Ethnic Minority Plan
Nam Tang Small Hydropower Subproject

INVESTOR: Thanh Binh Co., Ltd.

REPORT MADE BY: Subproject Management Board of Nam Tang small hydropower

June, 2008
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I- INTRODUCTION

1.1 The overview of the subproject

The Narn Tang hydropower Subproject is executed in Nam Tang spring of Lang Nhi commune, Tram Tau district, Yen Ban province. It is 95 kilometers far from the Northwest of Bac Giang province and 10 kilometers far from the West of Nghia Lo provincial town. The Narn Tang hydropower Subproject is located in an area with most of creepers and bushes. Nam Tang project has a position within Eastern longitude of $104^\circ30'20''$ and Northern latitude of $22^\circ30'48''$.

Nam Tang hydropower plant is built to generate with an installed capacity ($N_{IC} = 6.5$MW), average output ($E_o = 23.55 \times 10^6$ kwh) supplied to the national grid in Thach Luong, Van Chan district, Yen Bai. The Nam Tang hydropower Subproject with an installed capacity of 6.6MW includes two stages: Stage 1 (inclusive of construction expenditure) with total investment of around VND 97 billion and Stage 2 (equipment cost) with total investment of about VND 25 billion. The main targets of the Subproject consist of integrating into the national grid with the annual average output ($E_o = 23.55 \times 10^6$ kwh), which partially contributes to the power supply for the socio-economic development of the locality. And the main work items are: Spillway, water inlet, channel, surge tank, Penstocks, the power house. The water from the weir flows through the channel to the surge tank and then through the penstocks to the plant and finally runs to the spring.

Table 1. Major parameters of the Subproject

<table>
<thead>
<tr>
<th>No.</th>
<th>Factor</th>
<th>Unit</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Topographic water head</td>
<td>m</td>
<td>80</td>
</tr>
<tr>
<td>2</td>
<td>Maximum calculated water head $H_{max}$</td>
<td>m</td>
<td>78.19</td>
</tr>
<tr>
<td>3</td>
<td>Calculated water head $H_{lt}$</td>
<td>m</td>
<td>68.39</td>
</tr>
<tr>
<td>4</td>
<td>Minimum calculated water head $H_{min}$</td>
<td>m</td>
<td>68.32</td>
</tr>
<tr>
<td>5</td>
<td>Guaranteed flow $Q_{db} = 85%$</td>
<td>$m^3/s$</td>
<td>0.88</td>
</tr>
<tr>
<td>6</td>
<td>Designed flow $Q_{tk}$</td>
<td>$m^3/s$</td>
<td>7.5</td>
</tr>
<tr>
<td>7</td>
<td>Guaranteed capacity with $P = 85%$</td>
<td>MW</td>
<td>0.66</td>
</tr>
<tr>
<td>8</td>
<td>Installed capacity $N_{lm}$</td>
<td>MW</td>
<td>4.89</td>
</tr>
<tr>
<td>9</td>
<td>Many-year average output $E_o$</td>
<td>$10^6$kwh</td>
<td>23.019</td>
</tr>
<tr>
<td>10</td>
<td>Numbers of hours exploiting the installed capacity $h$</td>
<td>Hour</td>
<td>4707</td>
</tr>
</tbody>
</table>

This subproject was prepared for site clearance in late of 2007. However, the in 2008 Thanh Binh Co. Ltd seeks to borrow the loan from the World Bank through a Participating Bank for investment for this subproject. Since, the screening showed that there is a involuntary land acquisition. therefore, it is necessary to trigger the OP 4.12 on "Involuntary Resettlement" of World Bank for this subproject. This EP will describe the activities which the subproject developer has to do additionally after approving the EP to ensure that all activities meet the requirements of the World Bank safeguard policy on "'Indigenous People" in general and in accordance with RPF of REDP project in particular.
1.2 The key principles and objectives of the ethnic minority plan (EP)

1.2.1 The key principles of EP

The EP of Nam Tang subproject are prepared basing on the following key principles:

- Ethnic minorities are encouraged to participate in all project activities and they will benefit from the project in a way which is culturally appropriate;
- Adverse impacts on ethnic minority communities, as distinct and vulnerable groups, should be avoided or minimized by exploring all viable options;
- Preparation of EP (as part of project preparation) and its implementation is to be carried out with participation and consultation of ethnic minority people; and
- Implementation schedule and budget for EP (including participatory mechanisms and surveys) and implementation must be incorporated into each project.

1.2.2. The objectives of EP

One ethnic minority villages identified in the primary screening are present in the subproject area. This is Trong Tau village. Nam Tang subproject is located in the area dominated by H'Mong people. Development of this subproject will certainly affect ethnic H'mong village. Therefore, according to EMPF it is necessary to prepare a EP for this subproject.

The general objective of EP is to enhance the capacity of EM community getting more benefit from the project, to minimize risks and negative impacts. EP will play an important role in providing adequate information about the project to EM to help them better integrate in the society.

The details objectives of EP to ensure the following in the construction of the small hydro power plant are:

- Local people are consulted adequately and participated in all important decisions.
- Risks of adverse impacts due to the Subproject are mitigated where ever possible.
- Positive impacts are realized and strengthened. in a way that fits to culture of the ethnic people in the subproject area.

This EP shall comply with stipulations under the World Bank OP/BP 4.10 on indigenous people as well as Ethnic Minority Planning Framework. The EP is to ensure that ethnic people are informed, consulted, and encouraged to participate in designing and implementing of the Subproject, to make them aware about potential risks and measures to mitigate the impacts proposed with their participation.

II- Legal framework

2.1. Legal framework of the Government of Vietnam and the World Bank

The Ethnic Minority Plan is prepared in accordance with the Ethnic Minority Planning Framework that was approved by MOIT for the Renewable Energy Development Project.
More specifically, the legal framework in conducting activities concerning ethnic minority community are as in following.

- The Constitution of the Social Republic of Vietnam, April 15, 1992
- Resolution No.22/NQ-TW of Political Bureau of the Party Central Committee dated 11th November, 2003 about some socio-economic development policies in mountainous areas.
- Resolution No.24/NQ-TW of the Party's Central Committee of the IXth tenure dated 12th March, 2003 regarding the issues of ethnic minorities.
- Decree No.60/2008/ND-CP of the Government dated 9th May, 2008 prescribing the functions, tasks, powers and organization structure of the Committee for Nationalities.
- The resolution of the National Assembly of Vietnam dated 7 July, 1993 on “the Regulations for Ethnic Committee”
- Directive No.393/TTg of the Prime Minister dated 16th June, 1996 regarding the planning of residence, infrastructure and production in ethnic minority and mountainous areas
- Decree No.525/TTg of the Prime Minister dated 02 November, 1993 regarding the policy of further socio-economic development in mountainous areas
- The World Bank Policy on "Indigenous Peoples".

The Communist Party of Vietnam is always interested in the ethnic minorities in Vietnam. Soon after being liberated and escaped from the domination of French colonialism in 1955, the first legal document on ethnic minorities, which is the Ordinance No.229-SL was issued on 29th April, 1955. The article 6 of this Ordinance stipulated

"The ethnic minorities have free right to develop language and writing for themselves, to preserve and to improve their custom and practice, to choose religion and receive the supports from the Government of Vietnam for all sectors of politics, economic, culture and society".

The equal right of each citizen has been stipulated at the article 5 of the Constitution of the Social Republic of Vietnam, 1992. The State of Vietnam always implements the policy of harmonization among ethnic groups. the policy of equality, solidarity, inter-supports each other among ethnic groups and forbids any action of discrimination among ethnic groups.

"The ethnic groups have right to develop language and writing, to preserve and to improve their good custom, practice and cultural tradition. The State implements policy of all round development. step by step improves living standard for ethnic minorities"

Recently, the Government of Vietnam has been developing some programmes such as 327, 134 and 135 and others and issuing many social policies to boost growth and development for ethnic minorities in mountainous areas. Therefore, the political and social position of the ethnic minorities in Vietnam is always higher than those in other countries. Many benefits from the Government’s policy have been provided, such as subsidization of cooking oil, petroleum and salt. Many projects and programmes for ethnic groups have been developed by the Government, international donors and NGOs. Total investment capital for mountainous area in general and ethnic minorities in particular is high and catches up with this rate for the delta.
The Government has issued the resettlement policy for ethnic minorities in order to decrease the relocation of ethnic groups since 1968. One of the most important legal documents for ethnic groups is the Ordinance No. 525/TTg of the Prime Minister dated 2nd November, 1993 regarding the policy of further socio-economic development in mountainous areas, including: (i) developing infrastructure system, especially the transportation system and supply of fresh water; (ii) step by step strengthening food security (iii) consolidating the education system, correcting the education program in accordance with the characteristics of provinces, creating favorable conditions for the informal education program and the economic development of the locality.

2.2. Population and culture of Ethnic Minority community in the Project Area

Population

There are the ethnic minorities in the area impacted by the Nam Tang hydropower project. They live Trong Tau village. Lang Nhi commune. Tram Tau district, Yen Bai province.

Table 2. Summary on ethnic groups in the project area

<table>
<thead>
<tr>
<th>Name of affected village</th>
<th>Name of affected ethnic minorities (including Kinh people)</th>
<th>Number of displaced ethnic households</th>
<th>Total number of displaced ethnic people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trong Tau village</td>
<td>H'mong</td>
<td>19</td>
<td>47 Male 58 Female</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>19</td>
<td>47 Male 58 Female</td>
</tr>
</tbody>
</table>

In Lang Nhi commune, H'mong people account for 100%. This area is considered to be the gathering place of H'mong people because there was nobody living here previously and H'mong people have been living here for a long time. When consulting an H'mong person, we know that Giang family have been living here for more than one hundred years.

Cultural Characteristics

The characteristics of ethnic H'mong in the subproject site are very similar to the ethnic H'Mong in the northern mountainous areas and are different with other ethnic groups (Dao, Muong, etc.). They have own typical tradition, especially New year festival is taken place in December. In 3 days of New year festival, they do not eat any vegetables. The young men and girl often play the pan-pipe, a wind musical instrument (in Vietnamese Khen) to make friend with each other.

The music instruments of H'Mong people are Khen and Dan moi. After a hard working day, the youth often plays Khen and Dan moi to call their lovers, to sing the praises of the life and the beauty of the countryside.

The house structure of H'Mong people is very simple, it is mainly made by wood. There are 3 rooms in a house, the ancestor altar is often set in the middle room, and some activities (such as eating and drinking) also take place here. Another room spends for men or men guest. And the other room owned by women and the big kitchen is set here. The stove of H'Mong people is a special product from the North. The live stock cage is set in front of the house.
The clothes of *H'Mong* are woven by themselves with multiform of shapes. The clothes of *H'Mong* men is very different from other Ethnics. Therefore, it is difficult not to recognize the clothes of *H'Mong* women because of its style, design, and beauty. At home and even in gatherings at village or commune level, *Hmong* language is used. *Hmong* people live near each other, forming clans. *Hmong* clans are often located high on the mountains, having a very tight social tie. They give each other economic assistance such as lending each other food when in need without any interest.

**Gender issue**

In *Hmong* family, fathers and husbands play the decisive role, having a great power while *Hmong* women are responsible for economic well-being and domestic works.

Property in land and land use right of the *Hmong* groups are on household basis, without sex discrimination in the land ownership.

Decision in a *Hmong* household is mainly made by the husband.

**Power structure**

About the power structure in the ethnic *H'Mong* ethnic community, the most important power is owned by the head of village (the formal leader). Other formal leaders such as the chairwoman of Women's Union, Farmer Association, or Youth Union also play an important role in the community. The informal leader of ethnic *H'Mong* in the community is only the magician. However, he has important power in worship or funeral only.

Along with village head, the village patriarchs has an important role in the village of *Hmong*. His voice is often decisive in handling the important matters in village.

2.3 The ethnic community ability in accessing to and effectively protecting their entitlements

The ethnic *H'Mong* speak in their own language. But, they do not have written language. The *H'Mong* in Trong Tau village in particular and in Lang Nhi commune in general can use Kinh language to communicate with Kinh people. Only head of village, who normally represents the ethnic groups to solve problems concerning the law so as to protect their rights and benefits, can read and understand legal documents. They base on policies of the State, in which the priority is given to them, to protect their rights and benefits.
III- Background data

3.1. Map of the sub-project site

Lang Nhi Commune now has 6 villages with 236 households and less than 1700 people in which all are H'mong people. Trong Tau is the village that locates in the subproject site. It is one of the villages of Lang Nhi commune. This is a small village with a population of 54 households and a population of 320 people with overwhelming majority H'Mong people. Kinh language is widely used but only in public places like outdoor market, the communes' people's committee headquarters, etc.

3.2. The socio-economic characteristics of ethnic minority groups in subproject site

The subproject is situated in Lang Nhi commune. Lang Nhi is one of the most remote and poverty-stricken commune of Tram Tau district. It is 40 km far from the district's center. In the past, the commune used to be absolutely isolated from the outside by forest, taking the whole day of walking to reach. There is only one road to reach Lang Nhi. However, in rainy days, this road is often blocked by landslide.

In the commune the 2 main economic activities of the commune are agriculture (rice and corn cultivation) and forestry. All the households are provided with land or reclaim land for cultivation. There are also some small household businesses selling consumer goods that often
have higher incomes compares with those who mainly rely on agriculture for the income. The commune’s average income per capita in 2007 was VND 2000.000 per year. The poverty rate is still very high with 60% of the households living in poverty (poor people are those who have monthly income less than VND 2000.000 according to poverty criteria of Ministry of Labor, Invalid and Social Affairs).

The current energies in use in Lang Nhi are pico-hydropower, kerosene for lightening and woods for burning and warming. 30% of the households, mostly poor and average ones, use kerosene mainly for lightening. There is no difference in the purpose of using kerosene between rich and poor households. Accordingly, kerosene is used mainly for lightening. The monthly consumption of kerosene in these households is quite modest, ranging from 0.5 to 5 liters per month. The commonest consumption rate is 1-2 liters per month. The local committee and healthcare center are still not powered from the national grid.

Being different from the kerosene for lighting only, wood is mainly used for burning and warming purpose. 100% of the households use this kind of energy. On average, each household consumes 30 kg of wood per day. The consumption rate of wood is not much different between H'mong rich and poor households because they use it every day, both in daytime and nighttime. They have no idea about how much they have to pay for using this energy per month because they have never had to buy it.

Pico-hydropower is used for lightening, playing cassette player and TV. There are 118 households using pico, accounting for 50% of the total number of households of Lang Nhi commune. The number of poor households using pico is nearly equal to that of rich households. Those who use pico mostly light 2 bulbs. The price of a pico ranges from VND 1,500,000 to 2000.000 and it is installed by people without any cost for monthly maintenance and installation. Other energies such as gas and wax are no longer used in the commune.

3.3. Relationships between the ethnic group in the Subproject area

In project area, 100% of the residents are H'mong people. They have lived here for about 10 years, having a strong ties and communicate with other H'mong people in the surrounding areas. Occasionally there are some Kinh people come in this area to purchase agricultural products of the local farmers.

IV- Land tenure.

The areas of acquired land are self-reclaimed and cultivated by ethnic minority households. No household among households has neither land use right certificate nor been assigned the land under the administration. As a result, the CPC of Lang Nhi is not able to manage and record the land area of each household.

The cultivating land in the project area is mainly reclaimed by the local residents – ethnic people. The reclaimed land is often used to cultivate for shifting cultivation. Without trees covering, the soil has degraded in quality, becoming more and more infertile for trees to grow on. Only lands near water sources are fertile enough to cultivate rice and maize. For areas of heavy soil with slight slope and few rocks, farmers often clear the land and grow maize,
cassava and other short day crops. When the soil becomes less productive, they switch to a different area for new crops.

The land using status of ethnic minorities in the subproject site is bellow:

- The areas near water source that leveled for rice cultivation.
- The soil areas without rocks are cleared and fired to grow corn, cassava.
- The rocky and slope areas that are not suitable for cultivation, used to exploit woods for burning in domestic use.

V- Local participation.

According to EMPF, the ethnic community in project area strongly encouraged to participate in all phases of the project from design to completion. Thanh Binh Co., Ltd. has done the following works to encourage the participation of the local participation in the EP preparation:

- Review many materials to identify the development strategy for the ethnic minorities in the region as well as legal foundation about ethnic minorities.
- Collecting statistics about population, socio-economic index, income rates and cultural standards.
- Surveying around the project site in order to assess the possible impacts of the project on cultural or sacred places.
- Encourage the ethnic minority community to participate in the decision making and assessing process of the project.
- Thanh Binh Co., Ltd. organized meetings with villagers four times to get their opinions about the project with the presence of representatives from local people's committee, local departments, the head of the village and households in the region under the project.
- The traditional leaders of the community (village patriarchs of the ethnic minority in the region) were involved in the planning process. For H'mong ethnic community which doesn't have the head of the village like other ethnic communities, the leaders of the village are motivated to take part in the project.
- Thanh Binh technicians and staffs of Thanh Binh are also mobilized in the EP preparation for the project area.
- Holding group discussions with the community's leaders, local citizens, both men and women, especially the people in the project area, focusing on identifying the positive and negative sides of the project and proposing solutions to perfect it.
- Conducting socio-economic survey to collect data about social and cultural impacts on the ethnic people in project area.
- Commune officers, including CPC leader, representatives from local mass organization, visited village to hold meetings to disseminate policy concerning ethnic minority, benefits and the impacts brought about by the Subproject.
Heads of villages and local people participated in gathering inventory of losses as well as in information disclosure about the subproject and its impacts on the community.

VI. THE IMPACTS AND MITIGATION MEASURES

6.1. Positive impacts of the subproject

Lang Nhi is one of the most remote and poverty-stricken commune of Tram Tau district, currently, people in the project area are using the small home-made energy resource which is not stable. After the Subproject to be implemented, all the households will have access to a stable power source for their life.

Road system from communes to villages will be widened to make the goods transport and trade favorable. In addition, communication system such as Base Transceiver Station that covers the village in subproject area. Therefore, ethnic people can use mobile telephone contributing to the local socio-economic development.

Local authority and local ethnic people has supported the potential benefits that subproject supposed to bring about.

6.2. Adverse impacts of the subproject

It is undeniable that implementation of the subproject will bring a lot of benefits to the inhabitants in this area. However, implementation of the subproject will also cause some adverse potential impacts to the inhabitants. To mitigate impacts of the subproject concerning the involuntary resettlement and ethnic minority development, the subproject developer will comply with principles of the World Bank policy OP/BP 4.12 on “Involuntary Resettlement” and OP/BP 4.10 on “Indigenous People” in general and RPF and EMPF in particular. It is demonstrated that the initial option is likely to cause great adverse impacts, and therefore was rejected. The subproject developer and consultants worked in consultation with the households, local authorities, and World Bank to review the basic designs in order to seek a solution. Finally, a new design option is worked out and proposed to mitigate impacts to the extent possible. However, the new design option of the subproject still cause some adverse impacts to ethnic commune in this area as follows:

- The 19 ethnic minority households in the subproject site losing parts of the land due to acquisition will be partly affected.
- The numerous employees working for the subproject in construction phase will affect to cultural life, manner and custom at locality.
- The earthwork will to the certain extent, impact on water flow and water environment.
- The construction of subproject may affect to the surrounding environment of ethnic minority community.
- Power safety: most ethnic people in the subproject area are not aware of electricity hazards. So, children still throw stones to power lines running through villages. It is dangerous.
- There is no danger to the cultural property and resources such as archaeological places, holy and ceremonial places, graveyard, medicinal plants, etc. in the project area.

6.3. Mitigation measures

In general, the adverse impact concerning environmental safeguard to be addressed in Environment Management Plan, the negative impact caused by involuntary resettlement is handled in Resettlement Plan of this subproject. Therefore, in this EP, we will repeat the most significant measures in additional to what that need to be implemented to ensure that positive impacts from subproject will be culturally to ethnic community and adverse impacts to be addressed in best manner. Some measures were in fact implemented, and some other to be done after the EP approved. The main measures are:

- Raise the employees’ awareness concerning strict abidance by the local manners and customs.
- People are consulted about the land acquisition and agree with compensation and assistance policies.
- Coordinating with the local government to register temporary residence for employees working in the project in order to manage the public security well.
- Executing in dry season to diminish impacts on soil and water environment.
- Planning place and scale of dump bank. The primary design is needed to meet the basic design standards for a dump bank by Ministry of Construction and Ministry of Natural Resources and Environment. Place and measures of disposal of domestic waste must be built to prevent the soil recession and pollution.
- Minimizing impacts on the air environment
  - All vehicles must be equipped with tarpaulin to cover materials on transportation.
  - Water spraying is used for site leveling. On sunny and windy days, it is done twice a day at least.
  - Water is sprayed on the road sections near the work site where vehicles pass.
  - Moreover, other measures will be applied for the safety such as controlling the fuel stores, preventing fire and exploitation.
- Minimize the adverse impacts on economy, culture and society. During performance of the project, it is necessary to have measures and directions to deal with such impacts. Those are:
  - Before construction, the Investor has to implement the compensation and land clearance well for households, ethnic communities who have to move to other places for the project.
  - The compensation must be independently observed, internally supervised. The internal supervision will be carried out by the project management board and the compensation committee. The independent supervision will be selected and signed by the project management board.
  - Priority is given to juniors of the ethnic communities in the communes in the project area so that they can be employed to work in the site.
  - For prevention of epidemic diseases, it is necessary to coordinate with the local health centers to prevent some diseases such as marsh fever, dysentery, etc.
- Measures to minimize risks of traffic accidents:
  - Having a proper vehicle regulation to avoid an increase in the vehicle density.
  - All the lorries and execution equipments must be met standards of technical safety and working safety prescribed by Vietnam Register.
suitable traffic sign and warning sign will present in the relevant areas of construction site to ensure operation safety. 
- awakening and reminding drivers in the sites to drive as regulations at permitted speed.
- making adjustments to implementation plan and solution for construction where necessary according to requirements and priorities of the ethnic people.
- identifying the sensitive areas regarding cultural property spiritual and ecological aspects that will be considered during design and construction phase
- developing a information-education-communication program for local ethnic people about power safety, social issues, health safety in the project areas
- land acquisition and compensation shall ensure not to harm the community eligible rights. and affected households are compensated in the way acceptable in their culture and observe well the displacement policy applicable to the Subproject. Consultation with affected households must be carried out beforehand with assistance of the ethnic community leaders.

VII- DEVELOPMENT ASSISTANCE TO ETHNIC MINORITY COMMUNITY IN SUBPROJECT SITE

Besides the above-mentioned measures of mitigation, the investor (Thang Binh Co., Ltd) needs to assist the ethnic communities in the project area as follow:

- In 2006, Thanh Binh Co., Ltd constructed a new 2 km road with more than VND five billion for the people to travel in the affected area.
- In 2006, Thanh Binh Co., Ltd also contributed to building a road to the Commune’s center where People’s Committee of Lang Nhi commune work together with the Provincial People’s Committee. That make ethnic people easier to go to the CPC office and go to other villages in the commune.
- To assist local commune in construction of 3 kilometers of the road to Trong Tau village by providing bulldozers.
- To build cultural and information center with VND 50 million for Trong Tau village.
- Coordinating with the commune to invite agricultural cadres to propagandize knowledge about cattle-breeding techniques, and to assist people to buy breeding animals. Such works are carried out by the commune.

Table 4. Development activities to be carried out after EP approval

<table>
<thead>
<tr>
<th>TYPES OF ASSISTANCE</th>
<th>IMPLEMENTED BY</th>
<th>ESTIMATED AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Training in electrical safety</td>
<td>Subproject Developer</td>
<td>VND 10,000,000</td>
</tr>
<tr>
<td>2 Training on supervising skills of the EP for heads of ethnic minority community</td>
<td>Subproject Developer</td>
<td>VND 15,000,000</td>
</tr>
<tr>
<td>3 Proving bulldozer for building the road to Trong Tau village</td>
<td>Subproject Developer</td>
<td>VND 500,000,000</td>
</tr>
<tr>
<td>4 Building cultural house for Trong Tau village</td>
<td>Subproject Developer</td>
<td>VND 50,000,000</td>
</tr>
<tr>
<td>5 Assistance in the agricultural extension and supply of breeding animals for</td>
<td>Subproject Developer</td>
<td>VND 50,000,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>VND 625,000,000</td>
</tr>
</tbody>
</table>
VIII - MECHANISM OF COMPLAINTS AND GRIEVANCES

The implementation phase of Ethnic Minority Plan, all ethnic people in the project will have the right to lodge complaints, if they have any according following steps.

**Step 1:** If the ethnic people in the project disagree with any issues in implementation of EP, they would submit the complaints to Nam Tang small hydro power PMU of Thanh Binh Company. The Nam Tang small hydro power PMU will take responsibility to work closely with the relevant agencies to resolve a complaint within a time limit of 15 days.

**Step 2:** In case, the agreement and conciliation are not obtained or the ethnic people in the project area don’t receive any response within a time limit of 15 days as from the date of receipt of the complaint, the ethnic people in the project will have the right to appeal a further complaints with the DPC of Tram Tau. Where the complaints will be resolved within 1 month from the date of receipt of initial complaint.

**Step 3:** When a complainant disagrees with the decision on resolution by the DPC or the Representative of Committee, or the CPC doesn’t reply within 15 days, it shall have the right to appeal the further complaints to the Provincial People Committee.

**Step 4:** Where a complainant disagrees with the decision on resolution of the complaint issued by the PPC or PPC doesn’t reply within fixed term, it shall have the right to complain to the People’s Court in accordance with the regulations of the law.

All grievance dossiers and official letters of settlement will be kept at the office of Nam Tang small hydro power subproject management board.

The complaints are exempted from any administrative fee concerning the grievance and redress.

IX - Institutional arrangement

Nam Tang Company is responsible for implementation of the Ethnic Minority Plan in collaboration with Lang Nhi CPC and households in project area. The subproject developer will have to conduct internal monitoring and resolve complaints and grievances in the implementation of EP. CPC of Lang Nhi will hold many meetings to disseminate information and publish the EP to the ethnic people in subproject site.

District of People’s Committee of Tram Tau will supervise the implementation of EP and resolve relevant complaints and grievances. The ethnic minority community in subproject site has right to participate and supervise the implementation of EP.

The organizational chart for implementation of EP is in following.
Figure 1: The Organizational Chart for EP implementation

- Yen Bai People's Committee
- Department of Industry and Trade
- Tram Tau District People's Committee
- Lang Nhi CPC
- Thanh Binh Co.Ltd.

- World Bank
- Project Management Board
- Administrative Unit
- Participating Bank

Nam Tang small Hydropower Sub-project
X- Implementation plan

10.1. Activities Carried Out in EP preparation

Table 5. The activities of done for EP preparation

<table>
<thead>
<tr>
<th>No.</th>
<th>Tasks</th>
<th>Who's in charge</th>
<th>Guidelines, manuals and forms</th>
<th>Implementation schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Disclose the information on subproject to head of ethnic minority group and local authorities</td>
<td>Staffs of Thanh Binh Co., Ltd, PMB, officers at district level</td>
<td>Project introduction documents</td>
<td>1/2006</td>
</tr>
<tr>
<td>2</td>
<td>Screening to identify whether ethnic minorities are present in or have collective attachment to the project area</td>
<td>Staffs of Thanh Binh Co., Ltd, trained officers at district level</td>
<td>Ethnic minority screening form</td>
<td>7/2007</td>
</tr>
<tr>
<td>3</td>
<td>Receiving cooperation and participation of head of ethnic minority group and local authorities for activities required in the completion of screening/ethnic minority survey</td>
<td>Staffs of Thanh Binh Co., Ltd, PMB and EVN</td>
<td>Official letter</td>
<td>7/2007</td>
</tr>
<tr>
<td>4</td>
<td>Discussion with ethnic village in project area about the potential impacts of the subprojects</td>
<td>Staff of Thanh Binh Co., Ltd, trained officers of the district</td>
<td>Social Assessment Form</td>
<td>10/2007</td>
</tr>
<tr>
<td>6</td>
<td>Prepare the Ethnic Minority plan.</td>
<td>Staff of Thanh Binh Co., Ltd, trained officers of the district</td>
<td>Form of the action plan</td>
<td>July-September 2008</td>
</tr>
<tr>
<td>7</td>
<td>Submitting EP to PMB</td>
<td>Staffs of Thanh Binh Co., Ltd.</td>
<td></td>
<td>September, 2008</td>
</tr>
</tbody>
</table>

10.1.1. Disclosure of the information about subproject

Upon receipt of investment license, Thanh Binh Co. Ltd has disclosed to the subproject communities in the project area and other key stakeholders to ensure that they are fully aware of the impacts of subproject and mitigation measures proposed in this Ethnic Minority Plan. That activity includes the following.

1. Meetings with (i) head of ethnic minority group; (ii) ethnic minority male; and (iii) ethnic minority female, especially to the inhabitants living in the project areas. The discussion was focused on types, scale and degree of positive and negative impacts and recommendation for the subproject design.
Two meetings were held at Lang Nhi CPC in September and October, 2007 with the participation of 19 ethnic people in the project, commune representative, land surveyor:

The content of the meetings discussed about the the positive and adverse impacts of the subproject to the ethnic community, the mitigation measures all concerns, conflicts, and grievances can be expressed and addressed as well. The ethnic people wondered if the subproject would bring too many adverse impacts (such as in cultural, economy,...) to them. But the subproject staffs and the officers of CPC engage to minimize the adverse impacts: Besides, the subproject will have other support to develop the socio-economic condition of the ethnic community. The most important is the ethnic community can access electricity when the subproject is completed.

2. Focus Group Discussion and interview with (i) formal and informal to collect opinions on socio-economic and environmental impacts caused by subproject and obtain their agreement on their specific entitlement.

Two focus group discussion were held at Lang Nhi CPC in September and October, 2007 with the participation of 19 ethnic people in the project, commune representative, land surveyor;

3. Conducting socio-economic survey and data collection on impacts and losses to the ethnic minority communities in the area of subproject (conducting a survey of 19 representatives of 19 ethnic minority households living in the project area).

10.1.2. Consultation and socio-economic survey in the project area

Thanh Binh Company conducted a socio-economic survey and consultations with the Ethnic Minority people in scope of subproject, both especially to households impacted and non impacted by the subproject. In public consultations participated ethnic minority people at each proposed area of subproject. The company organized some consultations to ethnic minority persons in some places. The contents of consultations emphasize some following points:

- Relevant information on demographic data;
- Social, cultural and economic situation of the community;
- And, potential social, cultural and economic impacts - positive and negative of the subproject

On the other hand, an interview with local authorities at levels was made to realize their viewpoint to the impacts likely caused by subproject. Moreover, the representatives of ethnic communes in the subproject area have been mobilized to actively participate in determining types, scale and degree possible impact checking the baseline socio-economic characteristics of each ethnic minority group in the project area.

The survey was conducted together with the face to face interview and delivery of questionnaire forms to households in case of being absence. These questionnaire forms were filled fully information and certified by household's representative, head of village as well as stamped by Commune People Committee. Additionally, Commune People Committee assisted to arrange some public meetings to collect data of ethnic minority group in the project area.
10.2 Implementation of EP

10.2.1 Implementation schedules

Table 6. Implementation schedules

<table>
<thead>
<tr>
<th>No</th>
<th>Items</th>
<th>Starting</th>
<th>Finishing</th>
<th>Who in charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Approval of EP</td>
<td>November, 2008</td>
<td>December, 2008</td>
<td>Administrative Unit (AU)</td>
</tr>
<tr>
<td>2</td>
<td>Training course on power safety</td>
<td>December, 2008</td>
<td>March, 2009</td>
<td>Subproject developer</td>
</tr>
<tr>
<td>3</td>
<td>Training on supervision on the implementation of EP</td>
<td>December, 2008</td>
<td>March, 2009</td>
<td>Subproject developer</td>
</tr>
<tr>
<td>4</td>
<td>Training agricultural extension for female headed-households</td>
<td>December, 2008</td>
<td>March, 2009</td>
<td>Subproject developer</td>
</tr>
<tr>
<td>5</td>
<td>Internal monitoring</td>
<td>December, 2008</td>
<td>Completion of this Nam Tang subproject</td>
<td>Subproject developer</td>
</tr>
</tbody>
</table>

10.2.2 Monitoring and Evaluation

Internal Monitoring and Evaluation

Nam Tang Hydropower PMB will record the findings of the supervision in quarterly progress reports and submit to the provincial Department of Industry and Trade (DOIT) and the PBs. PBs will carry out their own supervision, and assess if all project requirements are being met.

The internal M & E will be concentrated on making an examination of 05 major problems, those are: (i) measures for diminishing negative impacts as presented do how to implement; (ii) having other negative impact affecting the ethnic minority people that has not been appraised and defined measures of diminution yet; (iii) supports for the development of ethnic minority people as presented do how to implement; (iv) is the supplied information fully or not and does the consulting process with the ethnic minority people implement or not and its effects; and (v) process of complaint settlement of the ethnic minority people for the Ethnic Minority Plan and other problems of which they are meeting with difficulties.

External Monitoring and Evaluation

The AU will, on behalf of MOIT, monitor progress and compliance of project implementation. The PB, DOIT will also conduct their own supervision and evaluation. If needed, the PMB can hire the consultant for conducting independent external monitoring and evaluation.

XII- COST AND BUDGET

All costs associated with the implementation of Ethnic Minority Plan will be covered by subproject developer (Thanh Binh Co., Ltd).

Cost estimate for the implementation of ethnic minority plan is presented in table 7 below:
Table 7. Total cost estimated for the implementation of EP

<table>
<thead>
<tr>
<th>No.</th>
<th>Content</th>
<th>Cost (VND)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Survey for collection</td>
<td>VND 25,000,000</td>
</tr>
<tr>
<td>1</td>
<td>Field survey</td>
<td>VND 5,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Hiring consultant to conduct the survey</td>
<td>VND 15,000,000</td>
</tr>
<tr>
<td>3</td>
<td>Reporting</td>
<td>VND 5,000,000</td>
</tr>
<tr>
<td>B</td>
<td>Development Assistance</td>
<td>VND 5,630,000,000</td>
</tr>
<tr>
<td>1</td>
<td>Training in electrical safety</td>
<td>VND 10,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Building a road to the project area and Trong Tau village</td>
<td>VND 5,000,000,000</td>
</tr>
<tr>
<td>3</td>
<td>Providing machinery for constructing the road from the project area to Trong Tau village</td>
<td>VND 500,000,000</td>
</tr>
<tr>
<td>4</td>
<td>Building a village cultural house for Trong Tau village</td>
<td>VND 50,000,000</td>
</tr>
<tr>
<td>5</td>
<td>Assistance to the agricultural extension program and the breeding supply animals for the people</td>
<td>VND 50,000,000</td>
</tr>
<tr>
<td>6</td>
<td>Training on supervision on the implementation of EP</td>
<td>15,000,000</td>
</tr>
<tr>
<td>7</td>
<td>Training on of agricultural expansion for female headed-households</td>
<td>5,000,000</td>
</tr>
<tr>
<td>C</td>
<td>Monitoring and Evaluation</td>
<td>VND 170,000,000</td>
</tr>
<tr>
<td>1</td>
<td>Internal monitoring</td>
<td>VND 100,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Grievance and redress</td>
<td>VND 70,000,000</td>
</tr>
<tr>
<td>D</td>
<td>Contingency 10% (A + C)</td>
<td>VND 19,500,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>VND 5,744,500,000</td>
</tr>
</tbody>
</table>
Appendices

Appendix 1: List of the ethnic household in the project area

<table>
<thead>
<tr>
<th>No.</th>
<th>Full name of the head of household</th>
<th>Number of members in the household (person)</th>
<th>Ethnic minority</th>
<th>Income (*) (VnD)</th>
<th>Affected area (m²)</th>
<th>Main career</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Giang Sang Sung</td>
<td>7</td>
<td>H’mong</td>
<td>150,000</td>
<td>554.21</td>
<td>Farmer</td>
</tr>
<tr>
<td>2</td>
<td>Maa Nha Long</td>
<td>4</td>
<td>H’mong</td>
<td>150,000</td>
<td>231.45</td>
<td>Farmer</td>
</tr>
<tr>
<td>3</td>
<td>Giang A Vu</td>
<td>5</td>
<td>H’mong</td>
<td>190,000</td>
<td>272.30</td>
<td>Farmer</td>
</tr>
<tr>
<td>4</td>
<td>Mua Say Tong</td>
<td>7</td>
<td>H’mong</td>
<td>200,000</td>
<td>437.86</td>
<td>Farmer</td>
</tr>
<tr>
<td>5</td>
<td>Giang A Sua</td>
<td>5</td>
<td>H’mong</td>
<td>220,000</td>
<td>468.52</td>
<td>Farmer</td>
</tr>
<tr>
<td>6</td>
<td>Giang Vang Lau</td>
<td>5</td>
<td>H’mong</td>
<td>200,000</td>
<td>278.65</td>
<td>Farmer</td>
</tr>
<tr>
<td>7</td>
<td>Giang Vang Su</td>
<td>8</td>
<td>H’mong</td>
<td>140,000</td>
<td>623.12</td>
<td>Farmer</td>
</tr>
<tr>
<td>8</td>
<td>Giang Chuc Xeng</td>
<td>7</td>
<td>H’mong</td>
<td>150,000</td>
<td>564.28</td>
<td>Farmer</td>
</tr>
<tr>
<td>9</td>
<td>Giang Chi Tra</td>
<td>7</td>
<td>H’mong</td>
<td>150,000</td>
<td>426.32</td>
<td>Farmer</td>
</tr>
<tr>
<td>10</td>
<td>Sung Thi Ho</td>
<td>3</td>
<td>H’mong</td>
<td>200,000</td>
<td>56.87</td>
<td>Farmer</td>
</tr>
<tr>
<td>11</td>
<td>Giang A Khay</td>
<td>6</td>
<td>H’mong</td>
<td>250,000</td>
<td>191.29</td>
<td>Farmer</td>
</tr>
<tr>
<td>12</td>
<td>Giang Giang Long</td>
<td>5</td>
<td>H’mong</td>
<td>240,000</td>
<td>82.21</td>
<td>Farmer</td>
</tr>
<tr>
<td>13</td>
<td>Mua Vang Thay</td>
<td>10</td>
<td>H’mong</td>
<td>150,000</td>
<td>512.57</td>
<td>Farmer</td>
</tr>
<tr>
<td>14</td>
<td>Giang A Gia</td>
<td>4</td>
<td>H’mong</td>
<td>210,000</td>
<td>58.23</td>
<td>Farmer</td>
</tr>
<tr>
<td>15</td>
<td>Giang A Lang</td>
<td>3</td>
<td>H’mong</td>
<td>200,000</td>
<td>45.43</td>
<td>Farmer</td>
</tr>
<tr>
<td>16</td>
<td>Giang A Tu</td>
<td>5</td>
<td>H’mong</td>
<td>160,000</td>
<td>132.53</td>
<td>Farmer</td>
</tr>
<tr>
<td>17</td>
<td>Giang A De</td>
<td>6</td>
<td>H’mong</td>
<td>230,000</td>
<td>201.39</td>
<td>Farmer</td>
</tr>
<tr>
<td>18</td>
<td>Giang A Chinh</td>
<td>4</td>
<td>H’mong</td>
<td>210,000</td>
<td>132.33</td>
<td>Farmer</td>
</tr>
<tr>
<td>19</td>
<td>Giang Cha Xay</td>
<td>4</td>
<td>H’mong</td>
<td>220,000</td>
<td>161.46</td>
<td>Farmer</td>
</tr>
</tbody>
</table>

(*) Poor households according to standards of Ministry of Labor, Invalids and Social Affairs.
Appendix 2. Agreement on Subproject Implementation with local ethnic community

CÔNG HOÀ XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc Lập – Tu Do – Hạnh Phúc

BIỆN BẢN LÀM VIỆC

Hôm nay ngày...Z/ tháng ...K/ năm 2006
Tai: UBND Xã Làng Nhi - huyện Văn Chấn - tỉnh Yen Bái
Chúng tôi gồm có:

I. Đại diện UBND xã Làng Nhi.
   1. Ông : Mua Sây Tông - Chức vụ: Chủ tịch UBND
   2. Ông/ bà: ........................................... - Chức vụ: ...........................................

II. Đại diện công ty TNHH Thanh Bình.
   1. Ông : Bố Thành Dân - Chức vụ: Giám đốc
   6. Ông : Đặng Xuân Sơn - Chức vụ: C.B BQL D.A thụy điện

Sau khi xem xét hồ sơ dự án và nghị các báo cáo trình bày những mặt tích cực cũng như tiêu cực do dự án thụy điện Nam Tàng mang lại.

Ngoài việc một số hộ gia đình mất một phần diện tích đất nông nghiệp do diệt tích da có công trình chiều đang được những lợi ích mà công trình mang lại phục vụ cho bà con nhân dân là rất to lớn, như mở đường giao thông, hỗ trợ tiền để xây dựng công trình nhà vân hoài, hỗ trợ máy thi công mở đường vào khu công đồng dân cư...

- Nhận thấy những lợi ích mà dự án đem lại UBND cổ ý kiến như sau:
   Ủy ban nhân dân xã Làng Nhi ủng hộ chủ trương xây dựng nhà máy thụy điện Nam Tàng và sẽ kết hợp với chủ đầu tư giải quyết những vướng mắc trong quá trình xây dựng dự án.

- Yêu cầu chủ đầu tư thực hiện đầy đủ các quy định về giải phóng dân bỏ đối với các hộ gia đình bị ảnh hưởng bởi dự án.

- Trong quá trình thi công dự án nếu có gì vướng mắc báo cáo lên UBND xã để công phơi cấp giải quyết theo đúng trình tự thủ tục quy định của nhà nước

Biện bản được thông qua cho mọi người cùng nghe và nhất trí ký tên.

Đại diện
UBND XÃ LÀNG NHỊ

Đại diện
CÔNG TY TNHH THANH BÌNH