The Northern Delta Transport Development Project (NDTDP)

Consulting services for feasibility studies and preliminary design for the Northern Delta Transport Development Project (NDTDP)

ETHNIC MINORITY POLICY FRAMEWORK

Ministry of Transport, Vietnam Inland Waterway Administration (VIWA), Project Management Unit of Waterways (PMU-W)

31 December 2007

9R6212.21
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<tr>
<td>CEMA</td>
<td>Committee for Ethnic Minorities Affairs</td>
</tr>
<tr>
<td>DP</td>
<td>Displaced Person</td>
</tr>
<tr>
<td>DPC</td>
<td>District People’s Committee</td>
</tr>
<tr>
<td>DRC</td>
<td>District Resettlement Committee</td>
</tr>
<tr>
<td>EM</td>
<td>Ethnic Minority</td>
</tr>
<tr>
<td>EMDP</td>
<td>Ethnic Minority Development Plan</td>
</tr>
<tr>
<td>EMPF</td>
<td>Ethnic Minority Planning Framework</td>
</tr>
<tr>
<td>GOV</td>
<td>Government of Viet Nam</td>
</tr>
<tr>
<td>GSO</td>
<td>General Statistics Office</td>
</tr>
<tr>
<td>IMO</td>
<td>Independent Monitoring Organization</td>
</tr>
<tr>
<td>MOT</td>
<td>Ministry of Transport</td>
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<tr>
<td>NDTDP</td>
<td>Northern Delta Transport Development Project</td>
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<tr>
<td>NGO</td>
<td>Non Government Organisation</td>
</tr>
<tr>
<td>NTFP</td>
<td>Non-Timber Forest Products</td>
</tr>
<tr>
<td>PDOT</td>
<td>Provincial Departments of Transportation</td>
</tr>
<tr>
<td>PMU-W</td>
<td>Project Management Unit - Waterways</td>
</tr>
<tr>
<td>PRC</td>
<td>Provincial Resettlement Committee</td>
</tr>
<tr>
<td>PPC</td>
<td>Provincial People’s Committee</td>
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<td>PPMU</td>
<td>Provincial Project Management Unit</td>
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<tr>
<td>RP</td>
<td>Resettlement Plan</td>
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<td>SA</td>
<td>Socio-economic Assessment</td>
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<td>VIWA</td>
<td>Vietnam Inland Waterway Administration</td>
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DEFINITION OF TERMS

Project affected person  means the same as displaced person within the meaning of World Bank’s policy OP 4.12, and means any person experiencing effects from land acquisition or resettlement regardless of whether they are physically displaced or relocated or not.

Compensation  means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost.

Displaced persons  means all the people affected by a project through land acquisition, relocation, or loss of incomes and includes any person, household, firms, or public or private institutions who as a result of a project would have their; (i) Standard of living adversely affected; (ii) Right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and grazing land) or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily adversely affected; or (iii) Business, occupation, place of work, residence, habitat or access to forest or community resources adversely affected, with or without displacement.

Indigenous peoples  mean the people indigenous to an area and include ethnic minorities as defined by OD 4.10.

Land acquisition  means the process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns or possesses, to the ownership and possession of that agency, for public purposes, in return for fair compensation.

Non-titled  means those who have no recognizable rights or claims to the land that they are occupying.

Vulnerable  means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e. (i) female –headed households with dependents; (ii) disabled household heads; (iii) poor households; (iv) landless elderly households with no means of support, (v) households without security of tenure; and (vi) ethnic minorities.
INTRODUCTION

The Project

1. The Northern Delta Transport Development Project (NDTDP) is proposed by GOV to resolve a number of important transport logistics bottlenecks in the Northern Delta region. The NDTDP is financed with assistance from the World Bank.

2. The NDTDP has three components, namely:

Component A: Multimodal Transport Corridor Investments
This component consists of improvements to two waterway corridors in the Northern Delta Region to increase the efficiency of multimodal transport and supply chains and enhance the environmental sustainability of the waterway system.

Sub-Component A1: Improvements to National Waterway Corridors
The improvements under this subcomponent are in two corridors: (a) a northern corridor between Viet Tri and Quang Ninh, a distance of 280 km; and (b) a western corridor between Hanoi and Lach Giang, a distance of 180 km. The investments will improve the standard and connectivity of the river network. The upgrading of the corridors will entail dredging to the required widths and depths, bend corrections, bank protection, shoal regulation, air clearance improvement at one bridge crossing (by raising the bridge) and provision of aids to navigation.

Sub-Component A2: Improvements to Ninh Co River Estuary and an Interconnecting canal between the Day and Ninh Co Rivers with a navigation lock
The sub-component will include an access channel bypassing the mouth of the Ninh Co river estuary and a canal connecting the Ninh Co and Day rivers. The required work will entail dredging the approach channel and connecting canal and construction of breakwaters, a ship lock, bank protection and other river training works.

Sub-Component A3: Improvements to Provincial Ports
This sub-component will comprise the construction of new facilities at Viet Tri and Ninh Phuc ports. Potential improvements may include new wharfs, storage areas, warehouses, road access and waste disposal facilities.

Sub-Component A4: Pilot Maintenance Contracts
This sub component will explore different arrangements for performing maintenance dredging and will pilot a maintenance scheme in the Project’s corridors to help ensure the sustainability of the improvements.

Component B: Improvements to Ferry Boat Stages
This component will include physical improvements to 15-30 pilot ferry boat stages. Access to these ferries from the road is often dangerous and has resulted in accidents and fatalities. In conjunction with the physical improvements, the Project will support the implementation and operationalization of a framework of standards for the design and operation of the different size ferry boat stages under its institutional support component.

Component C: Institutional Support to MoT, VIWA and the Provinces
This component consists of:

- Institutional support to VIWA and MoT to operationalize frameworks developed under MDTIDP for planning and management of ports and waterways and to help
VIWA more effectively carry out its tasks as manager of the inland waterway network in Vietnam. The initiatives that will be addressed under NDTDP include support for the improved management of ports, landing stages and ferry boat crossings, support for maintenance through the piloting of new maintenance arrangements such as performance-based contracts. And support for the role of community participation and supervision in project activities.

- Training based on curricula developed under the technical assistance program of MDTIDP to train central and provincial government transport officials involved in the waterway sector in the north.

3. The Project will be implemented over a six-year period commencing in 2009 and closing in 2014. All investments under the project (physical and institutional) will be divided into two phases. The first-phase investments consist of the improvements to National Waterway Corridor 1. All other project activities will be undertaken under Phase 2.

4. No ethnic minorities have been found to date in surveys conducted of potential DPs for the project. Surveys have covered some 1550 households for sub-projects in Components A and B and for sub-projects originally proposed, but now deleted, from the project. All respondents in the project area have been from the ethnic Kinh group. This EMPF has nevertheless been prepared to guide both preparation of Project design and ensure during Project implementation that ethnic minority development concerns are addressed should such populations be found to be affected. Some of these concerns relate to sensitive issues such as relocation of graves, resettlement to sites away from their ethnic minority group, and differential impact on livelihood systems.

Institutional and Policy Framework

5. The term of ethnic minorities refers to those groups that are different from the national majority group – Kinh living in Vietnam. However, in the context of the project it should be noted that in fact, the Kinh is an ethnic minority in many areas and there are no Kinh resident at all in some areas.

Government Policy on Ethnic Minority Development

6. Vietnam has a very broad spectrum of ethnicities. There are officially 53 ethnic groups in Vietnam who constitute the category of ethnic minorities. Ethnic Kinh is a majority with about 85% percent of total population, dominating the political, economic, and social affairs of the Social Republic of Vietnam. Most of the ethnic group population lives in the uplands. Population of ethnic minority groups range from over a million to only a few hundreds. The only ethnic minority groups who live mainly in the down-land are Hoa (origin from Chinese), Cham and Khmer.

7. The Government requirements show that ethnic minority groups consist of following characteristics:

- An intimate understanding and long stay in the territory, land or area of their ancestors closed attachment to the natural resources;
- Self-identification and recognized by neighboring members by their distinctive culture;
- A language different from the national language;
- A long traditional social and institutional system; and
- A self-provided production system.

8. The equality and right of every ethnic person living in Vietnam has been clearly stated at the highest level in the constitution of 1992. Its Article 5 declares that:
“The Socialist Republic of Vietnam is the unified State of all ethnicities living in on the territory of Vietnam. The State carries out a policy of equality, solidarity and mutual cultural assistance among all nationalities, and forbids all acts of national discrimination and division. Every nationality has the right to use its own language and system of writing, to preserve its national cultural identity, and promote its fine customs, habits, traditions and culture. The State issues a policy of comprehensive development and assistance, and gradually improves the material and spiritual living conditions of the national ethnic minorities”.

9. The Government also has in place a number of programs aimed at the integration of ethnic minority groups into overall Vietnamese society and in particular their greater participation in mainstream economic life. Most of the Government’s programs for ethnic minority development are the responsibility of Committee for Ethnic Minorities Affairs (CEMA). The Government is seeking to address the inequities of both development and infrastructure provision in the remote and mountainous areas with its cornerstone initiative-Program 135—which provides assistance to communes experiencing special difficulties that have a high proportion of ethnic minorities.

Some Key Development Policies for Ethnic Minority Areas

10. Instruction 525/TT of November 1993 provides an overall policy framework for the accelerated development of mountainous areas and areas of ethnic minorities. The main points of Instruction 525 are: (i) the promotion of an economy based on consumer goods, instead of an economy of self-sufficiency; (ii) the development of the rural infrastructure, in particular the access roads to the villages and the supply of drinking water; (iii) the reinforcement of the existing education systems, the adaptation of the education and training programs to the local conditions and the encouragement of informal education efforts; and (iv) the study of the causes of the insufficient food supply and the identification of ways to resolve this problem in each province.

11. Since 1968, Government policy has been aimed at settling the ethnic minorities and reducing shifting cultivation. This policy has been implemented in the form of programs that encompass both natural resource management and reforestation, and the economic development of ethnic minority areas. Two main programs have been the ‘327 Program from 1992 to 1997, based on Decision 327 of September 1992 on the reforestation of deforested hills, and the Sedentarization and Fixed Cultivation Program that has been targeted at ethnic minority people in upland areas for many years. This program has supported resettlement of upland communities to lower-lying and less remote areas, and has restricted sloping land cultivation and promoted irrigated paddy or long-season cash crops. A New Economic Zone program targeted at people moving into upland areas has been ongoing at the same time.

12. Today, two subsequent large-scale national programs are being implemented and address the development of the forestry sector and of poverty reduction in upland areas in a separate manner. The Five Million Hectare Reforestation Program (5MHRP) based on Decision 661 has replaced Program 327 and is on-going for a period of 12 years from 1998 to 2010. 5MHRP provides government funds for protected forest and special use forest. The 135 Program, which started its phase 2 in 2006 implementing for 5 years 2006 - 2010, plans and undertakes infrastructure development in the poor and remote communes, known as Zone III communes. Most of these communes are mountainous communes primarily inhabited by ethnic minority people. Subsidies and donations of agricultural inputs are also made available, for example through the Hunger Eradication Program. The Sedentarization and Fixed Cultivation Program and the New Economic Zone Program are still ongoing. The Sedentarization and Fixed Cultivation Program now mainly funds house construction materials for newly married young couples and for households having lost their homes after landslides, fire or flooding.

The World Bank Policy in Indigenous People

13. The Bank’s policy on indigenous people (OP4.10) is to ensure that the development process fosters full respect for their dignity, human rights, and culture uniqueness. More specially, the objective at the center of the policy is to ensure that indigenous peoples do not
suffer adverse effects during the development process, and that they receive benefits which are culturally appropriate to them.

14. The Bank’s policy is that the strategy of addressing the issue pertaining to indigenous peoples must be based on the free and informed participation of the indigenous people themselves which requires identifying local preferences through direct consultation.

15. Indigenous people are commonly among the poorest segments of a population. They engage in economic activities that range from shifting agriculture to wage labor or even small-scale market-oriented activities. The definition used by World Bank is very similar to that of the Government.

16. Any project proposed for the World Bank financing that have a significant effect on ethnic minorities are required to follow these steps:

- A screening to identify whether ethnic minorities are present in or have collective attachment to the project area;
- A social assessment to determine if the policy will be triggered, i.e. ethnic minorities will be negatively affected or can not participate in project benefits by virtue of their ethnicity;
- A process of free, prior and informed consultation with the effected people ethnic minority communities in order to full identify their views and to ascertain whether there is broad community support for the project;
- If the social assessment concludes that ethnic minorities will be negatively affected or can not participate in project benefits, preparation of an action plan with necessary measures; and
- Disclosure of the plan.

17. To ensure that ethnic minority groups are included in appropriate ways in the development process the policy requires the preparation of an indigenous peoples development plan. All ethnic groups in Viet Nam are considered indigenous and have equal rights under the Constitution of The Socialist Republic of Vietnam, and therefore the indigenous peoples development planning process is referred to as the EMDP process.

**Legal Framework Implementation**

18. The Government agency responsible for upland ethnic groups is the Committee for Ethnic Minorities and Mountainous Affairs (CEMA). The role of CEMA is to advise the Government on all matters relating to upland ethnic groups, and to supervise national development programs which assist ethnic minorities such as the 135 Program. In addition to the national office in Hanoi, CEMA has departments in each province. In 1995 CEMA developed a framework for External Assistance with 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, sustainable growth and reduction of poverty. The key points of this framework were:

- To fight against poverty;
- To encourage active participation of the populations of ethnic minorities in their own development;
- To reinforce the institutions involving ethnic minorities;
- To develop natural and human resources in a sustainable manner; and
- To ensure mutual respect between, and increase responsibility of, the parties involved.
SOCIAL AND ECONOMIC INFORMATION

Macro-level Socioeconomic Profile of Northern Delta

19. The population of Vietnam is estimated at 84 million, with over 41 million males and nearly 43 million females, according to the preliminary estimates for 2006 by the General Statistics Office (GSO). With a population of over 22 million, the Northern Delta constitutes over one-fifth, or 26 percent, of the country’s population. Among the 15 provinces of the Northern Delta Region, Hanoi Province has the largest population, making up over 14 percent of the region’s population while Hai Nam Province, which is the smallest of the region’s population, makes up just under 4 percent of the Northern Delta’s population.

Table 0-1: Population of the Project Area (2006)

<table>
<thead>
<tr>
<th>Province</th>
<th>Total Population</th>
<th>Area (km²)</th>
<th>Density (person/km²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ha Noi</td>
<td>3,216,700</td>
<td>921.8</td>
<td>3,490</td>
</tr>
<tr>
<td>Vinh Phuc</td>
<td>1,180,400</td>
<td>1,373.2</td>
<td>860</td>
</tr>
<tr>
<td>Bac Ninh</td>
<td>1,009,400</td>
<td>823.1</td>
<td>1,227</td>
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<tr>
<td>Ha Tay</td>
<td>2,543,500</td>
<td>2,198.0</td>
<td>1,157</td>
</tr>
<tr>
<td>Hai Duong</td>
<td>1,722,500</td>
<td>1,652.8</td>
<td>1,042</td>
</tr>
<tr>
<td>Hai Phong</td>
<td>1,803,400</td>
<td>1,520.7</td>
<td>1,186</td>
</tr>
<tr>
<td>Hung Yen</td>
<td>1,142,700</td>
<td>923.5</td>
<td>1,237</td>
</tr>
<tr>
<td>Thai Binh</td>
<td>1,865,400</td>
<td>1,546.5</td>
<td>1,206</td>
</tr>
<tr>
<td>Ha Nam</td>
<td>826,600</td>
<td>859.7</td>
<td>961</td>
</tr>
<tr>
<td>Nam Dinh</td>
<td>1,974,300</td>
<td>1,650.8</td>
<td>1,196</td>
</tr>
<tr>
<td>Ninh Binh</td>
<td>922,600</td>
<td>1,392.4</td>
<td>663</td>
</tr>
<tr>
<td>Quang Ninh</td>
<td>1,019,300</td>
<td>6,099.0</td>
<td>90</td>
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<tr>
<td>Bac Giang</td>
<td>1,594,300</td>
<td>3,827.4</td>
<td>179</td>
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<tr>
<td>Phu Tho</td>
<td>1,336,600</td>
<td>3,528.4</td>
<td>379</td>
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<td><strong>Project Area</strong></td>
<td><strong>22,230,100</strong></td>
<td><strong>29,576.7</strong></td>
<td><strong>752</strong></td>
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</table>

Source: Statistical Year Book, 2006

20. The Northern Delta’s land area makes up less than 7 percent of the country’s land mass. However, with over 26 percent of the national population living in the region, the region’s average density of over 1,200 persons per square kilometer is almost four times the national average. Within the region, Hanoi (3,490), Hung Yen (1,237), Bac Ninh (1,227), Provinces have the highest population densities. Provinces with population densities closer to the national average are primarily in the Northeast of the Delta: Quang Ninh (179), Thai Nguyen (318), Phu Tho (379), and Bac Giang (417).

Ethnic Composition

21. The major ethnic group in the Northern Delta is the Kinh. There are a variety of ethnic minority groups in some provinces such as Thai Nguyen, where over 24.7% of the population is non-Kinh. Other provinces where there is an ethnic minority group presence include Phu Tho (14.5%), Bac Giang (15.5%), Quang Ninh (11%), Vinh Phuc (3.35%), Ninh Binh (2.1%) and Ha Tay (1.2%). Other provinces have ethnic minority groups ranging from Hanoi (0.4%) to Nam Dinh (0.04%). The total number of the ethnic minority population in the Project area is 900,794 or 4.1% of the population but 818,518 or 90.8% of the total ethnic minority population live in the four upper delta provinces of Tuyen Quang, Bac Giang, Phu Tho and Quang Ninh.

22. Ethnic minority groups in the Northern Delta, such as the Tay, Dao, Muong, Nung, San Chay, San Diu, and Hmong (very limited numbers in Northern Delta) are traditionally found in upland areas away from actual river deltas and in the past used to derive their livelihoods to a large extent from the pursuit of upland livelihoods, including the cultivation of upland crops, collection of NTFPs, hunting of wild animals, and handicraft production. Even today most members of these ethnic minority groups are residing further up the watersheds of the Northern Delta at quite some distance from lowland areas primarily inhabited by the Kinh. The other ethnic minority group of note, the Hoa is more likely to be residing in lowland areas but is more urbanized than other ethnic minority groups in the Northern Delta. In terms
of cultural integration with the Kinh the Muong are the most acculturated and the Hmong the least acculturated. The Hmong are amongst the poorest ethnic minority groups in Vietnam while the Muong are among the better off.

23. The Muong who are found primarily in the Northern Delta province of Phu Tho are culturally closer to the Kinh than any other ethnic minority group in Vietnam. However, this should not be taken to imply they are a cultural facsimile of the Kinh because they are not. While their kinship structure is quite similar to that of the Kinh with a rather strong patriarchal bias and traditional religious beliefs somewhat similar although the Muong appear to place a greater emphasis on supernatural beliefs and less on Taoism or Buddhism than the Kinh.

24. The Tay ethno-linguistically belongs to the Tay-Thai sub-group of the Austro-Asiatic language group. They can be found in the Northern Delta provinces of Quang Ninh and Bac Giang. Their kinship structure is influenced by traditions of matrilocality (males on marriage go to live in female spouse’s household) and practice matrilineality (passing of property from mother to daughter). The Tay is partly influenced by Buddhism but ancestral and spirit worship is also very important. It is inconceivable for the Tay to undertake seasonal-based livelihood activities without honoring local spirits. Historically the Tay was involved in both lowland wet-rice cultivation along river banks and upland swidden agriculture.

25. The Nung belong to the same ethno-linguistic group as the Tay. They can be found in the Northern Delta provinces of Bac Giang and Thai Nguyen. However, unlike either the Tay or Thai their kinship system does not have a matrilocentric bias. Nung women traditionally have not had an important role to play in the public domain. The Nung are noted for their sophisticated upland cultivation of rice and also because they have always had a diverse livelihood system, not simply relying on cereal cropping or livestock.

26. The San Chay also belongs to the same ethno-linguistic group as the Tay, Thai and Nung but unlike these other groups traditionally the San Chay had a working knowledge of one or more Southern Chinese dialects. The San Chay can be found in the Northern Delta provinces of Thai Nguyen, Bac Giang, Quang Ninh and Vinh Phuc. As with the Nung the kinship system does not have a matrilocentric bias and kinship lineages have a substantial depth that is often lacking in Mainland Southeast Asian kinship systems.

27. The Dao belong to the Hmong-Dao sub-group of the Austro-Asiatic language group but their language is quite unalike either the Tay or the Thai. They arrived in the region long after the Tay but their kinship system is not wholly unalike that of the Tay. The Northern Delta provinces the Dao can be found in include Quang Ninh, Thai Nguyen and Phu Tho.

28. The San Diu belongs to the San Diu sub-group of the Austro-Asiatic language group and it is estimated the San Diu first migrated to the Northern Delta some 300 years ago. The Northern Delta provinces the San Diu can be found in include Thai Nguyen, Vinh Phuc, Quang Ninh and Hai Duong. Traditionally the San Diu practiced a combination of upland agriculture and lowland agriculture, which ensured that there was relative food security year round.

29. The Hmong also belong to the Hmong-Dao sub-group of the Austro-Asiatic language group but they originated from a different area in China to the Dao and cannot understand one another’s language. In the Northern Delta the Hmong are typically only found in significant numbers in Thai Nguyen. There is much less similarity ethno-linguistically between the Hmong and Dao and the Tay and Thai. In terms of traditional religious beliefs the Hmong are less influenced by the major religious traditions of the region but like other ethnic minority groups place much emphasis on spirit and ancestral worship. During colonial times some Hmong converted to Christianity but incorporated this religion into their panoply of religious beliefs. Of all the EMGs in the Project area the Hmong are the least well integrated because their livelihood systems still revolve around upland agriculture.

30. While ethnic identity is very important for all ethnic minority groups it is really only people over the age of 40, especially women, who are less able to communicate in the Kinh language than people under the age of 40, including women. In reality it is most unlikely that
any ethnic minority person actually living in the lowland area of the Northern Delta cannot at least speak Kinh. Specific health indicators for ethnic minority groups in the Northern Delta are not available but it is likely in the upland areas of the Northern Delta based on data available for upland ethnic minority groups in both the north east and north west of Vietnam that they lag behind the Kinh.

**PROJECT Policy Framework**

31. In accordance with the Government of Vietnam’s policies on ethnic minorities and the World Bank’s policy on indigenous peoples, an ethnic minority planning framework is prepared for the NDTDP to ensure that ethnic minorities can meaningfully participate in the project and receive culturally appropriate benefits from the project. This Policy Framework for Ethnic Minority will be approved by the Government of Vietnam to be applied in the NDTDP to guide the subsequent preparation of the Ethnic Minority Development Plans.

32. The Development Plan will include the following main elements:

- extensive information dissemination and disclosure of project information;
- full participation of ethnic minorities in their own development will be instituted so that approaches will be culturally appropriate and local knowledge fully utilized;
- additional attention and targeting will be given to the poorest, remote and most vulnerable groups;
- participatory community socio-economic assessment and planning of villages in each project commune will be a main part of the planning and design process;
- community implementation and management of priority sub-projects selected by groups of poor households will be the approach used in the Community Budget program;
- participation of ethnic minority communities in the planning and design of sub-projects of the sectoral components which will directly affect them;
- where ethnic minority groups are in need of more facilitation assistance, beyond what is already provided by the local government, the Project will provide the services of community facilitators or experienced and interested non-government groups;
- partnership with other government agencies, donors and non-government organizations who have rich experience in the northern mountains area; and
- strengthening the capacity of local and indigenous institutions to generate and manage locally-adapted and culturally appropriate strategies and economic growth.

**Project Principles for Ethnic Minority Development**

33. The basic ethnic minority development principles of the project are:

a) Ethnic minorities are encouraged to participate in all project activities and they will benefit from the project in a way which is culturally appropriate;

b) Adverse impacts on ethnic minority communities, as distinct and vulnerable groups, should be avoided or minimized by exploring all viable options;

c) If directly affected by a subproject, ethnic minorities (as all DPs) are entitled to compensation for all lost and affected assets, incomes and businesses at replacement costs and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, incomes and productive capacity;

d) lack of legal rights to assets (including traditional hunting or fishing grounds and community resources) lost or adversely affected will not bar DPs from entitlement to such compensation and rehabilitation measures;
e) In case where relocation or displacement of ethnic minority households is required, efforts shall be made so that the existing social and cultural institutions of the people being resettled, the host community and community they moved from should be maintained to the extent possible;

f) Preparation of EMDPs (as part of subproject preparation) and their implementation is to be carried out with participation and consultation of ethnic minority people;

g) Implementation schedule and budget for ethnic minority people development planning (including participatory mechanisms and surveys) and implementation must be incorporated into each subproject and the overall project; and

h) Compensation for ethnic minorities, female headed-households, families with the disabled or elderly will be carried out with respect for their cultural values and specific needs.

Project Policy

34. The project policy, in-keeping with the World Bank safeguard policy, requires that if the screening or social assessment determines that ethnic minority groups in the subproject area are likely to be affected by the proposed project, the EMDP addressing the specific ethnic minority groups, their concerns and needs, and the socio-economic issues that are significant, needs to be prepared.

35. For example, where subproject traverse areas with ethnic minority groups that have low levels of literacy, education and skill compared with the Kinh in the subproject area, an assessment must be undertaken to determine if and how this is likely to disadvantage them (due to disease or degradation of culture and traditions), or to carry out necessary actions in encouraging their involvement in the project so they could enjoy project benefits (from improved marketing opportunities). In terms of risk that will trigger the World Bank safeguard policy in respect of indigenous people and require the identification of measures to mitigate such risks.

36. If there is any doubt that as to whether the EMDP needs to be prepared for any of the subproject, a summary of information pertaining to the specific ethnic minority groups within each subproject to be forwarded to the World Bank’s Social Development/Indigenous People’s Specialist for the project, for review and advice.

37. The type of information to be included in the summary as follows:

- Numbers and groups of ethnic minority people or households in the subproject area;
- The proportion of ethnic minority people or households of subproject area population;
- The key and defining cultural aspects of the ethnic minority groups in the subproject area and the degree to which they are integrated (or not) with the Kinh;
- Main issues facing ethnic minority development in the subproject area; and
- A summary of the main anticipated impacts of the subprojects.

Methodology and Strategy of NDTDP Ethnic Minority Development Plan

38. Two key approaches that NDTDP will use to ensure full inclusion and participation of ethnic minority stakeholders will be:

- To use the village as entry point for information dissemination. Where ethnic homogeneity is the norm and strong social and cultural cohesion among households exists, villages will be the unit for consultation and information dissemination.
To set up a formal framework for participation. The communal project working group will be a mechanism to assure participation of ethnic minorities and equal opportunities for project benefits.

39. Other features of the NDTDP strategy will include:

- Emphasis on verbal communications in local languages and visual images in printed materials in order to disseminate information.
- Awareness of ethnic minority issues through training at all levels of the proposed project.
- Independent process monitoring which will pay special attention to participation and inclusion of ethnic minorities, as well as adherence to other required safeguard measures.

40. The Ethnic Minority Development Plan(s) for the NDTDP will be developed, basing on the following recommendations from the Social Assessment:

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<th>Table 0-1: Social Assessment Recommendations</th>
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Consultation and Participation of Ethnic Minorities in NDTDP

Consultation

41. In accordance with the World Bank’s Operational Policy on Indigenous Peoples, NDTDP will engage in free, prior and informed consultation with them. To ensure such consultation with ethnic minority groups, an appropriate gender and inter-generationally inclusive framework that provides opportunities for consultation at each stage of preparation and implementation among the borrower, the affected Indigenous Peoples’ communities and their organizations will be established.

42. Consultation methods that are appropriate to the social and cultural values of the affected Indigenous Peoples’ communities and their local conditions will be used. Special attention will be given to the concerns of ethnic minority women, youth and children and their access to development opportunities will be taken into consideration in designing ADP2 consultation activities.

43. Ethnic minority communities will be provided with all relevant information about the proposed project in a culturally appropriate manner at each stage of preparation and
implementation. An assessment of potential adverse effects of the proposed project on the affected ethnic minority community will also be included.

**Participation**

44. Ethnic minority representatives will formally participate in project management at local level in district and communal working groups. At village level efforts will be made to involve as many community members as possible to plan technical assistance interventions. The process will begin by first contacting traditional community leaders and households with a higher status. It will then be extended to other households. Various methods will be tested to incorporate the participation of women in community meetings. The Farmers’ Association, Women’s Union and CEMA will be invited to collaborate participate and local meetings.

**Grievance Redress Procedure**

45. Ethnic Minorities (EMs) can, as Displaced Persons (DPs) lodge their complaints regarding any aspect of compensation policy, rates, land acquisition, and entitlements relating to rehabilitation assistance programs. Complaints by EMs/DPs can be lodged verbally or in written form, and where they are lodged verbally, the committee to which it is lodged will write it down during the first meeting with the EM/DP. EMs/DPs will be exempt from administrative and legal fees.

46. Local mass organizations, such as National Front, Association of Farmers, and Women’s Union, will be mobilized to actively participate in process of solving of EM’s/DP’s emerged complaints/grievances. In addition, in accordance with an Ethnic Minority Development Plan (EMDP) developed in accordance with this EMPF, a nongovernmental organization (NGO) with requisite qualifications to work with EMs will be contracted by PMU-W to carry out the EMDP and to assist the EMs/DPs in this process.

47. To facilitate process of resolving complaints and grievances of EMs/DPs, a four-stage procedure for redressing grievances is proposed as follows:

- **Stage 1** - Complaints from EMs/DPs on any aspect of the program, or losses not previously addressed shall first be lodged verbally or in written form to the people’s committee at commune level. The complaints can be discussed in an informal meeting with the plaintiff and the chairman of the people’s committee at commune level. The people’s committee at commune level will be responsible for resolving the issue within 15 days from the day it is lodged.

- **Stage 2** - If no understanding or amicable solution can be reached, or if no response from the people’s committee at the commune level is received by the EMs/DPs within 15 days from registering the complaint, he/she can appeal to the District’s Resettlement Committee. The DRC will provide a decision within 1 month from the registering of the appeal.

- **Stage 3** - If the EM/DP is not satisfied with the decision of the DRC or its representative, or in the absence of any response by the DRC, the EMs/DPs can appeal to the PPC. The PPC together with the representative of the PRC will provide a decision on the appeal within 30 days from the day it is lodged with the PPC.

- **Stage 4** - If the EM/DP is still not satisfied with the decision of the PPC on appeal, or in absence of any response from the PPC within the stipulated time, the DP, as the last resort, may submit his/her case to the district court.

**INSTITUTIONAL FRAMEWORK**

**Project Management Unit (PMU-W)**
48. MoT will have the overall responsibility for overseeing the implementation of the Project, reporting to GoV and fulfilling the requirements of the Bank. MoT will also approve the overall Feasibility Study/Construction Investment Report and overall procurement plan. As the “line agency” for Component A - Improvements to National Waterway Corridors, MoT will approve bidding documents/requests for proposals, bid/proposal evaluation reports, bidding results and contracts. PPCs (up to 15) will be the “line agencies” for the provincial infrastructure component, Component B - Ferry Boat Stages. VIWA is the “project owner” for the national waterways component (Component A) and the PDoTs will be the “project owners” of their respective provincial infrastructure programs of Component B.

49. PMU–W, under VIWA, will be the “implementing agency” for Components A from preparation to implementation and monitoring and evaluation. PMU-W’s responsibilities will include preparing all the necessary documentation and submitting to MoT or VIWA, as required, for approval. In addition, PMU-W will provide implementation support to PPCs, PDoTs and PPMUs in implementing Component B and in carrying out all resettlement activities, as well as for the coordination of all of the Project’s components.

50. PMU-W assisted by national resettlement specialists, will assist, support and supervise PPCs in the preparation, implementation and monitoring of all ethnic minority development plans. PMU-W will establish an internal monitoring and evaluation system through the PPCs and their Provincial Resettlement Committees (PRCs) to assist the PPCs in carrying out their overall responsibilities. In addition, in accordance with an Ethnic Minority Development Plan (EMDP) developed in accordance with this EMPF, a nongovernmental organization (NGO) with requisite qualifications to work with EMs will be contracted by PMU-W to carry out the EMDP and to assist the EMs/DPs in implementing the program.

Provincial Resettlement Committees

51. The PPCs are the bodies responsible for overall implementation of the approved EMDP within their provincial boundaries for all activities within their province including under Component A - Improvements to National Waterway Corridors and Component B - Ferry Boat Stages.

52. Provincial Resettlement Committees (PRCs) established by the PPCs will assist the PPCs in carrying out their overall responsibilities. PRCs are required to assign at least one staff who shall be responsible for the preparation and implementation of social development activities (including resettlement and ethnic minority development). Overall the PRC responsibilities are as follows:

53. The specific measures identified during consultation will dictate the nature and structure of organizations to be involved in the implementation of the EMDP. The EMDP should at least identify the types of agencies that could undertake the measures recommended in the plan, and hold initial consultations with those agencies to develop the measures at a level that can be accepted. The EMDP will set out the institutional arrangements required to implement each plan.

54. The main responsibility of PRC ethnic minority specialists is to:

- Undertake the screening of all activities of each subproject and submit to PMU-W the list of activities requiring further EMDP work;
- Prepare the EMDP for each annual work program;
- Implement and monitor the EMDP activities;
- Coordinate with the provincial and district authorities as required to ensure implementation of EMDP activities;
- Continue and maintain effective consultation with ethnic minority communities; and
- Submit regular progress reports quarterly to PMU-W on the EMDP and related activities.
Other Agencies

55. The EMDP components will be implemented by experienced institutions and organizations in partnership with the Vietnam Women Union and Farmers Association and other government agencies responsible for the EMDP in the subproject area. PPC will coordinate with CEMA, Fatherland Front, local organizations and bilateral agencies working on poverty reduction program in the area. This will allow possible integration of project activities with existing projects being implemented by various agencies.

Process for Ethnic Minority Development PLAN
Preparation
Screening

56. All communes which are candidates to be affected by project activities will be visited by a team of staff from the PRC. Prior to the visit, PRC will send a letter to the commune informing the commune leaders about the visit by the PRC which would like to discuss their rural market infrastructures and other project activities. The letter shows that the commune needs to invite representatives of farmers and women association, village leaders and key staff from important units e.g.; the clinic, school, shops, market in the commune to the meeting. If these are ethnic minorities in the commune, their leaders should be invited to the meeting as well. During the visit the commune leaders and other participants will present their views with regard to the rural market infrastructures and other project proposed activities.

57. At the visit, PRC will undertake a screening for ethnic minority population with the help of ethnic minority leaders. The screening form will check for the following:

- Names of ethnic groups in the commune by village (and their location in respect of the subproject and those directly impacted by land acquisition/resettlement);
- Total number of ethnic minority groups in the commune;
- Proportion of ethnic minority groups (as a % of commune population);
- Number and proportion of ethnic minority households in the subproject area; and
- Inventory of issues and needs of ethnic minority groups.

58. If the result of the screening shows that there are ethnic minority groups in the project area that could be negatively affected by the project, or may not be able to participate in or enjoy project benefits, ethnic minority activities will be planned for those areas.

59. An assessment needs to address the project-specific issues. The assessment will gather relevant information on demographic data, socio-economic and cultural situation, and the anticipated socio-economic and cultural impacts - positive and negative of subprojects.

60. Discussion will focus on the potential impacts - positive and negative, and recommendations for subproject design or existing complementary activities that the project could support and facilitate.

61. The PRC will be responsible for initially recording and analyzing the screening forms and for leading the preparation of the development plan with the ethnic minority leaders, subproject engineers and other staff. If the assessment indicates that the potential impact of the proposed subproject will be significantly adverse or the ethnic minority community rejects the subproject (in whole), the subproject will be eliminated from further consideration and therefore no further action will be required.

62. If the ethnic minority groups support the proposed scheme, a development plan will be prepared prior to the implementation of the subproject.
The socio-economic assessment (SA) will be undertaken by PPC and the ethnic minority leaders, with assistance from other mass organization as required. The SA will gather relevant information on the following: demographic data, socio-economic and cultural situation and socio-economic and cultural impacts -positive and negative and the community’s ideas for mitigating the project negative impacts;

Information will be gathered from separated groups meetings: ethnic minority leaders; ethnic minority men and ethnic minority women who will be benefiting from the project activities, especially those who live along the zone of influence of the rural market infrastructures to be improved. Discussion will focus on the proposed activities (e.g. infrastructure improvements, trainings, technology transfer activities…); positive and negative impacts and recommendations for subproject design. The PPMU will be responsible for analyzing the data and preparing the SA and for leading the development of an action plan with the ethnic minority leaders;

If the SA indicates that (i) the potential impact of the proposed subproject will be significantly adverse and there are not sufficient ways or mean to mitigate the impacts or (ii) the ethnic minority community reject the project, the project activities will not be selected; no further action is needed in this case; and

If the ethnic minority community supports the project activities, a development plan will be prepared for implementation during the sub-project.

Ethnic Minority Development Plan (EMDP)

63. The development plan will consists of a number of activities and will include mitigation measures of potentially negative impacts, modification of subproject design and development assistance (to enhance the project benefits for ethnic minority communities or to assist them overcoming barriers or constraints to their enjoyment of benefits). The mitigation and development assistance measures need to be financed and a detailed budget included in the EMDP. Where there is land acquisition in ethnic minority communities, the project will ensure that their rights will not be violated and that they are appropriately and adequately compensated (as per the requirements of the Resettlement Framework) for the clearance, taking or use of any part of their land, provided that the clearance, taking or use is undertaken in a manner that is culturally acceptable to them. The compensation will follow the process established in the Resettlement Framework.

64. The EMDP will outline the characteristics of ethnic minority households and communities in the subproject area, identify the risks or constraints that need to be addressed, and provide the details (including costs, implementation arrangements and monitoring requirements) of the proposed measures. The EMDP will:

- Identify how the project will affect the ethnic minority people;
- Identify how they are disadvantaged or vulnerable because of their social or cultural identity and how the World Bank safeguard policy is triggered by this; and
- Develop a plan for addressing the significant adverse impacts and there vulnerability (the interventions should be described in a way that will show how they meet the requirements of the World Bank policy).

65. Following the resettlement plans, the EMDP need to be a time-bound action plan that includes all of the financial and institutional arrangements required to implement the measures being recommended.

66. An EMDP should comprise of:

- Briefing of Law and Policy Framework;
- The socio-economic characteristics of ethnic minority groups (based on SAs);
- Summarizing all activities toward to ethnic minority groups made by consultants;
• Giving action plans to establish measures to (i) eliminate the negative impacts on ethnic minority groups and (ii) ensure that ethnic minority group will receive full socio-economic benefits;
• Specifying the institutional responsibilities for implementation and specific solutions; and
• Proposing the cost estimate and financial plans.

67. PPMUs will coordinate with the district respective agencies to monitor the preparation and implementation of EMDP. The new findings will be recorded in the quarterly report to submit to PMU-W. PMU-W will summarize those reports to send to the WB every year.

68. PMU-W will retain an independent monitoring organization (IMO) to monitor and evaluate the next resettlement activities. IMO could be assigned to monitor whether the implementation of EMDP is in line with the project policy.

69. The WB will carry out the final assessment of EMDP results based on reports made by IMO.

Public Disclosure

70. Once the Government and the WB approves the draft documents, they will be disclosed and be publicly available.

• The approved Policy Framework to be made available in accessible places and in a form, manner and language understandable to all ethnic minority groups and stakeholders;
• Placement of copies of the EMDP in Vietnamese, and any other ethnic minority language as required, in provincial, district and commune offices; and
• Disclosure of the approved and endorsed EMDPs in publicly available places, including in the Viet Nam Development Information Center in Ha Noi.

Implementation schedule

71. The overall project will be implemented over five year period and is scheduled to commence upon loan approval. The EMDP should have an implementation schedule that is coordinated with the sub-project implementation. Logically, social impact assessment and group meetings should be undertaken before subproject designs are prepared.

Monitoring

72. The objectives of the monitoring are (i) to ensure that the adverse impacts identified in the EMDP; (ii) to monitor whether the time lines are being met; (iii) to assess if the mitigation and enhancement measures are sufficient; (iv) to identify problems or potential problems; and (v) to identify methods of responding immediately to mitigate problems.

73. Preparation and implementation of the EMDPs will be regularly supervised and monitored by the respective PPCs. The findings will be recorded in quarterly reports to be furnished to PMU-W. PMU-W will summarize the reports and submit them to the WB every six months.

74. Internal monitoring and supervision will:

• Verify that the baseline information of all ethnic minority communities has been carried out that Social Assessment (SA) has been carried out in accordance with the provisions of this Policy Framework;
• Oversee that the EMDPs are implemented as designed and approved;
• Verify that funds for implementing EMDPs are provided to the PPCs in a timely manner and in amounts sufficient for their purposes and that such funds are used by the PPCs in accordance with the provisions of the EMDP; and
• Record all claims and their solutions and ensure that complaints are dealt with in a timely manner.

75. An independent monitoring organization (IMO) is to be retained by PMU-W to carry out external monitoring and evaluation of the implementation of the resettlement plans, this agency could be engaged to monitor the EMDPs. The independent agency will be an academic or research institution, NGO or an independent consulting firm, all with qualified and experienced staff and terms of reference acceptable to WB. The external monitoring agency will visit a sample of 20% of ethnic minority households covered under each EMDP to:

• Determine whether the procedures for community participation and implementation of the activities in the EMDP has been done in accordance with this Policy Framework and the respective EMDP;
• Assess if the Policy Framework objectives have been met;
• Gather qualitative of the social and economic impact of the project implementation on the ethnic minority communities; and
• Suggest modification in the implementation procedures of the EMDPs, as the case may achieve the principles and objectives of this Policy Framework.

76. The external monitoring reports will be submitted directly to WB and PMU-W.

Costs and Budget FOR EMDP ACTIVITIES

77. The sources or funding for the various activities will need to be determined during loan negotiation between WB and the Government (MOT/PMU-W). Depending on the structure of the loan, funding for some EMDP activities could be made available as a specified budget item from loan funds. Otherwise the financing of EMDP activities is expected to come from the Government counterpart funds. Following the loan agreement, each EMDP will be required to clearly specify and identify the sources of funding for each of the actions in the plan, along with any funding from alternative sources if required for any aspects of the activities.

78. Cost estimates provided in the plans must be as detailed as possible and linked with specific activities (i.e, costs for each specific intervention, administration costs). A 20% contingency should be included. The EMDP will include detailed costs of compensation and other rehabilitation entitlements (including restoration and enhancement measures and development assistance) for affected ethnic minority households over and above those measures included in the resettlement plan. The EMDP will focus on the costs involved in mitigating adverse cultural effects or removing any constraints to ethnic minority groups enjoying project benefits that have been identified through consultation.