Vietnam Distribution Efficiency Project

ETHNIC MINORITY PLANNING FRAMEWORK

November 2011
1. **INTRODUCTION**

1. EVN is preparing a Distribution Efficiency Project with World Bank financing. The objective of the project is to improve efficiency, availability and reliability of power supply and as well the efficiency of its utilization. This would be achieved through components (a) **System Expansion and Reinforcement**. This component will cover construction and reinforcement of 110 kV, medium voltage (MV) and LV networks, including substations of the PCs. (b) **Introduction of Smart Grid Technologies in Distribution**. This component will focus on the automation of distribution network operations and introduction of advanced metering systems (AMS) at key substations and electricity consumers of PCs; and (c) **Technical Assistance and Capacity Building**. This component will include technical assistance and capacity building for the five PCs. In line with the World Bank’s Operational Policies on Indigenous People (OP 4.10), the Ethnic Minority Planning Framework (EMPF) is developed to guide the preparation and implementation of Ethnic Minority Development Plans (EMDPs) as the proposed project involves the preparation and implementation of annual investment programs or multiple subprojects. When the presence or collective attachment of ethnic minority people is confirmed in a given subproject, and EMDP will be developed and implemented in order to mitigate the project impact over this vulnerable groups.

2. **ETHNIC MINORITIES IN VIET NAM**

2. Vietnamese, known as Kinh, with about 85 percent of total population, dominate the political, economic, and social affairs of the Socialist Republic of Viet Nam. There are officially another 53 ethnic groups in Viet Nam who constitute the category of ethnic minorities. Most of ethnic minorities population live in the uplands. Population of ethnic minority groups range from over a million to only a few hundred. The only ethnic minority groups who live mainly in the lowlands are Hoa (Chinese), Cham and Khmer.

3. Ethnic minorities in Viet Nam are diverse origin. A majority (39) as well as Kinh speak languages in the Austro-Asiatic language family. But others speak Austronesian and Sino-Tibetan languages. They differ greatly in ways of livelihood, social organization. Some have had relationship with Kinh society for a long time, while others have lived in relative isolation until recent decades. Some groups have lived in their present locations for many centuries, while others have migrated into their present location within the past hundred years.

4. In the past fifty years, many ethnic minorities communities have shifted residence because of war, governmental settlement programs, or a depleted resource base. As many as five million Kinh have been relocated from the lowlands into upland areas. The biophysical, social, and political context of the lives for most ethnic minorities has changed drastically in the past fifty years.

5. Equality right of ethnic people was stipulated clearly in the Vietnam Law. Article 5 in the Vietnam Constitution (1992) stipulated as follows: *The Socialist Republic of Vietnam is an united nation having many nationalities. The State implements a policy of equality and unity and supports the cultures of all nationalities and prohibits discrimination and separation. Each nationality has the right to use its own language and characters to preserve their culture and to improve its own traditions and customs. The State carries out a policy to*

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1 In this document, we are purposively use Ethnic Minority in referring to Indigenous People, the term was used in Bank’s policies,
develop thoroughly and gradually improve the quality of life of ethnic minorities in Vietnam physically and culturally.

6. Since 1968, the Government has promulgated sedenterization policy for ethnic groups, reducing migration trends of the ethnic people. One of the most important policies on relation with ethnic groups is the Government Guidance No.525/TTG on 2/11/1993 regarding in detail on implementation guiding of development in high land areas and ethnic areas with the main following points:
   - Develop infrastructure especially transportation road system and fresh water supplying;
   - Gradual increase food security;
   - Consolidate of education system; adjust education program based on the characteristics of provinces; create favor conditions and support the non-formal education programs and develop the internal economy.

7. Ethnic minorities in Vietnam have enjoyed better legal and political status than minority groups have in many other countries in the region, or around the world. They have received many benefits as a result of government policies. For example, they have received preferential treatment in college admission processes. Cooking oil, kerosene, and iodized salt have been provided to them at heavily subsidized rates. The government, along with foreign donor agencies, and many NGOs have supported development and special assistance programs/projects that target ethnic minorities. The GOV has invested and supported uplands and ethnic minorities development aim at “catching up” the standard of lowland areas development.

8. While many—probably most—ethnic minority households might have improved their living standards if compared with ten or fifteen years ago, there is still a need for catching up with the rest of the country. Indeed, they are in many ways falling further behind. There are many reasons for the pervasive poverty of ethnic minority groups in Vietnam. The EM peoples are struggling and confronting challenged when having to deal with severe stresses placed upon them from population growth, natural resources depletion, and cultural dislocation resulting from decades of externally imposed change.

3. POLICY FRAMEWORK

9. The main objective of the ethnic minority policy framework is to ensure that the development process fosters full respect for their dignity, human rights, cultural uniqueness and that ethnic minorities do not suffer adverse impacts during the development process and they will receive culturally-compatible social and economic benefits. The Bank’s OP 4.10 on Indigenous Peoples indicates that the strategy for addressing the issues pertaining to indigenous peoples must be based on the free, prior and informed consultation with the indigenous people themselves. Thus, identifying local preferences through direct consultation, incorporation of indigenous knowledge into project approaches, and appropriate early use of experienced specialists are core activities for any project that affects indigenous peoples and their rights to natural and economic resources.

10. The State of Viet Nam has the policy of not discriminating against Ethnic Minority Peoples as showed by the presence of Ethnic People Council in the National Assembly and Ethnic People Committee in the Government. Article 94 in the Constitution, 1992 states that
the Ethnic People Committee has the right to submit proposals, plans or related issues of indigenous peoples to the Assembly, monitor, control the implementation of national policies, development programs on various areas such as, education, health care, etc. Article 5 of the Constitution also indicates that ethnic minority people could use their own languages to reserve its cultural distinctions. In the Government of Viet Nam, Committee of Ethnic Minorities Affairs (CEMA), a ministry level governmental agency, is in charge of management functions for ethnic minorities and mountainous areas.

11. According to the Government of Viet Nam, ethnic minorities have the 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
   - A self-provided production system.

12. This planning framework will applied to all of the sub-projects of Distribution Efficiency Project where applicable.

4. GUIDELINES FOR ETHNIC MINORITY DEVELOPMENT PLAN (EMPD)

13. The guidelines seek to ensure that ethnic minorities are informed, consulted and mobilized to participate in the sub-projects to be supported by DEP. Their participation can either provide them benefits with more certainty, or protect them from any potential adverse impacts of sub-projects to be financed by the Project. The main features/process of the EMPD will be a preliminary screening process, a social assessment to determine the degree and nature of impact of each work under the sub-project, and a plan will be developed if warranted. Detail requirements for screening and social impact assessment are described in the annexes. The Project will provide a series of training to all implementers and local agencies preparing and implementing EMDPs. Free, Prior and Informed consultations (FPIC) with and participation of the ethnic minority population, their leaders and local government officials will be an integral part during the EMPD’s preparation and implementation. The EMPD’s consist of the following sections:

(a) preliminary screening
(b) social impact assessment
(c) mitigation measures
(d) development assistance
(e) project monitoring
(f) budget
5. SCREENING

14. All communes which are candidates for sub-Projects will be visited (at the time of first consultation with communes) by a teams made up of Project Management Boards of Electricity of Viet Nam (EVN) or of the respective Power Company (PC), relevant local authorities and consultants. Prior to the visit, responsible agency will inform the commune leaders about the visit and the subproject related discussion as well. Based on the letter, the local authority will organize a meeting with the participation of representatives from farmers and women associations, village leaders, and key staff of commune. If there are ethnic minorities in the commune, their leaders should be invited to the meeting as well. During meetings, participants will be provided with opportunity to present their views with regards to the sub-project(s).

15. At this visit, the social scientists (social consultants) will undertake a screening for ethnic minority population with the help of ethnic minority leaders and local authorities. The screening will check for the following:

   (a) Names of ethnic groups in the commune
   (b) Total number of ethnic minority groups in the commune
   (c) Percentage of ethnic minority out of commune population
   (d) Number and percentage of ethnic minority households along the zone of influence of the proposed sub-Project.

16. If the results show that there are ethnic minority communities in the zone of influence of the proposed sub-project, a Social Assessment (SA) will need to be undertaken by the Borrower for those project areas.

6. SOCIAL ASSESSMENT

17. The Social Assessment (SA) will be undertaken to evaluate the project’s potential positive and adverse effects on the ethnic minority groups, and to examine project alternatives where adverse effects may be significant. The breadth, depth, and type of analysis in the social assessment are proportional to the nature and scale of the project’s potential effects on the ethnic minorities, whether such effects are positive or adverse (see annex 2 for details). The social assessment is carried out by the social scientists (consultants) whose qualifications, experience, and TOR are cleared by the Bank.

18. The SA will include: baseline data, institutional analysis, it will determine the framework for consultation during the project cycle. Information will be gathered from several separate group meetings: ethnic minority leaders; ethnic minority men; and ethnic minority women, especially those who live in the zone of influence of the proposed work under sub-project. Discussions will focus on sub-project positive and negative impacts, community support; and recommendations for design and implementation of sub-project. The borrower will be responsible for analyzing the SA, and for leading the development of an action plan with the ethnic minority communities, project engineers and other staff. Various decisions on next steps will be described as follows

- If the SA indicates that the potential impact of the proposed sub-project will be significantly adverse and/or that the ethnic minority community rejects the project, the sub-project will not be implemented in that locality. It is recommended to examine the
project alternatives, no EMDP will need to be prepare. Impact not only in terms of land, because in this case the RP will include it

- If the ethnic minority community supports the sub-project implementation an EMDP will be developed to address the potential positive or negative impact of the subproject.

7. **ETHNIC MINORITY DEVELOPMENT PLAN (EMDP)**

20. The action plan will consists of a number of activities and will include mitigation measures of potentially negative impacts, modification of sub-project design, and development assistance. Where there is land acquisition in ethnic minority communities, the Project will ensure that their rights will not be violated and that they be compensated for the use of any part of their land in a manner that is culturally acceptable to them. The compensation will follow the Resettlement Policy Framework of the project. An Ethnic Minorities Development Plan will include:

   (1) Legal Framework
   (2) Baseline data based on the SA and other pertinent sources
   (3) Land tenure information;
   (4) Local participation;
   (5) Technical identification of development or mitigation activities;
   (6) Institutional arrangement;
   (7) Implementation schedule;
   (8) Monitoring and evaluation; and
   (9) Cost and financing plan.

21. Where all or only few affected households are EMs, there is a potential possibility to combine Resettlement Plan and EMDP into a single document. Borrower need to discuss and get Bank’s NOL before entering the official preparation of such document. All EMDPs are subjects to public consultation and must be disclosed per requirements of the World Bank’s policy.

8. **IMPLEMENTATION ARRANGEMENT**

22. Consultants will also be responsible for training respective PCs, and a similar social organization to undertake the work of consultation, screening, social impact assessment, analyses and preparing EMDPs.

23. PCs of the EVN and local authorities (People’s Committees, Committees for Ethnic Minorities and Mountainous Areas, Resettlement Committees, Women Union and Land Departments etc. at different levels) are responsible for implementing EMDPs (arrange adequate staff and budget).
9. **MONITORING**

24. Implementation of the EMDPs will be regularly supervised and monitored by PCs of EVN and respective Peoples' Committees and Committees for Ethnic Minorities at provincial and district levels. The findings and recommendations will be recorded in quarterly reports and to be furnished to EVN and World Bank office in Viet Nam.

25. An independent agency or agencies will undertake external monitoring and evaluation of the implementation of resettlement action plans for the Project will also be tasked with monitoring the activities for EMDP. The external monitoring agency will visit a sample of affected households in each relevant province on an annual basis, or unless as required.

26. If possible, the (internal/external) monitoring activities of EMDPs could be considered to be combined with similar action under RPs of the same subproject.

10. **SCHEDULE**

27. The EMDP should have an implementation schedule that is coordinated with the sub-project implementation. Logically, social impact assessments and group meetings should be undertaken before sub-project designs are prepared. Compensation for land acquisition should be satisfactorily completed at least one month prior to start of civil work. Monitoring should take place at the recommended and specified times by the EMDP during project cycle.

11. **BUDGET**

28. The EMDP, while provides development activities, will include information on detailed cost of mitigation measures and other rehabilitation entitlements for ethnic minority in the affected areas. Sources of funding for the various activities and financing plans will be clearly specified in the cost tables.

12. **REPORTING/DOCUMENTATION**

29. The EMDPs will be prepared and submitted by PCs to EVN and then the World Bank at the same time that respective PCs submit their annual work programs to EVN and the World Bank for review. When EVN submit the final annual work programs of all the provinces to the World Bank for approval, an integrated EMDP report for the provinces will also be furnished.

**Annexes:**

1. Annex 1: Ethnic Minorities Screening of Village
2. Annex 2: Social Assessment
### Annex 1: Ethnic Minority Screening

<table>
<thead>
<tr>
<th>Province</th>
<th>Person/HH average</th>
<th>rate of EM in the community</th>
<th>village with 90-100% EM</th>
<th>Village with 50-90% EM</th>
<th>Remarks</th>
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<tbody>
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<td>1.2 Commune</td>
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Annex 2 – Social Assessment

1. The breadth, depth, and type of analysis required for the social assessment are proportional to the nature and scale of the proposed project’s potential effects on the ethnic minorities.

2. The social assessment includes the following elements:

(a) A review, on a scale appropriate to the project, of the legal and institutional framework applicable to ethnic minorities.

(b) Gathering of baseline information on the demographic, social, cultural, and political characteristics of the affected ethnic minority communities, the land that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.

(c) Taking the review and baseline information into account, the identification of key project stakeholders and the elaboration of a culturally appropriate process for consulting with the ethnic minorities at each stage of project preparation and implementation.

(d) An assessment based on free, prior, and informed consultation, with the affected ethnic minority communities, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risk to, the affected ethnic minority communities given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live.

(e) The identification and evaluation, based on free, prior, and informed consultation with the affected ethnic minority communities, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the ethnic minority groups receive culturally appropriate benefits under the project.