproject design
Document stakeholder feedback on initial sub-project proposal	EMDP Consultant	Prior to finalizing subproject design
Revise sub-project and prepare EMDP based on initial consultation	EMDP/SA Consultant,	Prior to finalizing subproject design
Present again the subproject proposal, along with EMDP at a follow up meeting	EMDP/SA Consultant, PMBs, Commune, District and Provincial Authorities	Prior to finalizing subproject design
Finalize sub-project proposal, along with EMDP, and re-disclose locally	PMBs and EMDP Consultant	Prior to sub-project implementation
Conduct follow on (possibly) meetings at the community level	PMBs, Commune, District and Provincial Authorities, and the Contractor	During Sub-project implementation

**5.2. Implementation of Free, Prior and Informed Consent (FPIC)**

75. Should the circumstances that requires FPIC as stipulated in paragraph 17 of ESS7 occur, PMBs will engage independent specialists to assist in the identification of the project

**LABOR MANAGEMENT PROCEDURES (LMP)**

risks and impacts. There is no universally accepted definition of FPIC, as for the purposes of this ESS, FPIC is established as follows:

- a. The scope of FPIC applies to project design, implementation arrangements and expected outcomes related to risks and impacts on the affected Local Ethnic Minority Communities;
- b. FPIC builds on and expands the process of meaningful consultation described in ESS10 and the above sections, and will be established through good-will negotiation between the Project Implementing Agencies and affected Local Ethnic Minority Communities;

76. The **Table 5** below will provide step-by-step guidance on how to arrive at the decision to consent to the sub-project.

**Table 4 – Potential FPIC Steps**

<b>FPIC Task</b>	<b>Responsibility</b>	<b>Timing</b>
Identify key stakeholders at the Provincial and affected community level	EMDP Consultant	As soon as sub-project sites are known
Disclose information on proposed sub-project at least 2 weeks in advance of initial meeting	PMBs	As soon as sub-project sites are known
Initial information meeting on Subproject and its potential impacts. If these impacts include those requirement FPIC, then, use the meeting to (1) determine how the communities consent will be established. (2) how good faith negotiations will be conducted	EMDP/SA Consultant, PMBs, Commune, District and Provincial Authorities	Prior to finalizing sub-project design
Document stakeholder feedback on initial sub-project proposal and the pa	EMDP Consultant	Prior to finalizing sub-project design
Follow additional steps for goodfaith negotiations agreed during the initial meeting, if required.	EMDP/SA Consultant, PMBs, Commune, District and Provincial Authorities	
Revise sub-project and prepare EMDP based on good faith negotiations	EMDP/SA Consultant,	Prior to finalizing sub-project design
Present again the subproject proposal, along with EMDP at a follow up meeting, and secure agreement that can be considered consent based on good faith negotiations	EMDP/SA Consultant, PMBs, Commune, District and Provincial Authorities	Prior to finalizing sub-project design
Finalize sub-project proposal, along with EMDP, re-disclose locally, and present at event (e.g. designated committee meeting, elder meeting, community referendum meeting) for securing collective support (FPIC)	EMDP/SA Consultant, PMBs, Commune, District and Provincial Authorities	Prior to finalizing sub-project design

## LABOR MANAGEMENT PROCEDURES (LMP)

Conduct follow on (possibly) meetings at the community level	PMBs, Commune, District and Provincial Authorities, and the Contractor	Prior to finalizing sub-project design
--	--	--

77. The results of consultation should be provided to the affected EM communities to enable both SA/EMDP team and EM people 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.

78. Agreements reached between the Project Implementing Agencies and affected Local Ethnic Minority Communities will be described, and actions necessary to accomplish agreements will be included, in the ESCP. During implementation, the Project Implementing Agencies will ensure that necessary actions are taken, and agreed benefits or improvements to services are delivered, so as to maintain Local Ethnic Minority Communities’ support for the project.

## VI. DISCLOSURE OF INFORMATION

79. The Ethnic Minority Planning Framework will be made available to the affected EM groups in an appropriate form, manner, and language. Various project phases which include design, launching, implementation, monitoring and evaluation, and implementation completion sessions will be disclosed and/or communicated throughout the project cycle.

### 6.1. Disclosure for EMPF

80. Publicly disclosure of the EMPF along with the other E&S documents (RPF, ESCP, SEP, ESMF, and LMP) will be conducted on both the World Bank website and Borrower website. Disclosure will be to as wide range of stakeholders as possible. PMBs will disclose by: (i) on its website, (ii) making copies available at its office and the respective W/CPC offices, and (iii) making copies available to the community venues accessible to the EMs and other stakeholders.

81. Key findings and recommendations of the EMPF, particularly in terms of the need for inclusion of EMPF in project benefits, will be included in the on-going outreach activities at the local levels, and will be further scaled up during the implementation phase, prior to the start of implementation of related activities in affected target locations, in an effort to share and seek feedback on the EMPF and its measures to enhance benefits to the EMs. The EMPF shall be approved by the respective PPCs and endorsed by the World Bank. For any changes made to these instruments after disclosure, the same clearance and disclosure protocols will be followed.

82. The EMPF in Vietnamese was publicly disclosed on XXX, 2021. The English version was also disclosed at the World Bank external websites on XXX, 2021.

### 6.2. Disclosure for EMDPs

83. For the EMDPs to be prepared during project implementation, once accepted by the Bank, shall be disclosed locally in an accessible place and in a form and language/communication understandable to the EM peoples as well as other project stakeholders. Copies of EMDPs (in Vietnamese and EM languages, if necessary) will be available at the W/CPC

offices and/or at the accessible places to the EMs. The EMDPs will also be disclosed on the on both the World Bank website and PMBs website.

84. Prior to disclosure, with translation into local language, the EMDPs will be approved by the respective PPCs and endorsed by the World Bank. For any changes made to these instruments after disclosure, the same clearance and disclosure protocols will be followed.

85. The views of EM people gathered in consultation meetings will be recorded in the minutes of the meeting. At the same time, the content of all regular meetings between PMBs and EM leaders or representatives will be recorded. All concerns of the people involved will be recorded in this way to incorporate them into the planning process for the project and used in the implementation process to regulate the activities of the project. Any concerns, requests, or complaints raised in meetings or other consultations will be documented in the same way.

86. As per Bank's requirement, the EMDPs shall be disclosed locally at provincial, district, and commune level. The Vietnamese version of the EMDPs will be disclosed on the website of PMBs after being passed by the World Bank and approved by the provincial People's Committees. The hard copies of EMDPs will be stored and publicized at provincial, district, and commune levels. English version was publicly disclosed at the World Bank's website after the EMDPs being cleared by the World Bank.

## **VII. GUIDELINES ON PREPARATION AND IMPLEMENTATION OF EMDP**

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

88. In consultations, language which is used in consultation is suitable with the culture and knowledge of ethnic minority groups. Private consultations of ethnic minority group need to implemented to ensure that people can express their ideas comfortably. Method and form of consultation contents, time, location of consultations are appropriate with participation of ethnic minority people and their culture.

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

### **7.1. Screening**

90. The first step, screening that will affirm the presence of EM communities in the project area, and risks related to the project intervention. The screening process will be based on consultation with local officials (e.g. DEMA) and relevant academic experts (e.g. working in National Institutes and Anthropology Depts of Universities). If the screening confirms the presence of EM in the project area, the project would assess the social and environmental issues,



directly and indirectly and temporarily or permanently, affecting EMs in the project area. The screening will inspect for the following (detailed in the **Annex 2**):

- Names of ethnic groups in the commune
- Total number of ethnic minority groups in the commune
- Percentage of ethnic minority of commune population
- Number and percentage of ethnic minority households along the zone of influence of the proposed sub-Project.

### 7.2. Social Assessment (SA)

#### *Purposes of Social Assessment*

91. Social assessment (SA), for the purpose of Bank’s ESS7, is a study that aims to explore how planned project activities under a Bank financed subproject would affect the livelihoods, land and culture of EM present in the subproject area. The purpose of the SA is to ensure if there is any potential adverse impact as a result of the subproject, appropriate measures are in place (in advance of subproject implementation) to avoid, mitigate, minimize such potential adverse impact, or to compensate for affected population, if unavoidable. The SA also aims to explore, based on the understanding of EM’s cultural, socio-economic characteristics of the EM communities, possible development activities that the project can implement (in relation to the project goal/objectives) to ensure EM peoples in the subproject area receives socio-economic benefits that are culturally appropriate to them. Please see more details on Social Assessment for the purposes of ESS7 in **Annex 1**.

#### *Methods apply for Social Assessment*

92. A social assessment, in a nutshell, is a series of activities that are carefully planned and implemented to generate an outcome as outlined in the Purpose section above. The most important with the SA exercise is the consultation process which is conducted with EM people in the subproject area to collect relevant information, perform data analysis, and write up the EMDP report. Consultation should be undertaken as a series of meetings with EM at different times during the subproject cycle to ensure potential impacts is projected as accurate as possible. As a good practice, EMDP will be prepared based on Meaningful consultation and social assessment to ensure that the subproject will provide culturally appropriate benefits to EM people. The EM consulted need to be provided with accurate and sufficient information about the subprojects before the consultation take place. In addition, potential impacts, if possibly anticipated by the project owner, need to be made known to EM to help them understand the nature and the magnitude of the subproject’s impact on their income generation activities and livelihoods. Please see more details in Para. 81 – Section 5.2.

93. Appropriate consultation methods, specific to each ethnic minority groups, need to be adopted to obtain valid and reliable feedback from the EM being consulted. When consulting EM, particular attention needs to be given to vulnerable groups, particularly those below the poverty line, the landless, the elderly, women and children. It is important that a broad community support for the subproject implementation be obtained before subproject is appraised for implementation.

#### *Data collection and analysis*

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

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

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

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

### ***Reporting***

97. A stand-alone social assessment which covers all information mentioned above and set out in ESS7 will be prepared and attached to the EMDP for each province.

### **7.3. Developing an EMDP**

98. PMBs or with support from social consultants shall comply the following steps to prepare EMDP for the provinces where ethnic minorities are affected by project activities. Each EMDP should contain elements and aspects as suggested from Bank's ESS7. The depth and breadth of the EMDP may vary depending on the nature of project impacts, and the proposed development activities – as agreed upon with the consulted EM peoples. The final version of the EMDP, incorporating final feedback from consulted EM peoples has to be disclosed – as

per ESS7 requirements. Please see more details in **Annex 3** of this EMPF for suggestive outline of an EMDP.

#### **7.4. Procedure for Review and Approval of an EMDP**

99. Once preparation of an EMDP is completed for a subproject, PMBs need to submit to WB for review and approval. The Bank may request revision and update of the EMDP. When there is doubt or need for technical support in preparing the EMDP, the WB's task team should be contacted for timely support.

100. EMDPs, once accepted by Bank, need to be disclosed prior to subproject appraisal/approval by PPCs.

#### **7.5. The main content of the EMDP**

101. In most cases, the EMDP includes the following elements, as needed:

- (i) A summary of the Targeted Social Assessment, including the applicable legal and institutional framework and baseline data.
- (ii) A summary of the results of the meaningful consultation tailored to EM, and if the project involves the three circumstances specified in paragraph 24 of ESS7, then the outcome of the process of REACH carried out with the affected EM during project preparation.
- (iii) A framework for meaningful consultation tailored to EM during project implementation.
- (iv) Measures for ensuring EM receive social and economic benefits that are culturally appropriate and gender sensitive and steps for implementing them. If necessary, this may call for measures to enhance the capacity of the project implementing agencies.
- (v) Measures to avoid, minimize, mitigate, or compensate EM for any potential adverse impacts that were identified in the social assessment, and steps for implementing them.
- (vi) The cost estimates, financing plan, schedule, and roles and responsibilities for implementing the EMDP.
- (vii) Accessible procedures appropriate to the project to address grievances by the affected EM arising from project implementation, as described in paragraph 35 of ESS7 and in ESS10.
- (viii) Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the EMDP, including ways to consider input from project-affected EM in such mechanisms.

### **VIII. IMPLEMENTATION ARRANGEMENT**

102. The implementation of EM development activities requires the participation of local, national, provincial, district, and commune agencies and organizations. The Provincial People's Committee (PPC) of each project province will take overall responsibility for the implementation of specific EM action plan for their provincial subproject.

103. PMBs in coordination with Board of Ethnic Minorities (under the Provincial People Committees) to coordinate the project implementation. PMBs are responsible for the overall implementation of EMDPs prepared under the project and ensuring that all project stakeholders understand the purpose of EMPF, and how EMDP for each sub-project are prepared and approved prior to implementation. PMBs are also responsible for ensuring effective

implementation of the EMDP, including monitoring and evaluation of the implementation of the EMDP.

104. PMBs are responsible for assigning appropriate staff and budget – sufficient to implement an EMDP. In case where EM peoples are affected as a result of land acquisition, to allow construction of subprojects, compensation, assistance to EM affected will be addressed through relevant RAP(s) which is prepared of subproject in accordance with the project’s RPF.

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

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

- (i) The general responsibility of the elaboration and implementation of the EMPF belongs to PMBs. PMBs shall employ consultants in close coordination with such relevant agencies as Ministries/ Departments at central level; People’s Committees of province / district/ town involved in the project and affected communities to prepare the EMPF. This EMPF will be submitted to WB for review and approval for the whole project provinces.
- (ii) The EMDP of each sub-project will be made by social consultant hired by local based on principles of the EMPF as mentioned above. PPCs will be responsible for approving and implementing the EMDP after the WB’s no objection letter for EMDP.
- (iii) The budget for the preparation of EMDP of the provincial sub- projects will come from the counterpart fund of the locals

## **IX. GRIEVANCE REDRESS MECHANISM**

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

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

109. If the affected EM peoples are not satisfied with the process, compensation or mitigation measures, or any other issue, the EM themselves or EM representatives or village leaders can lodge their complaints to the PPC or to PMBs following the grievance redress mechanism

established in the EMDP. All grievances will be addressed promptly, and in way that is culturally appropriate to the affected EM peoples. All costs associated with EM's complaints are exempt to EM complainants. PMBs and independent monitoring consultant are responsible for monitoring the progress of resolution of EMs' complaints. All cases of complaints must be recorded in PMBs project files and be reviewed regularly by an independent monitoring consultant.

110. If the community-based mechanism fails to find an agreement, the grievance redress mechanism is established on the basis of Vietnam's laws will be applied. The mechanism of complaint and grievances resolution steps are as below:

***First Stage – At Commune People's Committee (CPC)***

- An aggrieved APs may bring his/her complaint to the One-Stop Shop<sup>2</sup> Department of the Commune People's Committee (CPC), in writing or verbally. The member of CPC at the One -Stop-Shop Department will be responsible to notify the CPC leaders about the complaint for solving. The Chairman of the CPC will meet personally with the aggrieved APs and will have 30 days following the receiving date of the complaint to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints handled by the CPC

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

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

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

- If after 30 days the aggrieved PAP does not hear from the DPC, or if the PAP is not satisfied with the decision taken on his/her complaint, the PAP may bring the case, either in writing or verbally, to any member of the PPC or lodge an administrative case to the District People's Court for solution. The PPC has 45 days within which to resolve the complaint to the satisfaction of all concerned. The PPC secretariat is also responsible for documenting and keeping file of all complaints that it handles. Affected households can also bring their case to Court if they want.

***Final Stage - Court of Law Decides***

- If after 45 days following the lodging of the complaint with the PPC, the aggrieved PAP does not hear from the PPC, or if he/she is not satisfied with the decision taken on his/her complaint, the case may be brought to a court of law for adjudication. Decision by the court will be the final decision. Decision on solving the complaints must be sent to the aggrieved APs and concerned parties and must be posted at the office of the People's

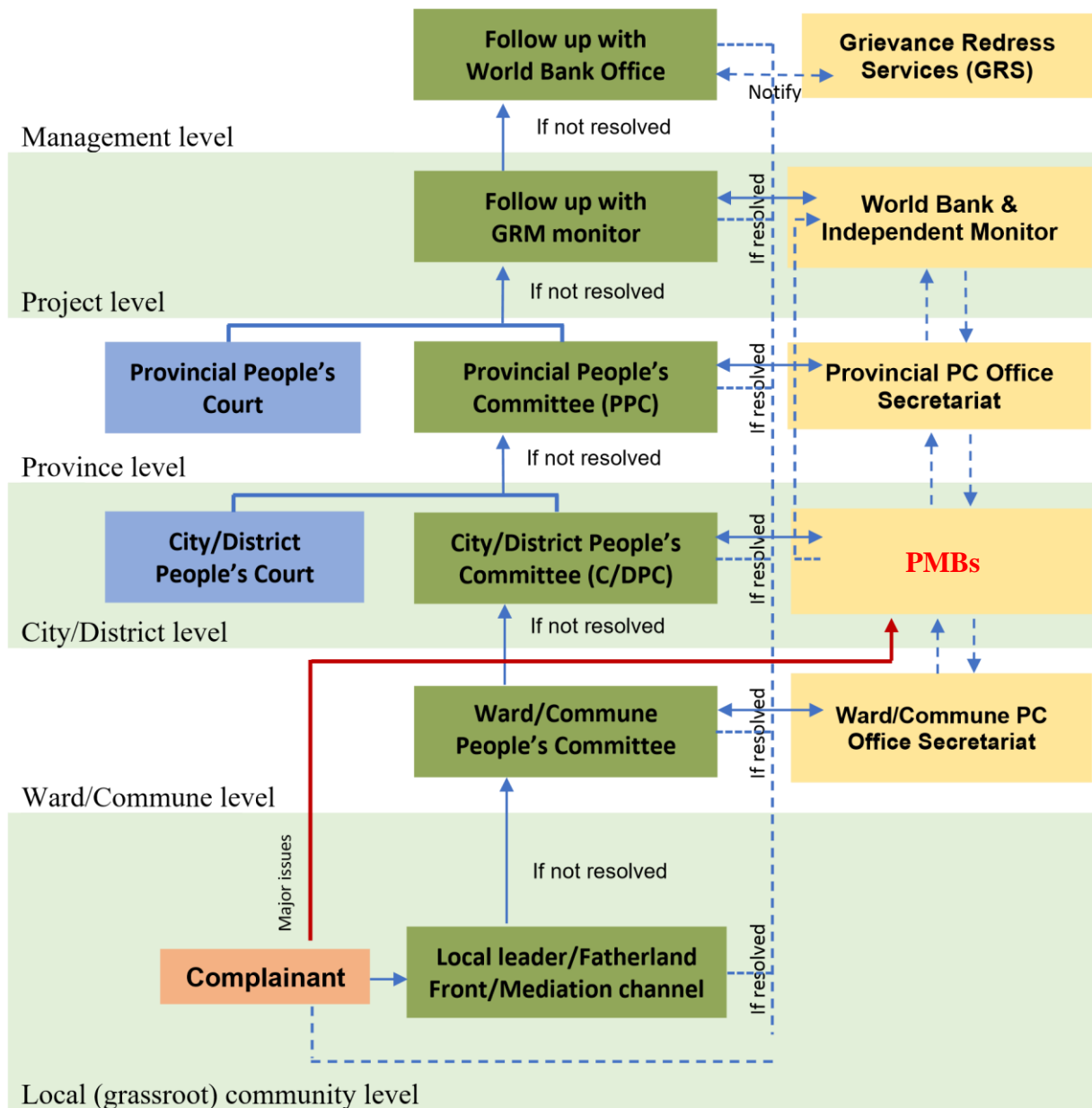
---

<sup>2</sup> One-stop shop is a division receiving and responding all results relating to administrative procedure settlement. It performs the tasks and authorization of guiding, receiving, handling or transfer dossiers of settlement, return results of administrative procedures settlement, monitor, supervise and evaluate the resolution of administrative procedures for organizations and individuals (according to the Decree No.61/2018/ND-CP dated April 23,2018).

Committee where the complaint is solved. After three days, the decision/result on solution is available at commune/ward level and after seven days at district or province level.

113. To ensure that the above grievance mechanism is put into practice and approved by the affected ethnic minority people (by subproject), the mechanism should be consulted with local and community authorities when considering and evaluating culturally specific elements as well as traditions and cultural systems affecting the arising and settlement of complaints/grievance. If the goals and efforts of the ethnic minority people are taken to determine and decide how to solve the problems for them to accept.

**THE GRIEVANCE PROCESS CHART**



## **X. MONITORING AND EVALUATION**

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

### **10.1. Internal Monitoring and Evaluation**

112. PMBs will be responsible for the overall implementation of the EMPF and EMDPs. PMBs will prepare the semi-annual reports on the EMDP implementation results and submit to EVN and the WB. These reports should be integrated with the progress report on RAP implementation of the subprojects.

### **10.2. External Monitoring and Evaluation**

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

114. Key indicators of external monitoring and evaluation is presented as follow:

- (i) Public consultation and awareness of project benefits, resettlement policy and entitlements of affected EMs (if relevant);
- (ii) Level of satisfaction of affected EMs with the provisions of EMPF;
- (iii) Grievance redress mechanism (documentation, process, resolution);
- (iv) Effectiveness and sustainability of entitlements and income rehabilitation measures for affected EMs;
- (v) Gender impacts and strategy for inclusion;
- (vi) Capacity of affected EMs to restore/re-establish livelihoods and living standards, support provided by the project;
- (vii) Resettlement impacts caused during construction activities; actions take to mitigate and compensate impacts;
- (viii) Impacts temporal or permanent affecting EMs income and livelihoods and actions undertaken for mitigation and compensation;
- (ix) Activities planned and implemented for assuring EMs participation in planning and implementation;
- (x) Institutional capacity for supporting the EMDP elaboration and implementation., internal monitoring and reporting systems;
- (xi) Channeling of government funds for compensation payment and allowances for affected EMs;

**XI. COST AND BUDGET**

115. The screening results showed the presence of ethnic minorities in the project area and affected by the project, PMBs need to conduct steps to prepare the EMDPs, which has been provided in **Section IV** of this document. PMBs should recruit a qualified consultant unit to perform these activities.

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

117. EMDPs expected to be conducted in each province where EM is present, include:

- (i) A summary of results of the free, prior, and informed consultation with the affected EM' communities that was carried out during project preparation and that led to broad community support for the project; and framework for ensuring free, prior, and informed consultation with the affected EMs' communities during project implementation.
- (ii) An action plan of measures to ensure that the EMs receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies (e.g. training on strengthening community's awareness and capacity, communication on disaster risks and climate change; transfer of cultivation techniques adapted to climate, water condition; repair of roads, bridges and other public assets/ services in emergencies...
- (iii) Mapping of flood safety community and labor camp areas during construction.
- (iv) Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the EMDPs, and to address grievances by the affected Indigenous Peoples' communities arising from project implementation.
- (v) The cost estimates and financing plan for the EMDP.

118. **Funding source:** Fund for EMDP implementation will be allocated from EVN.



**ANNEXES**

**Annex 1: Social Assessment for the purposes of ESS7**

The breadth, depth, and type of analysis of the social assessment is proportionate to the potential risks and impacts of the proposed project on the EM. The social assessment referred to in this Appendix is conducted as part of the environmental and social assessment under ESS1.

The social assessment includes the following elements, as needed:

- a. A review of the legal and institutional framework applicable to EM.
- b. Gathering of baseline data on the demographic, social, cultural, and political characteristics of the EM; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- c. Taking the review and baseline data into account, the identification of project-affected parties and the elaboration of a culturally appropriate process for involving and consulting with the EM at each stage of project preparation and implementation (see paragraph 23 of ESS7).
- d. An assessment, based on meaningful consultation tailored to EM, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risks to, the affected EM, given their distinct circumstances and close ties to land and natural resources, as well as their potential lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live. The assessment should consider differentiated gender impacts of project activities and impacts on potentially disadvantaged or vulnerable groups within the community of EM.
- e. The identification and evaluation of measures necessary to avoid adverse impacts, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such impacts, and to ensure that the EM receive culturally appropriate benefits under the project. This is based on meaningful consultation tailored to EM and, where relevant, pursuant to paragraph 24 of ESS7, on Free, Prior and Informed Consent.

**Annex 2: 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 of PMBs.

**Province:** \_\_\_\_\_ **City:** \_\_\_\_\_ **Ward/cluster:** \_\_\_\_\_

Name of ward/cluster in the project area	Name of ward/cluster in the project area	Name of ward/cluster in the project area	Name of ward/cluster in the project area	
			Female	Male

**Annex 3: Outline of 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**

This section describes:

- 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 presents:

- 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.

**Annexes:** including maps of the locations of EM communities and subproject infrastructure activities and map of labor camp(s) during construction; and minutes of meetings.