

MINISTRY OF TRANSPORT
PROJECT MANAGEMENT UNIT OF WATERWAYS
SOUTHERN WATERWAYS LOGISTIC CORRIDORS (SWLC) PROJECT

DRAFT
ETHNIC MINORITY PLANNING FRAMEWORK

JANUARY 2022

(2nd Draft)

Executive Summary

This document is called the Ethnic Minority Planning Framework (EMPF) for the “**Southern Waterways Logistic Corridors (SWLC) Project**”. 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 Dong Nai, Long An, Tien Giang, Ben Tre and Vinh Long.

This EMPF will be applied to all activities, sub-projects and other investments under the **Southern Waterways Logistic Corridors (SWLC) Project** to be financed by the World Bank that involve Ethnic Minority Peoples. EMPF will guide the a) screening for EM presence in the subproject area and b) preparation of EMDP for subproject where EM people – as defined in ESS7, are present in the subproject area.

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ABBREVIATIONS

BCS	Broad Community Support
CEMA	Committee for Ethnic Minorities Affairs
CPC	City People's committee
DMS	Detailed Measurement Survey
DPC	District People's Committee
EM	Ethnic Minority
EMPF	Ethnic Minority Planning Framework
EMDP	Ethnic Minority Development Plan
ESS7	The World Bank's Environmental and Social Standard on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
FPIC	Free, prior and informed consultation
GoV	Government of Viet Nam
HH	Household
IMA	Independent Monitoring Agency
IOL	Inventory of Loss
PAH	Project Affected Household
PAP	Project Affected person
PPC	Provincial People's Committee
RP	Resettlement Plan
RPF	Resettlement Policy Framework
PMU-W	Project Management Unit for Waterways
SWLC	Southern Waterways Logistic Corridors (SWLC) Project
WB	World Bank

GLOSSARY

<p>Affected Person/ Affected Household (AP/AH/ PAP)</p>	<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>
<p>Affected communities</p>	<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>
<p>Assistance and recovery</p>	<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>
<p>Collective attachment</p>	<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>
<p>Customary rights to lands and resources</p>	<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>
<p>Entitlements</p>	<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</p>

	<p>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> <ul style="list-style-type: none">(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. <p>In Vietnam, the term indigenous refer to ethnic minorities (EMs).</p>
Free, prior and informed consent	<p>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 FPIC 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.</p>
Livelihoods	<p>Capabilities, assets and activities required to maintain the living standards and quality of life, including cash income and self-consumption.</p>
Meaningful consultation	<p>Refer to a two-way process that:</p> <ul style="list-style-type: none">(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;

	<ul style="list-style-type: none"> (d) Is based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful, and easily accessible information in a time frame that enables meaningful consultations with stakeholders in a culturally appropriate format, in relevant local language(s) and understandable to stakeholders; (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 (indigenous) communities	EMs 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.

1. INTRODUCTION

1.1. Project Background

1. The Mekong Delta region hosts 19% of Vietnam population over 12% of the country's territory, making its density 433 people/km². With an extensive network of national, provincial, rural roads and 70% of the nation's inland waterways, the Mekong delta plays an important role in Vietnam's national economic development traditionally dominated by rice as the region's staple crop. Most of bulk commodities such as rice, cement, building materials and fertilizers are carried on inland waterways.

2. Along its rapid industrialization, the economy of the South-Eastern region^{1 1} is growing rapidly, diversifying its products and its markets. The region has been handling an increasing volume of freight in its ports. The size of the vessels calling at the region's ports is on the rise, requiring deep-sea port facilities along the Cai Mep – Thi Vai River. As a result it has become urgent to eliminate congestion around Ho Chi Minh City by developing a logistics centre to handle cargo freighted through the Cai Mep - Thi Vai Port Group.

3. The South-Eastern region and the Mekong Delta have a diverse and plentiful system of inland waterways. However, due to limited investment and upgrading, those waterways are not exploited to their full potential. In order to bolster transport productivity and the economy in general, the Mekong Delta (MKD) and NE-MKD regions need to pursue investment in upgrading of new waterways to properly exploit the potential of the waterway transport system.

4. The Government policies² put forward development of transport infrastructure, especially waterway transport as an adequate mode for transport development in conformity with the strategy and plan for national and local transport development, to ensure convenient Inter-provincial transport within the region and transport connections to other regions in the country and abroad.

5. As part of that policy the Government of Viet Nam and the World Bank have agreed to put a priority in furthering efforts to improve waterway transport and multimodal logistics performance in the Mekong River Delta (MKD) and North-East MKD (NE-MKD) region. One of the focus of this study is direct inland waterways connection from MKD (via Cho Gao Canal) and from Binh Duong and Dong Nai Industrial Zones (via Dong Nai River) to the Cai Mep – Thi Vai (CMTV) port complex.

6. In particular, the GoV has embarked on the preparation of a World Bank-financed project that will aim at (i) improving the physical provision of waterway infrastructure in the MKD, a region where the waterways account for the bulk of freight flows by volume; and (ii)

¹ The Southern Focal Economic Zone in particular, consisting of Ho Chi Minh City, Dong Nai Province, Binh Duong Province and Ba Ria–Vung Tau.

² Including notably Prime Minister Decision No. 11/2012/QĐ-TTg dated 10/02/2012 approving the Plan for Transport Development in the Mekong Delta key economic region to horizon year 2020 with orientation to year 2030

strengthening the waterway transport and logistics performance of the NE-MKD region, where “better performance” is defined, inter alia, as reduced logistics costs, more seamless regional and international connectivity, and a deeper facilitation of trade through the delivery of more competitive transport and logistics services through the **Southern Waterways Logistic Corridors (SWLC) Project**.

7. The SWLC project area transverse of the Mekong Delta (for the inland water transport (IWT) corridors) and the Vietnam South Eastern region: Ho Chi Minh City, Dong Nai, Binh Duong, Binh Phuoc, Ba Ria, Vung Tau and Tay Ninh (focus of the Logistics/Multimodal Centres).

8. The following figure shows the SWLC project area.



Figure 1. SWLC Project Area

1.2. Project objectives

1.2.1. General objectives

9. The overall goal of the project is to improve the inland waterway infrastructure system; reduce waterway traffic congestion and accidents; reduce emissions contributing to environmental protection; reduce the transport distance and logistics costs; promote economic development, especially the Mekong Delta region; and increased connectivity for different types of transport. This goal will be realized by renovating and upgrading two transport corridors logistics transport connecting the Mekong Delta region with Ho Chi Minh City and linking the economic triangle area of Ho Chi Minh City-Dong Nai-Binh Duong with Cai Mep-Thi Vai port area, contributing to hunger eradication, poverty reduction, socio-economic development, ensuring border security in localities in the Southeast and Mekong Delta.

10. The project will be built on the basis of advanced transport technology to improve the quality of transportation, minimize the environmental impact through efficient energy use and accelerate the development of multilateral transport. Furthermore, in order to ensure the sustainability of investment, the waterway project will combine (i) development of other transport sectors, rural and urban transport networks in particular and (ii) rural development includes irrigation and flood control to effectively adapt and address the problems of climate change and sea level rise.

1.2.2. Specific objectives

11. The objective for the East - West corridor [from Hau river (Can Tho City) → Tra On river → Mang Thit canal → Co Chien river → Cho Lach canal → Tien river → Ky Hon canal; (through Cho Gao canal); Rach La canal → Vam Co river → Nuoc Man canal → Can Giuoc river → Soai Rap river (HCM City)]: Improvement, upgrading to grade II inland waterways with channel width $B = 55\text{m}$ for canal, $B = 75\text{m}$ for rivers, operating least available depth $H = 3.3\text{m}$, minimum bend radius $R = 320\text{m}$ for canals and $R = 450\text{m}$ for rivers, vertical clearance $T = 7.5\text{m}$ (7m limit) for self-propelled vessel up to 600DWT and 3-layer container vessel navigating 24/24h. Self-propelled vessel up to 1,500DWT using tides at high water level to navigate.

The objective for the North - South Corridor [crossing Dong Nai river (Dong Nai port) → Nha Be river → Long Tau river → Dong Tranh river → Tac Cua river → Go Gia river → Thi Vai river (Cai Mep Thi Vai Port Area)]: Improvement channel with width $B = 90\text{m}$, least available depth $H = 7.0\text{m}$, minimum bend radius $R = 450\text{m}$, clearance $T = 9.5\text{m}$ for safe and smooth navigation of self-propelled vessel 5,000 DWT, 4-layer container vessel.

12.

1.3. Project components

13. The Southern Waterways Logistic Corridors (SWLC) Project consists of two components:

14. **Component A: East–West Waterway Logistics Corridor.** This component will upgrade selected sections of a key east-west inland waterways corridor, connecting Can Tho Port – Mang Thit – HCMC/ CMTV ports. It will support widening and deepening the target waterways by dredging and bend realignment, embankments, reconstruction of two bridges for higher vessel clearance, local roads, passenger ferry landing facilities, irrigation and drainage structures, and installation of navigation aids.

15. **Component B: North-South Waterway Logistics Corridor.** This component will upgrade selected sections of a key north-south corridor, connecting the industrial city's Dong Nai port to HCMC/CMTV ports. It will support the widening and dredging of the waterways, construction of embankments, replacement of irrigation and drainage structures, and installation of navigation aids.

1.4. Ethnic Minority in the project area

16. The major ethnic groups of the 5 project provinces have distinct religious and cultural traditions including the majority Kinh, the Khmer and the Hoa. In Dong Nai, there are small groups of the Nung, the Tay, the Cho Ro and the 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 in the economic structure.

1.4.1. The Khmer people

17. The population of ethnic Khmer in Vietnam is now about 1.3 million people. Khmer people live for a long time in Cuu Long (Mekong), concentrating in Sóc Trăng, Trà Vinh, Kiên Giang, An Giang, Bạc Liêu, Cà Mau...

18. Although the Khmer have long lived with other ethnic group community such as Kinh and Hoa, they have their own traditional culture and language.

19. Khmer people have shared the same culture and history of building socialism and defending the socialist homeland with Kinh and Hoa people. However, they have their own traditional culture and language. Until now, Khmer people in the South Vietnam follow 3 forms of religion: folk beliefs, Brahmanism and Theravada Buddhism lines. Khmer people devote to Buddhism. Each village has a pagoda. In the daily life of Khmer so far, Khmer pagodas are convergence of cultural and social activities are important and indispensable. Khmer people usually reside on the mounds, exploiting the low-lying mounds front and back, gradually turn them into the field. The old traditional forms of production, is rice intensification, which means the Khmer can select rice varieties, apply the irrigation and take tidal advantages for deacidification and alkaline soil improvement. In addition, cultivation was applied as planting watermelon. Along with agriculture, the economic activities of the Khmer are also raising cattle aiming to plow, pigs, chickens, ducks and fishes and developing crafts such as weaving, pottery and jaggery sugar production.

Traditional Culture

20. Khmer people are significantly influenced by Indian culture. Until now, Khmer people in the South Vietnam follow 3 forms of religion: folk beliefs, Brahmanism and Theravada Buddhism lines. In the Khmer temples of Theravada Buddhism (Thérévada), in addition to the only worshiped Shakyamuni Buddha, occupying the central position, there still exists a rich system of gods and spirit beasts - the remnants of Brahminism and folk beliefs. Khmer people devote to Buddhism. Each village has a pagoda. Khmer people devote to Buddhism. Each village has a pagoda. In the daily life of Khmer so far, Khmer pagodas are convergence of cultural and social activities are important and indispensable.

21. Hinayana Buddhism (Theravada Khmer Buddhism) is the fulcrum of the Khmer spirit and the religious activities associate with the cultural life of the Khmer community. Thus the characteristics of culture, manners and customs associate with the Khmer belief and religion.

22. Khmer people have many traditional customs and unique cultural arts. Large pagodas usually have drum, trumpet, ngo boat team ... there are many festivals during the year, special holidays are Chol Chnam Thmay (New Year), Buddha's birthday celebration, we welcome ceremony (of death), bombs booc York (the moon)

Livelihood

23. Khmer people usually reside on the mounds, exploiting the low-lying mounds front and back, gradually turn them into the field. The old traditional forms of production, is rice intensification, which means the Khmer can select rice varieties, apply the irrigation and take tidal advantages for deacidification and alkaline soil improvement.. Along with agriculture, the economic activities of the Khmer are also raising cattle aiming to plow, pigs, chickens, ducks

and fishes and developing crafts such as weaving, pottery and jaggery sugar production. In daily life, Khmer people process many kinds of fish sauce from shrimp and gourami, but the most famous is fish sauce made of snakehead fish, danio fish, catfish and shrimp mixed with powdered grilled rice and salt.

Residency model

24. Khmer people live in “phum”, “soc”. Small population groups are called residential areas, a number of residential areas gather into communes where Khmer people interwine within Kinh and Hoa ones. The households and villages play an important role in preserving the traditional cultural values of the Khmer people.

25. Khmer families contain two main kinds: nuclear families (comprising 2 generations) and extended families (compound families, undivided families, families with many generations living together). Until now, Khmer families have existed as independent economic units (with a separate accommodation with production facilities such as land, fields, buffalos, production equipment’s) and their specific characteristic is agricultural production, farming and breeding. Therefore, family members often work together in the stages of production process.

26. Relationships between family members consist of relationship between husband and wife, parents and children, grandparents and grandchildren, among siblings. Khmer people mainly live concentratedly and build a close-knit relationship among members in the community, hence, kinship is clearly expressed.

Marriage relationship

27. Not only is marriage in Khmer people’s belief an economic and emotional connection but also reinforce and ensure that family’s property will not be lost or transferred to outer sources. The choice of a spouse abides by a specific principle. Common marriages are between cousins in the first generation, between siblings of a husband and a wife. That principle strengthens connection and kinship among members in Khmer “phum” (clan) which is related to both two parents. This also radically widens kinship networks. Therefore, marriage is not only a matter of 2 people but also plays a significant role to kinship structure in “phum”

28. Traditional wedding ceremony requires strictly implementing stages and nowadays, this wedding ceremony are still upheld in rural areas. There have seen some changes in Khmer weddings in urban areas which are simplified and only lasts for one day. In some Khmer families, some wedding rituals of Hoa group or Kinh groups are mixed in the traditional

29. Residence form after the wedding of Khmer people is characterised by the nature of the society, bloodline relationship and the nature of family. Common residence form after the wedding used to be to live in or near the wife’s house, which was considered compulsory. Nowadays, on account of changes in the occupational structure and family forms..., the married couple’s place of residence is not mandatory, they have freedom to choose where to live (with the bride’s family/ the groom’s family or somewhere else) depending on their economic condition, social status, interests

Housing

30. The Khmer used to live in stilts, but now there are only a few left along the Vietnam-Cambodia border and a small number of Khmer Buddhist temples where monks and devotees gather. The living space layout of the Khmer is quite simple. Currently, the majority of Khmer people live in houses on land. The housing frame is made quite solid. In many places, houses

are made in the style of Kinh houses.

Language

31. The language of the Southern Khmer belongs to the Mon - Khmer language. The writing of the Khmer in the South follows the Brahmi alphabet with the same script as the Cham language and many other ethnic groups in Southeast Asia. In the Khmer community, traditional language is still used for daily communication; the teaching of Khmer language is still maintained in the community but limited. Nowadays, young Khmer people do not use their national language fluently, especially those living in urban areas.

1.4.2. The Tay and Nung people

32. As a migrated ethnic group from the North of Vietnam, Tay and Nung people in project area have been reserving many characteristics of traditional culture in the community and specially in their HH's life.

33. The Tay and Nung are ethnic minorities who migrated from the northern mountainous areas to the project area after 1954 and especially after 1975. Although they have migrated to the project area for a long time, they still keep it. acquire the traditional cultural features in the spiritual and cultural life in today's daily life.

Ethnic Relations

34. According to history of ethnic minorities, both Tay and Nung are branches the Tay-Thai language family, mainly distributed in the North of Vietnam. Based on the fact that Tay and Nung had a close original ethnic relation that is why there are many similar cultural characteristics in belief and religion, traditional customs. In their language, the predicates are basically different, actually there is the fact that they can understand each other and easily make daily conversations.

Community Relations

35. The Tay and Nung have community relation established closely. Beside the kinship relation, ethnic relation is one of these factors, connecting all the members in new settlement places. The rule of mutual assistances in community is an important factor, helping and protecting households in daily life and in urgent situations as well. The forms of mutual assistances in traditional society such as material helps or providing manual labor helps are still remained.

36. The Tay and Nung people still have mutual assistant in agricultural productivity in the form of labor exchange. The form was very popular in many ethnic communities but they are gradually fading. The form of mutual labor assistant is as an important one of labor resources in agricultural productivity, special to the households that have a few laborers or can not afford for hiring others. Mutual assistances is also shown in mutual help at the events such as: funeral ceremony, marriage and building up a new house...

Traditional Culture:

37. So far, the characteristics of traditional culture of the ethnic groups such as Tay, and Nung have significantly changed.

38. The architecture of traditional house is not conserved. The form of the ethnic houses is similar to the Kinh's one in the South of Vietnam.

39. Costumes: The daily life costumes of ethnic people now are designed as the Kinh's style, or many ready-made clothes can be bought at the market. The Kinh's style is so popular not only in the daily life but also in many festivals or other important events as wedding or funeral ceremony. Nowadays, there is a few people who are saving the traditional costumes.

40. Traditional festivals: There are some traditional festivals in community as: Lunar New Years, festive seasons in March, May, July and October of the lunar year. In these festivals, Tay and Nung people always serve pork, chicken, duck, many types of cake and other delicious food as well.

Language:

41. Ethnic language is still used in the daily conversations at both family and community levels. Actually, children do not use ethnic language as fluently as Kinh language as the official languages to be taught at their school. Most of ethnic people can use Kinh language easily.

1.4.3. The Hoa people

42. The Hoa people is urbanized, typically integrated into the wider Kinh communities and have equal living standards with the Kinh. EM are unevenly distributed in the Project area (See Table 1). Within the project provinces, Dong Nai has by far the largest populations of EM (6.43%). In the provinces of Vinh Long, Long An, Ben Tre and Tien Giang there are relatively small populations of EMs (between 300 & 2,000) concentrated in rural areas.

Table 1. Information on Ethnic Groups Situation in the Project Area

No	Province	Population	Kinh	Ethnic Minority Groups				
				Khmer	Hoa	Other Groups	Total EMs	%
1	Dong Nai	3,097,107	2,898,088	23,560	87,497	87,962	199,019	6.43
2	Long An	1,688,547	1,672,776	9,980	3,801	1,990	15,771	0.93
3	Tien Giang	1,764,185	1,760,195	1,269	2,310	411	3,990	0.22
4	Ben Tre	1,288,463	1,284,628	1,001	2,495	399	3,835	0.3
5	Vinh Long	1,022,791	996,195	22,630	3,627	399	26,596	2.6
	Total	8,861,093	8,611,882	58,440	99,730	91,161	249,211	2.8

Source: The 2019 Viet Nam population and housing census

43. Identification for ethnic minority population will be conducted in all the provinces by the consultants with the help of local authorities when the alternatives routes will be selected. The screening will check: i) the names of ethnic groups in the districts and communes/wards; ii) the total number and the percentage of ethnic minority in districts and wards where investments are proposed; and iii) the number and percentage of ethnic minority households in the area of influence of the proposed investments.

1.5. Objectives of the EMPF

44. 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 due to the presence of ethnic minorities in the project area.

45. Based on the screening conducted, EMs are present in sub-projects areas of five project provinces, including Dong Nai, Long An, Tien Giang, Ben Tre and Tra Vinh. Therefore, ESS7 on

Indigenous Peoples is relevant for these locations. Since specific project location in each province has not yet been determined/finalized, this Ethnic Minority Planning Framework (EMPF) is prepared to guide preparation of Ethnic Minority Development Plans (EMDPs) for subprojects that have EM people present in the project area. :

46. To ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of EM communities.

47. To avoid adverse impacts of projects on EM communities, or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts.

48. To promote sustainable development benefits and opportunities for EM communities in a manner that is accessible, culturally appropriate and inclusive.

49. To 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.

50. If impacts related to one or more of the circumstances requiring Free Prior and Informed Consent (FPIC) in line with ESS7 are required, then FPIC will be used for engagement, in the undertaking of assessments, and informing frameworks and plans. To obtain the Free, Prior, and Informed Consent (FPIC) of affected EM communities in the three circumstances described in the ESS7.

51. To 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.

52. This EMPF was prepared based on (a) preliminary design of the project; b) a preliminary social assessment prepared for the project; and (b) preliminary consultation with ethnic minority people present in the project areas.

2. NATIONAL LEGAL AND POLICY FRAMEWORK

53. 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.

2.1. National Legal and Policy Framework for Ethnic Minorities

54. 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.

55. 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.

56. 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.g. 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.

57. 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).

58. 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/ND-CP 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.

59. 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.

60. 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 that 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.

61. 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.

62. All legal documents related to EM are shown in Table 2.

Table 2: Legal documents relating to ethnic minority

Year	Document
2021	Decision No. 1719/QĐ-TTg dated 14 October 2021 of the Prime Minister approving the National target program for socio-economic development in

Year	Document
	ethnic minority and mountainous areas for the period 2021- 2030, phase I from 2021 to 2025
2021	Decision 861/QD-TTg dated 4 June 2021 of the Prime Minister approving the list of communes in Region III, Region II and Region I in ethnic minority and mountainous areas for the period of 2021 – 2025
2020	Decision No. 39/2020/QD-TTg dated 31 December 2020 of the Prime Minister on criteria for identifying ethnic groups facing difficulties and special difficulties in the period of 2021-2025
2020	Decision No. 1409/QD-TTg dated 15 September 2020 of the Prime Minister promulgating the implementation plan of the National Assembly's Resolution No. 120/2020/QD14 dated 19 June 2020 approving investment policy of the National target program for socio-economic development in ethnic minority and mountainous areas for the period of 2021-2030
2020	Decision No. 460/QD-UBDT dated 21 August 2020 by the Minister of Ethnic Minority Committee on Action Program to implement the socio-economic development plan in ethnic minority and mountainous areas in the period of 2021 -2025
2020	Decision No. 499/QD-TTg dated 10 April 2020 of the Prime Minister approving the program "Protection and development of lesser-known ethnic minorities in the period of 2021 - 2030"
2017	Decision No. 582/QD-TTg dated 28/4/2017 on approving the list of especially difficult hamlet, commune under III area, II area and I area of ethnic minority and mountainous areas in the period of 2016 - 2020
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.

Year	Document
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 investments 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.
2011	Decree 05/2011/MD-CP dated 14 January 2011 of the Government on Ethnic Affairs.
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.

Year	Document
2009	Decision No. 61/QD-UBND date 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 dated 27 December 2008 of the Government on support program for fast and sustainable poverty reduction in 61 poor districts.
2008	Decision No. 1366/QD-TTg dated 25/09/2008 of the Prime Minister on amending and supplementing the Decision No. 289 / QD-TTg date 18/3/2008 on issuing several assistant policies for ethnic minorities, policy households, poor households and nearly poor households and fisherman.

2.2. 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 Vietnam, such groups are referred to as ‘Ethnic Minorities’.

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 individuals and/or communities are affected positively or negatively, and regardless of the significance of project impacts. This ESS also applies irrespective of the presence or absence of discernible economic, political or social vulnerabilities though 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:

- Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
- 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
- Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
- 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 communities are present in, or have

collective attachment to the project area, MOT/PMU may be required to engage appropriate EM specialists to conduct consultation, planning to meet 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. As a prerequisite for approval of an investment project, ESS7 requires the Project Implementing Agencies to conduct meaningful consultation with potentially affected EM peoples.. The primary objectives of ESS7 are:

- To ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of EM community.
- To avoid adverse impacts of projects on EM community, or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts.
- To promote sustainable development benefits and opportunities for EM community in a manner that is accessible, culturally appropriate and inclusive.
- To improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the EM community affected by a project throughout the project's life cycle.
- To obtain the Free, Prior, and Informed Consent (FPIC) of affected EM community in the three circumstances described in this ESS.
- To recognize, respect and preserve the culture, knowledge, and practices of EM community, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

50. The World Bank requires Free, Prior and Informed Consent (FPIC) from ethnic groups in a project when the following circumstances apply:

- a) Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation. Examples of the adverse impacts include:
 - Potential tension with communities, including customary communities' areas and their ancestral territories located near forest areas.
 - Reduced or loss of access to forest areas used for subsistence livelihood purposes.
- b) Cause relocation of Ethnic Peoples from land and natural resources subject to traditional ownership or under customary use or occupation; or
- c) Have significant impacts on Ethnic Peoples cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Ethnic Peoples' lives.

During the preparation of site-specific EM plans, the implementing agency, with the support of WB, will screen if the conditions for FPIC apply.

69. According to ESS7, this EMPF will be applied to all subprojects, providing instruction on how to perform a preliminary screening of ethnic minorities, social assessment, identifying mitigation measures, resolving complaints 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, or other project activities during construction and/or operation phases of the project. Where this is the case, specific action need to be in place to avoid/minimize such adverse impact. Adverse impact due to land acquisition and resettlement, if any, will be addressed through the preparation of resettlement plan (RP) at subproject level.

3. POTENTIAL IMPACTS AND RISKS OF THE PROJECT

70. The project is expected to create an overall significant positive social impacts through improving the transport infrastructure system. Once completed, the project will increase the cargo volumes and transport safety through the above two waterway Corridors. Meanwhile, it helps reduce the transport time and enhance transport connectivity between provinces and cities in the two regions. This will support for improved agriculture production in these provinces and contribute to the overall socioeconomic development in the Southern Vietnam. Once completed, the project will increase the cargo volumes and transport safety through the above two waterway Corridors. Meanwhile, it helps reduce the transport time and enhance transport connectivity between provinces and cities in the two regions. This will support for improved agriculture production in these provinces and contribute to the overall socioeconomic development in the Southern Vietnam. However, during project implementation, local people, including EM people who live at some subproject locations, may be affected adversely due to permanent and/or temporary land acquisition. Others may be affected temporarily during construction phase such as impact on livelihoods, living activities, and environmental impacts such as noise, pollution, etc.

3.1. Positive impacts

71. The project will bring about socioeconomic benefits to a wide range of project stakeholders, both public and private sectors. For instance, the dredging, widening, and curve corrections at selected sections of the two Corridors will not only improve the transport for individuals, companies, public organizations using these waterway Corridors but also improve water access for households, farming communities, and cooperatives who use water for irrigation as well as for transportation.

72. In particular, the project is likely to directly benefit households in the area by improving the waterway transport infrastructure system, reducing congestion and traffic accidents on the key waterways, , reducing the transportation time and cost to the consumer market in connection to the increased access to social services and employment opportunities through the better quality and modals of transport and increased waterway connectivity, and increasing land and property value and commercial development in the project area. During the construction process, local non-skilled workers (especially EMs), will be hired and this will create short-term income opportunities for local people.

3.2. Negative impacts and risks

3.2.1. Social impacts and risks

- Social impacts:

73. To achieve the above project objective, the project will need to acquire land currently used by local people, organizations, companies, and land under state management. A total of 42,78 ha of land are likely acquired permanently to allow construction activities. This would affect an estimated 1,068 households who live in provinces such as Ben Tre, Dong Nai, Long An, Tien Giang, and Vinh Long. The type of impacts includes a) loss of land, such as residential,

agricultural and non-agricultural, b) loss of assets attached to land, such as houses/ structures/ businesses, graves, standing crops, and trees, c) loss of income generation opportunities due to loss of land-based livelihoods, etc.

74. The magnitude of impact will vary from household to household, depending on the locations and technical requirements of the civil works. The scope of impacts at household level will be confirmed when the project's technical designs are finalized. Once set, Resettlement Plans will be prepared in accordance with the project's Resettlement Policy Framework to guide meaningful consultation with affected people, design compensation package and livelihood restoration plan, and ensure Grievance Redress Procedure is in place for affected people.

- Social risks:

75. A number of key social risks are likely to arise for local people during project implementation. These risks are primarily associated with increased number of workers mobilized for project's civil works:

- Increased health risks, such as COVID-19, and water-related, vector-borne, communicable and non-communicable diseases (dengue fever, flu, HIV/AIDS...);
- Increased risk for road traffic accidents, particularly for those living in the vicinity of the civil works and those who travel near the construction area;
- Stress, possible conflicts with construction workers;
- Risk of sexual exploitation and abuse, sexual harassment;
- Risk of child labor, forced labor, etc.

3.2.2. Environmental impacts and risks

- Environmental impacts:

76. During project construction, adverse environmental impact are anticipated at certain sites where construction takes place. These environmental risks and impacts range from low to high, including:

- Dust, noise, vibration, disturbance at construction sites for rural roads, canals, disposal sites, etc.;
- Soil subsidence and erosions at some river sections with bend corrections (Mang Thit & Rach La);
- Impacts on aquatic life due to water pollution at dredging locations (due to turbidity and slime contents);
- Safety risk related to unexploded ordnances (e.g. at bottom of canals);
- Disturbance to daily living activities of local people in the vicinity of the works, traffic and road safety, etc.
- Environmental risks:

77. During project implementation, the following environmental risks are identified:

- Risk of UXOs
- Safety risk related to unexploded ordnances (e.g. at bottom of canals);
- Risks of occupational health and safety for workers.

78. The above risks and impacts may fall upon EM groups or individuals who may happen to live in the influence area of the subprojects. When this is the case, EM people/individuals may be affected in terms of livelihoods, particularly those who are involved in farming activities and/or small-scaled businesses. If affected in terms of land acquisition, EM's land-based livelihoods are likely affected. Where physical relocation of EM households is not avoidable, affected EM households may lose their day-to-day customers, social networks if relocated far away from their current location and/or business places.

79. GBV/SEA/SH related to presence of outside workers. During construction time, many workers will come and stay in the project area, thus social problems may occur, affecting local security and health. Young EM people are particularly at risk.

- Risks of social evils in community: During the long term implementation process, many employees coming from other areas will work and reside in the community. There can be risk of negative effects; There can be conflict and argument between local people and the others, especially conflicts of between the youngsters prostitution, drugs addiction, robbery, ect; There can be conflict among the workers affecting the community; and there can be cultural, religious conflict between ethnic minorities and the officers and workers of the projects.
- Negative effects on cultural traditional values of local people: During the project implementation process, the fact that officers and workers of the project will reside for a long time can negatively affect ethnic minorities manners and customs maintenance via regular exchanges between officers, workers and local people. The project's ESIA report indicates that, due to dredging, waterway traffic will be affected for approximately 18 months. This may affect some major festivals of the Khmer in the South such as Ok Om Bok festival when people often organize fun events, including boat races, water lanterns, etc. on the river.
- Industrial accidents, traffic accidents: During the project implementation process, mechanics and materials can block the traffic and cause accidents; During the project implementation process, materials transportation through residents' areas can block the traffic and cause accidents.

4. ETHNIC MINORITY ENGAGEMENT

4.1. Consultation in the Project Preparation Process

80. One of the purposes of consultation is to ensure EMs who are present in the subproject area are engaged regularly in meaningful consultations that the project organize during subproject cycle. Based on meaningful consultation with EM people, EM's feedback will be considered and incorporated into project design. Meaningful consultation with EM also aim to encourage EMs to express their views and concerns in relation to project's social and environmental risk and impacts, and contribute to development of mitigation measures that are culturally appropriate to them. For the project, a consultation process, tailored to EM, is designed to ensure compliance with ESS7 as following sections.

81. Meaningful consultation also aims to ensure that EM people have opportunities to articulate, on the basis of their understanding of the project activities the project goal, their needs for support from the project in relation to the project goal/project activities. Method and form of consultation, contents, time, and location of consultations have also to be appropriate for ethnic minority culture. The list of participants and some photographs of the consultations will be recorded and provided in the Appendix to the report.

82. A consultative process for Free, Prior and Informed Consent under ESS7, if applicable. FPIC is applicable in a limited set of circumstances (as detailed in ESS7). Otherwise, a culturally appropriate process of meaningful consultation will be followed.

4.2. Consultation with EM during Project Implementation Stage

83. Consultation during project implementation aims to collect and document information on the needs and challenges faced by ethnic minorities at subproject level, and to identify additional potential impacts or other forms of support that EM people may need. It will be conducted in coordination with stakeholder engagement activities under SEP of ESS10. The project will develop consultation procedures and guidelines to ensure that consultations are timely conducted at appropriate places. In addition, consultation should be implemented in an appropriate manner where ethnic minorities can participate freely in the process and without outside interference.

84. Language used in consultations must be the one that the ethnic minority people can use fluently. The consultation process should ensure that affected EM communities:

- (i) Understand the project's objectives;
- (ii) Be aware of the project's benefits and that those benefits are culturally appropriate;
- (iii) Know their entitlements and limitations in terms of compensation, assistance and resettlement as well as environmental issues.

85. During project implementation, ethnic minorities will be consulted in all project activities. 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 3 below:

Table 3. 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 sub-project at least 2 weeks in advance of initial meeting	PMU-W	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, PMU-W, Commune, District and Provincial Authorities	Prior to finalizing sub-project design
Document stakeholder feedback on initial sub-project proposal	EMDP Consultant	Prior to finalizing sub-project design
Revise sub-project and prepare EMDP based on initial consultation	EMDP/SA Consultant,	Prior to finalizing sub-project design
Present again the subproject proposal, along with EMDP at a follow up meeting	EMDP/SA Consultant, PMU-W, Commune, District and Provincial Authorities	Prior to finalizing sub-project design
Finalize sub-project proposal, along with EMDP, and re-disclose locally	PMU-W and EMDP Consultant	Prior to sub-project implementation
Conduct follow on (possibly) meetings at the community level	PMU-W, Commune, District and Provincial Authorities, and the Contractor	During Sub-project implementation

86. PMU-W’s will be responsible for ensuring the participation of the ethnic minority community through Commune People’s Committee (CPC), relevant local agencies and social organizations. PMU-W’s will hold regular meetings with CPC, villages, and local social organizations to ensure that all relevant people are fully aware and understand the project’s contents. Participatory consultations aims to ensure that the affected ethnic minorities have an understanding of the project in order to minimize adverse impacts and optimize positive impacts and their choices of measures to minimize negative impacts. They should be provided with information about the project’s Grievance Redress Mechanism. These meetings will be

scheduled and the PMU-W's will coordinate with the District Ethnic Minority Affairs Committee/ Ethnic Minority Officer to ensure that negative impacts are identified and addressed.

87. Through consultation process, PMU-W's will inform EMs about their rights, project's size and potential impacts on livelihoods, environment and natural resources. When there are differences or conflicts between the EMs and the project implementing agencies, PMU-W's are required to coordinate with mediators (usually a conciliation committee) to come up with a method of conciliation and negotiation to resolve those differences. Negotiation should be based on the principle of mutual respect for cultural differences, discuss the issues with legal representatives of the EMs, allow enough time to make decisions, be willing to compromise and record the results. If broad community support for the subproject or project activities cannot be demonstrated, the World Bank will not finance such activities. These proofs cover the entire process: calls for meetings (print announcements, radio clips, etc.); list and signatures of participants / attendees represented by women; photograph; summaries of discussions; concerns raised and alternatives that meet local aspirations.

88. It should be noted that many ethnic minorities in Vietnam, especially women and the elderly, have limited reading skills in Vietnamese. Therefore, communication methods/media need to use languages and scripts suitable to their culture to remove barriers in communication. Documents need to be translated into ethnic languages, using interpreters in community meetings and using visual communication methods in ethnic minority communities with high illiteracy rates or low levels of education. Separate meetings for women and men should be organized if necessary for local cultural traditions.

5. DISCLOSURE OF INFORMATION

89. The Ethnic Minority Planning Framework will be made available to the affected EM communities 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.

5.1. Disclosure of EMPF

90. The disclosure of EMPF and other documents ((RPF, ESCP, SEP, ESMF and LMP) will be disclosed on PMU-W's website and the World Bank's website. PMU-W's will disclose information: (i) on its website, (ii) provide copies at its office and the commune/ward PC and (iii) make copies available to community locations accessible to the EM and other stakeholders.

91. Key EMPF findings and recommendations, particularly regarding the need to incorporate EMPF into project benefits, will be incorporated into ongoing outreach activities at the local level and will be further scaled up over the implementation phase, prior to commencing related activities at the affected target sites, in an effort to share and seek feedback on the EMPF and its measures to enhance benefits for the affected EMs. The EMPF will be approved by the 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.

92. The EMPF in Vietnamese is publicly disclosed on **XXX, 2022**. The English version is also disclosed on the World Bank's external websites on **XXX, 2022**.

5.2. Disclosure of subproject EMDPs

93. The EMDPs prepared during project implementation, upon acceptance by the Bank, will be disclosed locally at subproject level. EMDP will be easily accessible by local EM. The EMDP will be prepared in a form and language that is understandable to EM people. Copies of the EMDP (in Vietnamese and EM languages, if needed) will be available at the ward/commune People's Committee or other places easily accessible to the EM people. The EMDP will also be disclosed on the World Bank's website and the PMU-W's website.

94. Prior to disclosure, the EMDPs translated into national language 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.

95. Opinions and views of EM people collected during consultation meetings will be recorded in meeting minutes. Besides, the contents of all regular meetings between PPMUs 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.

96. As per Bank's requirement, the EMDPs shall be disclosed locally at provincial, district, and

commune levels. The Vietnamese version of the EMDPs will be disclosed on the website of PPMUs after being cleared 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.

6. GUIDELINES ON PREPARATION AND IMPLEMENTATION OF EMDP

97. The EMDP should be developed based on social assessment and consultation with ethnic minorities in the project area. Consultation plays an important role in the preparation of the EMDP as it provides ethnic minority groups (both those potentially affected and unaffected by the subprojects) the opportunity to participate in design and implementation of sub-projects. More importantly, it helps to identify the potential adverse impacts, if any, as a result of the subproject, on the income generating activities of the EMs and their livelihoods, thereby allowing appropriate measures to be taken to avoid, minimize and mitigate those adverse effects. Consultation also aims to ensure that EM people have the opportunity to clearly state, based on their understanding of the sub-projects/project objectives, their need for support from the project objectives / project activities. The entire EMDP development process is based on a research referred to, in Bank-financed projects, as social assessment.

6.1. Identification of EM peoples

98. As a first step, EM identification process will be carried to confirm if EM/ communities are present in the subproject area. EM identification process will be based on consultation with local officers (e.g. DEMA) and relevant ethnic minority professionals (e.g. working in the National Institutes and Anthropology Depts of Universities). Where EM are found, the Consultants will be 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 2 presents the form used for EM identification.

6.2. Social Assessment

Purpose

99. A Social Assessment (SA), for the purposes of the Bank's ESS7, is a study that aims to find out how planned project activities within a Bank-financed subproject will affect the livelihood, land and culture of the ethnic minorities present in the subproject area. The purpose of SA is to ensure that if there are any potential negative impacts due to subproject implementation, appropriate measures are taken (before subproject implementation) to avoid, minimize, to mitigate such potential adverse impacts or to compensate for affected impacts, if unavoidable. SA also aims to find out, based on an understanding of the socio-economic and cultural characteristics of the EM communities, the possible development activities that the project can undertake (relevant to the project's purpose / objective) to ensure that the ethnic minorities in the subproject area receive socio-economic benefits that are culturally appropriate.

Method

100. The Social Assessment includes a meaningful consultation process for potential affected people in the project area to collect relevant information, perform data analysis and

write up the EMDP report. Consultation work should include organizing meetings with EM people at different stages during the implementation of the project to ensure the most accurate forecast of potential impact. It's a good practice that the EMDP be prepared based on meaningful 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.

101. Methods to be adopted for meaningful consultation with EM people should be appropriate to identified EM group that are present in the subproject area. 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 project to be implemented.

102. A summary of the meaningful consultation and, if applicable, Free, Prior and Informed Consent (FPIC) with the affected ethnic groups. The consultations should: (i) involve representative bodies and organizations and, where appropriate, other community members; (ii) provide sufficient time for ethnic groups' decision-making processes; and (iii) allow for the effective participation by ethnic groups in the design of project activities or mitigation measures that could potentially affect them either positively or negatively. Feedback on the project would be gathered through separate group meetings with ethnic groups, vulnerable groups, including their traditional leaders, NGOs, community-based organizations, CSOs and other affected persons. The consultations would also help inform the Social Assessment with regard to demographic data, such as the social and economic situation and impacts. Finally, a summary would need to be prepared of the FPIC process and how its requirements have been met.

Data collection

103. There are 2 types of data to be collected for the sub-project social assessment: secondary data and primary data. Secondary data will be collected from reports of local authorities, annual reports, newspapers and magazines, statistical book. The team in charge of the social impact assessment (probably the trained staffs of the PMU-W, or consultant) should examine whether the available secondary data is sufficient or not to avoid duplication of data collection work. Primary data will be collected from consultation with the affected people through surveys/interviews of households, or through focus group discussions, using appropriate interviewing skills.

104. 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 communities who may be affected by the Project to determine

the socio-economic characteristics of communities in the project's area include: demographic characteristics, livelihood patterns, vulnerabilities, resilience with project negative impacts, culture/custom, etc.

- 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.

Data analysis

105. 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.

Report

106. A social assessment report including all the information mentioned above and outlined in ESS7 will be prepared and attached to the EMDP for each province.

6.3. Developing an EMDP

107. The PMU-W's or with support from social consultants shall comply with the following steps to prepare EMDP for the provinces where ethnic minorities are present in the subproject area – regardless of whether EM are adversely affected by project activities or not. 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.

6.4. Procedure for Review and Approval of an EMDP

108. Once preparation of a draft EMDP is completed for a subproject, specialized divisions of PMU-W will review and finalize it before submission to the WB's 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.

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

6.5. Elements of an EMDP

110. The EMDP should include 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 FPIC will be carried out with the affected EM during subproject implementation.

(iii) A framework specific guidance for meaningful consultation/FPIC 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.

7. Free, Prior and Informed Consent

62. At this stage, it is unclear whether the project would have circumstances that require Free, Prior and Informed Consent (FPIC) as defined in ESS7. This will be determined with more certainty when the project sub-components are defined, screening for ethnic groups is finalized and the ESIA is undertaken. Determination on whether FPIC applies should be done in consultation with ethnic groups when carrying out the site-specific EMDPs.

63. According to the WB's ESS 7 FPIC is applied when projects:

- Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation.
- Cause relocation of ethnic groups from land and natural resources subject to traditional ownership or under customary use or occupation.

- Have significant impacts on the cultural heritage of ethnic groups that is material to their identity and/or cultural, ceremonial, or spiritual aspects of their lives.

64. If FPIC is triggered, ethnic groups will be consulted in good faith based on sufficient and timely information concerning the benefits and disadvantages of the project and how the anticipated activities occur, before they occur (i.e. 'prior'). 'Consent' refers to the collective support of affected ethnic groups for the project activities that affect them, reached through a culturally appropriate process. Consent may exist even if some individuals or groups object to project activities. FPIC does not require unanimity and may be achieved even when individuals or groups within or among affected ethnic groups explicitly disagree. This process should be properly assessed and documented as part of the Social Assessment.

65. In terms of documenting FPIC, if applicable, CMU with the support from EDPD/PTRI would ensure that the following is documented:

- a) The mutually accepted process to carry out good faith negotiations that has been agreed by CMU; EDPD/PTRI and ethnic groups; and
- b) The outcome of the good faith negotiations between CMU, EDPD/PTRI and ethnic groups, including all agreements reached as well as dissenting views.

66. The following steps shall be followed in cases where FPIC is needed as part of the Social Assessment:

- a) Assessment of ethnic group stakeholders and decision-making structures,
- b) Consultation with stakeholders to determine acceptable basis for FPIC,
- c) Propose, consult and seek feedback on the FPIC process,
- d) Conduct additional consultations that can lead to consent that is then documented in an acceptable format.

67. The consultation process will document the consultations, interviews, attendance lists, photographic evidence and minutes of other meetings and/or back-to-office reports.

8. IMPLEMENTATION ARRANGEMENT

111. 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.

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

113. City/Ward People's Committee will cooperate with the PMU-W to implement the

EMDP. The CPC/WPC is responsible for helping the local people to overcome difficulties during the project implementation process, organizing public meetings to disseminate project information so that the EMDP can be well implemented.

114. Other organizations/agencies: The Women's Union, Farmers' Union, Vietnamese Fatherland Front and other concerned agencies will work closely with the PMU-W for EMDP implementation in the subproject area.

115. The PMU-W is responsible for assigning appropriate staff and budget (counterpart fund) – 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 RP(s) which is prepared of subproject in accordance with the project's RPF.

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

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

(i) The general responsibility of the elaboration and implementation of the EMPF belongs to PMU-W under MOT. The PMU-W 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.

9. GRIEVANCE REDRESS MECHANISM

118. 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.

119. 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/CPC or to the PMU-W. 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-W 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-W, and is frequently checked by the independent monitoring consult.

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

First Step – Commune/Ward People’s Committee (CPCs/WPCs)

121. An aggrieved PAPs may bring his/her complaint to the One Door Department of the Commune/Ward People’s Committees, in writing or verbally. The member of CPCs/WPCs at the One Door Department will be responsible to notify the CPCs/WPC leaders about the complaint for resolution. The Chairman of the CPCs/WPCs will meet personally with the aggrieved PAPs and will have 30 days following the date of receipt of the complaint to resolve it. The CPCs/WPCs secretariat is responsible for documenting and keeping files of all complaints handled by the CPCs/WPCs.

122. It should be noted that in the first stage, aggrieved person can bring the case to the Court of Law as they wish as per Law on Complaints (Article 7, Item 1) if they don’t agree with the Decision made in this stage or did not hear back from the agency in charge after the statute of limitation expires.

Second Stage – District People’s Committees (DPCs)

123. If after 30 days, the aggrieved affected household does not hear from the CPCs/WPCs, or if the PAPs is not satisfied with the decision taken on his/her complaint, the PAPs may bring the case, either in writing or verbally, to any member of the DPCs or the DCRCs. DPCs in turn will have 30 days following the receiving date of the complaint to resolve the case. DPCs are responsible for documenting and keeping files of all complaints that it handles and will inform the DCRCs of any decision made.

124. The aggrieved person can bring the case to the Court of Law as they wish as per Law on Complaints (Article 7, Item 1) if they don’t agree with the Decision made in this stage or did not hear back from the agency in charge after the statute of limitation expires. They can bring the case to Court within 30 days from the date of expiry, or date the Decision is issued.

Third Stage – At Province People’s Committees (PPCs)

125. If after 30 days, the aggrieved PAP does not hear from the DPCs, 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 PPCs or lodge an administrative case with the District People’s Court for resolution. The PPCs has 45 days within which to resolve the complaint to the satisfaction of all concerned. The PPCs secretariat is also responsible for documenting and keeping files on all complaints that it handles. Affected households can also bring their case to Court if they want.

Final Stage – Court of Law Decides

126. If, after 45 days following the lodging of the complaint with the PPCs, the aggrieved PAP does not hear from the PPCs, 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. Decisions by the court will be the final decision.

127. In addition to the above procedure, based on the consultation with EM peoples, EM may lodge their complaints/concerns through local EM leaders. EM can also make verbal complaints through local EM leaders as per their current practices. Local EM leaders will transfer their concerns/complaints to commune’s People Committee for recording and processing as per above procedure. Anonymous complaints are acceptable as per law.

128. 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.

10. MONITORING AND EVALUATION

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

10.1. 9.1 Internal Monitoring

130. Responsible agency. The PMU-W will be responsible for the overall implementation of the EMPF and EMDPs. The PMU-W will prepare the semi-annual reports on the EMDP implementation results and submit to the CPMU and the WB. These reports should be integrated with the progress report on RAP implementation of the subprojects.

10.2. 9.2 External Monitoring

131. 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-W.

132. 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.

11. COSTS AND BUDGET

133. Budget for implementation of the EMDP for each province/city will be calculated on the basis of specific activities proposed in each EMDP. This budget (from counterpart fund) 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.

ANNEXES

Annex 1 – Summary of consultation results for EMPF preparation

No.	Provinces	Time	Location	Participants			Key results & Responses
				Male	Female	Stakeholders	
1	Dong Nai						
2	Long An						
3	Tien Giang						
4	Ben Tre						
5	Vinh Long						

Annex 3 – EMDP Outline

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 4. Guidance on Four WB Criteria to Determine IP

This Annex helps to explain the four criteria used by the WB to determine whether a given group should be considered an Indigenous Group/Indigenous Peoples.

The World Bank’s ESS7 notes that the term “IP” is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following four characteristics in varying degrees.

It is important to note that as per ESS7, there is no hierarchy to the four characteristics, and all of them need to be present. However, they may be present in varying degrees. “Varying degrees” reflects the fact that some characteristics may be less evident for some groups or communities through integration into the broader society or economy, sometimes as a result of government policy. Moreover, given the varying contexts and characteristics of IP today, a group may possess defining characteristics and thereby be covered by the policy in one region, but may be more fully integrated and lack the defining characteristics in another region of the same country, or in a neighboring country. The collective attachment of groups to their traditional territories, for example, may have been forcibly severed due to government resettlement programs. Some groups may no longer speak their own language, or it may be spoken by only a few or even none. The role of traditional institutions may also be eroding or have been replaced by official administrative structures. These factors alone do not disqualify groups from being covered under ESS7, but are assessed in the final determination made by the World Bank.

1. Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others
<p>Questions and Factors to Consider (in addition to those outlined in the legal framework or commune database)</p> <ul style="list-style-type: none"> • Do IPs identify themselves as an Indigenous community or a traditional community or around a distinct cultural identity? • You can ask: What does it mean to you to be an IP? How would someone outside of your community describe who you are, especially distinguishing features as a community? Do others recognize them as belonging to those groups? • <i>Note:</i> When asking if others would recognize them, it is not about being described as “indigenous” but whether or not others would recognize their distinctness as per the characteristics under ESS7.
2. 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;
<p>Questions and Factors to Consider</p> <ul style="list-style-type: none"> • <i>Note: for the purposes of this question, it is not relevant whether IP groups have collective title to the land or not.</i> • How long has the community lived on that land? Do members of the community have historical knowledge of these ancestral lands? Is there anthropological, ethnographic or legal data that can validate? Do they consider that land to be their ancestral or traditional land? Have they moved from their traditional lands? • Is the community using the land and resources in accordance with their customary laws, values and traditions?

3. Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture

Questions and factors to consider:

- Are there traditional leaders or a traditional leadership structure? If so, how do they work with other levels of government? Does the community have an internal decision-making process?
- What are the main modes of economic activity? Has this changed over time? How have these changes, if at all, impacted their identity, other cultural practices, traditional knowledge, language, etc.?
- Does the community have traditional education/learning systems, cultural systems or health systems that are distinct from those of Khmer society?

4. A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

Questions and factors to consider:

- What is the language or dialect of the community?
- Does the community speak and understand Khmer?
- Does the community have traditional education systems, using their own languages, teaching and learning methods?

Annex 5. Guidance Questions for Social Assessment

If IP groups are identified, these guiding questions may be helpful when conducting Social Assessment.

PROFILE OF THE LAND USED BY IP GROUPS	
1.	Describe the land used by IP groups that is near, or in some way connected to, the road being rehabilitated. What is the land type (public, state, communal, private, etc.)? Are there pressures on this land?
2.	Who else, legally or illegally, uses the land used by IPs for their livelihoods or any other use?
3.	Are there, or have there been, any conflicts relating to this land? If so, conflict between whom?
4.	How long has the IP community lived on that land? Do members of the IP community have historical knowledge of these ancestral lands - have these boundaries changed? Why? Is there anthropological, ethnographic or legal data that can validate?
5.	How are livelihoods attached to these lands? Do IPs rely on land and natural resources for housing, water, traditional subsistence, economic development, dress, traditional medicines, etc.?
6.	Is there a likelihood that road rehabilitation will attract outsiders to lands that IPs have collective attachment to and/or are used by IPs, or that it may exacerbate pressures on these lands?
DESCRIPTION OF THE IP GROUPS	
7.	How many people are there in the IP group? Please describe the IP group, including their name, heritage and how many people/households.
8.	Would you please give us some information about your IP group? What kind of activities go on in your village on a normal day? How does your group (e.g. women, elderly, farmers) experience life?

9.	Which languages are spoken by the IP group? Do they speak Khmer language?
10.	Are there any cultural or religious items/artifacts/areas connected with the road being rehabilitated? Where? What is the belief/practices?
11.	Has there been migration into this commune or the surrounding area? If so, where from, and why?
12.	What is the main source of livelihoods for the IP group? What about for people in the commune?
13.	Are there traditional leaders or a traditional leadership structure within the IP group? If so, how do they work with local and other levels of government?
14.	Does the IP community have an internal decision-making process? How are representatives chosen? How do women, youth, elders, persons with disabilities participate?
15.	What are the main jobs/livelihoods for the IP community?
16.	Does the community rely in whole or in part, traditional medicines and health practices? Has this changed over time? What are the factors for this change?

<u>17.</u>	Does the community have traditional conservation practices which they rely on? If so, how do they (both past and present) deal with climate change, disasters, habitat or wildlife loss?																								
<u>18.</u>	Has there been any conflict or tension over the following issues during the past years with the IP community and other local communities? With outsiders?																								
POTENTIAL IMPACTS TO IP GROUPS																									
<u>19.</u>	Is the road being rehabilitated near or within any of the following areas?																								
	<table border="1"> <thead> <tr> <th></th> <th>Yes/No</th> <th>NA</th> <th>Don't know</th> </tr> </thead> <tbody> <tr> <td>Land IP group has collective attachment to (for example for cultural, spiritual or livelihood reasons)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Medicinal plants used by IP groups</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Non-timber forest products area used by IP groups</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Important trees or natural landmarks of importance to IP group</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other (Specify)</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Yes/No	NA	Don't know	Land IP group has collective attachment to (for example for cultural, spiritual or livelihood reasons)				Medicinal plants used by IP groups				Non-timber forest products area used by IP groups				Important trees or natural landmarks of importance to IP group				Other (Specify)			
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<u>20.</u>	Are there any people in your IP group who are very poor/dependent/supported by others and/or considered vulnerable in any way?																								
<u>21.</u>	What types of social support networks exist within your IP community? Could you explain us when a person needs support, what types of contributions are provided to those in need?																								
<u>22.</u>	What do you think would be the positive effects of road rehabilitation for your IP group?																								

<u>23.</u>	What do you think would be the negative effects of road rehabilitation for your IP group?
<u>24.</u>	What do you think is the main problem faced by your IP group? How do you think can this problem be solved?
<u>25.</u>	If there were opportunities for jobs in civil works, would men and women in your group be interested?
<u>26.</u>	What is the best way to provide information to your group? What is the best way for you to share information with project planners? Does the project's proposed SEP fulfil the needs of your group?
<u>27.</u>	Is the project's proposed GRM adaptable to the needs of your IP group? How would this GRM need to be adapted?
<u>28.</u>	Is there anything else you would like to talk about, or want me to know?