VOLUME VIII

STRATEGY AND GUIDELINES FOR ETHNIC MINORITY DEVELOPMENT PLAN

DECEMBER 2004
CONTENTS

1. Introduction ................................................................................................................................ 1
2. Ethnic Minority Considerations ................................................................................................. 2
3. Ethnic Minorities in Vietnam ..................................................................................................... 3
4. The Strategy ............................................................................................................................... 4
5. Guidelines for Ethnic Minority Development Plan (EMPD) ..................................................... 5
6. Screening .................................................................................................................................... 5
7. Social Impact Assessment .......................................................................................................... 6
8. Ethnic Minority Development Plan ........................................................................................... 6
9. Implementation Arrangements ................................................................................................... 7
10. Monitoring ................................................................................................................................. 7
11. Implementation Schedule ........................................................................................................... 7
12. Budget ........................................................................................................................................ 7
13. Reporting/Documentation .......................................................................................................... 7
14. Public Information and Grievance Redress Procedures ............................................................. 8

ANNEXES

Annex 1 Results of Screening/Statistics and maps relating to ethnic minorities -
Phase I Provinces
Annex 2 Legal Instruments relating to Ethnic Minorities in Vietnam
Annex 3 Guidelines for Social and Social Impact Assessments
## Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>APL</td>
<td>Adaptable Program Loan</td>
</tr>
<tr>
<td>CEMMA</td>
<td>Committee for Ethnic Minority and Mountainous Areas</td>
</tr>
<tr>
<td>CPC</td>
<td>Commune People’s Committee</td>
</tr>
<tr>
<td>CPO</td>
<td>Central Project Office</td>
</tr>
<tr>
<td>CPRGS</td>
<td>Comprehensive Poverty Reduction and Growth Strategy</td>
</tr>
<tr>
<td>DARD</td>
<td>Department of Agriculture and Rural Development</td>
</tr>
<tr>
<td>DONRE</td>
<td>Department of Natural Resources and Environment</td>
</tr>
<tr>
<td>DPC</td>
<td>District People’s Committee</td>
</tr>
<tr>
<td>EMDP</td>
<td>Ethnic Minority Development Plan</td>
</tr>
<tr>
<td>GOV</td>
<td>Government of Vietnam</td>
</tr>
<tr>
<td>km</td>
<td>kilometer</td>
</tr>
<tr>
<td>OD</td>
<td>Operational Directive</td>
</tr>
<tr>
<td>MARD</td>
<td>Ministry of Agriculture and Rural Development</td>
</tr>
<tr>
<td>MOLISA</td>
<td>Ministry of Labour, Invalids and Social Affairs</td>
</tr>
<tr>
<td>MONRE</td>
<td>Ministry of Natural Resources and Environment</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-government Organization</td>
</tr>
<tr>
<td>NTP</td>
<td>National Target Program</td>
</tr>
<tr>
<td>PPMU</td>
<td>Provincial Project Management Unit</td>
</tr>
<tr>
<td>RRD-RWSS</td>
<td>Red River Delta Rural Water Supply and Sanitation (Project)</td>
</tr>
<tr>
<td>RWS</td>
<td>Rural Water Supply</td>
</tr>
<tr>
<td>SIA</td>
<td>Social Impact Assessment</td>
</tr>
<tr>
<td>TOR</td>
<td>Terms of Reference</td>
</tr>
<tr>
<td>VHLSS</td>
<td>Vietnam Household Living Standards Survey</td>
</tr>
<tr>
<td>VWU</td>
<td>Vietnam Women’s Union</td>
</tr>
<tr>
<td>WSS</td>
<td>Water Supply and Sanitation</td>
</tr>
</tbody>
</table>
1. Introduction

The Red River Delta Rural Water Supply and Sanitation (RRD-RWSS) Project will be implemented in two phases, eventually covering up to twelve provinces in the Red River Basin and adjoining areas in northern and north central Vietnam. Phase I will focus on the four provinces of Hai Duong, Thai Binh, Nam Dinh and Ninh Binh. If Phase II is approved, it will cover up to an additional eight provinces; Quang Ninh, Phu Tho, Bac Ninh, Ha Tay, Hung Yen, Ha Nam, Thanh Hoa and Vinh Phuc.

The objective of the proposed RRD-RWSS Project is to contribute to improving the quality of life and alleviating poverty in selected rural communities by:

a) Meeting demand in these communities for safe, sufficient, and locally sustainable water supplies, sanitation facilities for human waste disposal, and household wastewater drainage;

b) Increasing adoption by these communities of hygiene and sanitation practices most crucial to improved family health and child nutrition;

c) Strengthening capacity of communes and hamlets to plan and manage infrastructure programs, and for local governments to facilitate and support community initiatives.

The proposed project is a direct response to priorities identified in Vietnam’s Comprehensive Poverty Reduction and Growth Strategy (CPRGS).

Project principles

The proposed project will follow principles described in the National Clean Water Supply and Sanitation Strategy Up To the Year 2020, which include:

a) Demand Responsiveness – Water supply and sanitation (WSS) service levels and management arrangements will be determined by what consumers want and are willing to pay for;

b) Equity–All people in the service area of the WSS should have access;

c) Cost effective infrastructure – WSS systems will be designed to provide sustained service at reasonable cost;

d) Focus on sustainability through appropriate management and operation and maintenance arrangements, and adequate tariff levels.

Project components

The proposed project will consist of four components:

Component 1 – *Developing water and sanitation infrastructure* – to provide communities with accessible, safe, and sustained drinking water and sanitation facilities

Component 2 – *Community and local institutions capacity building* – to develop commune-level capacity to plan and manage WSS infrastructure; to develop district and province level capacity to facilitate and support commune initiatives, and plan and monitor implementation of the National RWSS strategy

Component 3 – *Improving health behavior and services* – to provide health education and other services to improve hygiene behaviors, promote effective use of WSS facilities and reduce water and sanitation related diseases.
Component 4 – Project Management – Establishment of accountability, management, and financing rules and systems to efficiently manage project execution.

Implementation Arrangements

The proposed Project will be implemented through a Central Project Office (CPO) located in MARD and a PPMU within DARD in each participating province. Steering Committees at national and provincial level will provide guidance, coordination and oversight.

The proposed Project will be implemented in two phases as an Adaptable Program Loan (APL). Phase I will be five years in duration (2005-2010). Phase II will also be approximately five years in duration, starting around 2008. Four provinces are included in Phase I; Thai Binh, Ninh Binh, Hai Duong and Nam Dinh, whereas the remaining eight provinces\(^1\) will be considered for assistance in Phase II.

2. ETHNIC MINORITY CONSIDERATIONS

For water supply and sanitation facilities located in areas with significant concentrations of ethnic minorities, efforts will be made in the planning, design, construction and operation of these facilities to reduce adverse impacts on ethnic minorities. Adverse impacts on households and individuals during construction of water supply schemes are expected to be relatively minor, while there may be some long-term impacts on land belonging to some ethnic minority households. It may be necessary to acquire land permanently for constructing water towers, tanks or pipelines.

In addition, water rights may be required for extraction of water for water supply from springs, streams or rivers. Where required, permits will be obtained from DONRE and exercised only with the expressed permission of any interests which depend on water from the same source, e.g. farmers, fishermen, sensitive habitats/the environment, etc.

In any event, since the quantity of water required for rural water supplies is typically only a small fraction of total flows in rivers or streams, such impacts are not expected to cause significant long-term or culturally significant impacts on ethnic minority households, and would not result in community-wide socio-economic effects.

During Phases I and II of the proposed project, schemes may be implemented in provinces, districts and communes where ethnic minority people are present in significant numbers. As prescribed in the World Bank’s Operational Directive on Indigenous Peoples (OD 4.20), an Ethnic Minority Development Plan (EMDP) will be prepared for areas that have ethnic significant concentrations of minority households as specified in this Strategy.

Ethnic minorities are defined as social groups with a social and cultural identity distinct from that of the dominant society that may make them vulnerable and disadvantaged during the development process. Ethnic minorities can be identified by presence in varying degrees of the following characteristics:

- Close attachment to ancestral territories and to the natural resources in these areas;

---

1 Bac Ninh, Vinh Phuc, Phu Tho, Ha Nam, Ha Tay, Thanh Hoa, Quang Ninh and Hung Yen
Self-identification and identification by others as members of a distinct cultural group;

An indigenous language, often different from the national language;

Presence of customary social and political institutions; and

Primarily subsistence-oriented production.

The purpose of this Strategy is to ensure that the development process fosters respect for the dignity, human rights, and cultural uniqueness of ethnic minorities in the project area. This Strategy will help ensure that ethnic minorities do not suffer adverse effects during project implementation and that they receive culturally acceptable social and economic benefits from the proposed project.

3. ETHNIC MINORITIES IN VIETNAM

Ethnic Vietnamese, known as Kinh, with about 85% of total population, dominate the political, economic, and social affairs in Vietnam. There are officially another 53 ethnic groups in Vietnam classified as ethnic minorities. Most ethnic minorities live in upland areas. Ethnic minorities range from over a million to only a few hundred in number. The only ethnic minority groups who live mainly in lowlands are the Hoa (Chinese), Cham and Khmer.

Ethnic minorities in Vietnam have diverse origins. A majority (39) as well as Kinh speak Austro-Asiatic languages. Other groups speak Austronesian and Sino-Tibetan languages. They differ greatly in culture, means of livelihood and social organization. Some have had close contact with the Kinh for a long time, while others have lived in relative isolation. Some groups have lived in their present locations for centuries, while others have migrated into their present location within the past hundred years.

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

Equality of ethnic minorities is stipulated in law. Article 5 in the Vietnam Constitution (1992) states: The Socialist Republic of Vietnam is a unitary 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 develop thoroughly and gradually improve the quality of life of ethnic minorities in Vietnam physically and culturally.

Since 1968, the Government has promulgated sedenterization policy for ethnic minorities aimed at reducing migration among ethnic minorities. An important policy regarding relation with ethnic groups is Government Guideline No. 525/TTG of 2/11/1993 regarding implementation of development in highland and ethnic minority areas as follows:

- Develop infrastructure, especially transportation road system and fresh water supplies;
- Increase in food security;
Integrate education system; adjust education based on the characteristics in provinces; create favorable conditions and support non-formal education programs and develop the local economy.

Ethnic minorities in Vietnam are entitled to receive benefits from government policies and programs. They are entitled to receive preferential treatment in college admission and daily necessities such as cooking oil, kerosene, and iodized salt at subsidized prices. The government, foreign donors, and a number of NGOs have implemented a number of development and special assistance programs targeting ethnic minorities. Large investments have been made with the intention of helping develop uplands in general and ethnic minorities in particular.

While many ethnic minority households have better material standards of living today than they did ten-fifteen years ago, they still lag behind the rest of the country economically. In some areas the gap may even be growing. There are many reasons for the relative poverty of ethnic minority groups in Vietnam. Severe stresses are placed on the people and their environment from population pressure, natural resource depletion, and cultural dislocation resulting from externally imposed change. Development of ethnic minorities must concentrate on promoting the process of gradual adaptive change, recognizing that real progress must be accomplished by the ethnic people themselves, through creative development strategies which allow progress while preserving their cultural heritage.

**Water Supply and Sanitation Situation**

One area within which the gap between ethnic minorities and the remainder of the population is manifested is in access to adequate water supply and sanitation. The following table shows how, while there have been significant improvements in access to clean water and hygienic latrines among all ethnic groups, the gap between ethnic minorities and other groups has widened since 1993.

**Table 2.1 Access to Clean Water and Hygienic Latrines by Ethnicity, Socio-economic Status and Location**

<table>
<thead>
<tr>
<th>Water and Sanitation, from Poor to Rich, in 2002</th>
<th>Access to clean water</th>
<th>Access to hygienic latrines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vietnam</td>
<td>76.7</td>
<td>49.6</td>
</tr>
<tr>
<td>Urban</td>
<td>58.5</td>
<td>75.0</td>
</tr>
<tr>
<td>Rural</td>
<td>18.1</td>
<td>28.1</td>
</tr>
<tr>
<td>Khmer and Chinese</td>
<td>29.0</td>
<td>41.9</td>
</tr>
<tr>
<td>Others</td>
<td>5.3</td>
<td>6.0</td>
</tr>
<tr>
<td>Poorest</td>
<td>9.4</td>
<td>16.1</td>
</tr>
<tr>
<td>Near poorest</td>
<td>16.7</td>
<td>25.9</td>
</tr>
<tr>
<td>Middle</td>
<td>21.3</td>
<td>31.7</td>
</tr>
<tr>
<td>Near richest</td>
<td>27.5</td>
<td>45.6</td>
</tr>
<tr>
<td>Richest</td>
<td>51.3</td>
<td>72.1</td>
</tr>
</tbody>
</table>

*Note: Constructed using data from the 1993 VLSS, 1998 VLSS and 2002 VHLSS.*

4. **THE STRATEGY**

The main objective of the Ethnic Minority Strategy is to ensure that the development process fosters respect for dignity, human rights, cultural uniqueness
of ethnic minorities and that ethnic minorities do not suffer adverse impacts during the development process and they will receive culturally-compatible social and economic benefits. The World Bank’s OD 4.20 on Indigenous Peoples states that the strategy for addressing the issues pertaining to indigenous peoples must be based on the informed participation of indigenous people themselves. Thus, identifying local preferences through direct consultation, incorporation of indigenous knowledge into project approaches, and use of experienced specialists are core activities for any project that affects ethnic minorities and their rights to natural, social and economic resources.

Vietnam has an official policy of non-discrimination against ethnic minorities as evidenced by the presence of the Ethnic People’s Council in the National Assembly and Ethnic People’s Committee in the Government. Article 94 in the Constitution of 1992 states that the Ethnic People’s Committee has the right to submit proposals, plans or related issues affecting indigenous peoples to the Assembly, monitor and control implementation of national policies and programs, in areas such as, education, health care, etc. Article 5 of the Constitution also indicates that ethnic minorities can use their own languages to preserve their cultural identity and social organization.

The Committee for Ethnic Minority and Mountainous Areas (CEMMA), which is equivalent to a Ministry, is under the supervision of the Prime Minister’s Office. Relevant development programs are supervised by this Committee, e.g. the Hunger Eradication and Poverty Reduction Program (Program 135) according to Decree No. 135/1998/QD-TTg to promote construction of small-scale infrastructure in poor ethnic minority villages.

5. Guidelines for Ethnic Minority Development Plan (EMDP)

These Guidelines attempt to ensure that ethnic minorities are well informed, consulted and mobilized to participate in planning, construction and operation of all project activities, and services and facilities provided by RRD-RWSSP. Effective, informed participation can help ensure enhanced benefits and protect ethnic minority people from potential adverse impacts of any activities of the proposed project.

The main features of the EMDP will be preliminary screening, followed by a social impact assessment (SIA) to determine the degree and nature of impact of each project-related activity, service or facility. Following the SIA, an Ethnic Minority Development Plan (EMDP) will be developed if warranted. Consultations with and participation of the minority population, their leaders and local government officials will be an integral part of the EMDP.

Requirements for screening and social impact assessment are described in Annexes. The proposed project will provide training to all implementers and agencies preparing, implementing and supervising EMDPs.

6. Screening

Screening of proposed subprojects in communes will assess whether an opportunity exists for indigenous peoples to benefit from the proposed subproject, or if they will in any way be negatively affected by the proposed subproject.

Communes which have significant ethnic minority populations and are selected for receiving improved water supply and sanitation facilities will be visited (at the first meeting with communes) by representatives from the DPC, VWU, and PPMU/consultants. Prior to the visit, respective DPCs will inform the CPC that they will
be visited to present and discuss the Project. The letter will request that the commune invite representatives of farmers and women associations, village leaders and key commune officials to the meeting. During the visit, participants will receive information and have an opportunity to express their views on the proposed project.

At this visit, community development staff (consultants) and/or the Women’s Union will conduct the screening, assisted by ethnic minority leaders and local authorities. The following information will be collected:

- Names of ethnic groups in the commune
- Ethnic minority population in the commune
- Location and percentage of ethnic minority of commune population
- Number and percentage of ethnic minority households potentially affected by the proposed project.

If screening shows that there are ethnic minority people affected by the proposed project, a social impact assessment will be planned and implemented in the potential impact areas.

7. Social Impact Assessment

The social impact assessment (SIA) will be undertaken by social scientists/community development staff (consultants) and/or trained staff from the Women’s Union, assisted by ethnic minority leaders and residents. The SIA will collect information on the population, environment, social, cultural and economic characteristics; including gender, health and poverty, as well as the water supply and sanitation situation.

Information will be gathered from focus group meetings with ethnic minority leaders; men and women, especially those likely to be affected by the proposed project. These discussions will focus on potential project impacts, both positive and negative; and present recommendations for appropriate designs of water supply and sanitation schemes. The Women’s Union will be responsible for analyzing the results of the SIA, and for leading preparation of an EMDP with ethnic minority leaders and commune representatives, as well as PPMU consultants.

If the SIA indicates that the potential impact of the proposed project will be significantly adverse or that the ethnic minority community rejects the proposed project, the proposed project will not be implemented in that locality, and no further action will be taken.

If the ethnic minority(ies) support implementation of the proposed project, an EMDP will be prepared.

8. Ethnic Minority Development Plan (EMDP)

The EMDP will consist of a number of activities including mitigation measures for potentially negative impacts, modification of designs, and additional assistance if required. Where land acquisition is necessary, the proposed project will ensure that the legal and customary rights of ethnic minority peoples are not violated and that they are fairly compensated for use of any part of their land in a manner that is culturally acceptable to them. Compensation and rehabilitation will follow the Resettlement Policy Framework prepared separately for the proposed project.

The Ethnic Minorities Development Plan will include:

1. Legal Framework
2. Baseline data  
3. Land tenure information  
4. Local consultation and participation  
5. Technical identification of development or mitigation activities  
6. Institutional arrangements  
7. Implementation schedule  
8. Monitoring and evaluation  
9. Grievance redress mechanism  
10. Cost and financing plan

9. Implementation ArrangementS  
The PPMU, with the assistance of consultants, will be responsible for training PCs, Women’s Union or a similar organization to undertake consultation, screening, social impact assessment, analyses and preparing EMDPs.

PPMU representatives and local authorities (People’s Committees, Committees for Ethnic Minorities and Mountainous Areas, Resettlement Committees, Women's Union, DONRE, etc.) are responsible for implementing the EMDP and to ensure that adequate staff and other resources are available.

10. Monitoring  
Implementation of the EMDP in affected communes will be regularly supervised and monitored by the PPMU and respective Peoples' Committees and CEMMA at provincial and district level. Findings and recommendations will be included in quarterly reports and submitted to the CPO and World Bank.

The independent agency or agencies used to undertake external monitoring and evaluation of implementation of Resettlement Plans for the project will also monitor implementation of the EMDP. The external monitoring agency will visit a sample of affected communes and households in each relevant province at least annually.

11. IMPLEMENTATION Schedule  
The EMDP should have an implementation schedule that is synchronized with the overall project implementation plan. Logically, social impact assessments and consultations should be undertaken before scheme designs are prepared. Compensation for land acquisition should be satisfactorily completed at least one month prior to start of construction of civil works in the commune. Monitoring should take place at regular intervals during project implementation.

12. Budget  
The EMDP will include detailed information on cost of mitigation measures for ethnic minorities in affected areas. Sources of funding and financing plans will be clearly specified in the cost tables presented in the EMDP.

13. Reporting/Documentation  
EMDPs will be prepared and submitted by PPMUs to the CPO/MARD and the World Bank at the same time that respective PPMUs submit their annual work plans to the CPO/MARD and the World Bank for review. When CPO/MARD submits the final annual work plans to the World Bank for approval, an integrated EMDP report for affected communes will also be submitted.
14. Public Information, DISCLOSURE and Grievance Redress Procedures

Any citizen of Vietnam or bonafied representative of a duly registered organization in Vietnam who wishes to ask a question, receive information or clarification or register a complaint or grievance about any aspects of the ethnic minority policy, strategy, development plan, distribution of benefits, or practices supported by the proposed project may do so and is entitled to a timely and adequate response. Procedures for access to and disclosure of information and grievance redress will be publicly announced and will be described in a public information leaflet to be made available through an independent monitoring agency to be identified prior to the start of project implementation.

Annexes

The following annexes will be included in the EMDP:

1. Preliminary Screening/Social Assessment for Ethnic Minorities
2. Social Impact Assessment
3. Schedule for Ethnic Minority Consultations
4. Minutes of Community Consultation Meeting(s)
5. Maps and statistical tables
Annex 1 Results of screening/Statistics and maps relating to ethnic minorities - Phase I Provinces

Implementation in Phase I of the proposed Project (2005-2010) will take place in four provinces; Nam Dinh, Hai Duong, Ninh Binh and Thai Binh, which are located mainly in the Red River Delta within 150 kms north and southeast of Hanoi. The following table shows the size and distribution of significant ethnic minority populations in Phase I provinces.

Table A1.1 Ethnic Minority Population in Phase I Provinces

<table>
<thead>
<tr>
<th>Province</th>
<th>Total</th>
<th>%</th>
<th>Muong</th>
<th>San Diu</th>
<th>Hoa (Chinese)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Nam Dinh</td>
<td>794</td>
<td>0.4</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2. Hai Duong</td>
<td>4,198</td>
<td>0.2</td>
<td>-</td>
<td>1,516</td>
<td>1,147</td>
</tr>
<tr>
<td>3. Ninh Binh</td>
<td>18,831</td>
<td>2.1</td>
<td>18,149</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>4. Thai Binh</td>
<td>1,197</td>
<td>0.6</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>TOTAL/AVG</td>
<td>818,226</td>
<td></td>
<td>18,149</td>
<td>1,516</td>
<td>1,147</td>
</tr>
</tbody>
</table>

1. Ethnic groups with over 1,000 population residing in rural areas
2. The Hoa (Chinese) are mainly found in urban areas and will not be considered as a rural ethnic minority


The following table shows the number of communes, poor communes, ethnic minority population and estimated safe water supply coverage by the National Target Program (NTP).

Table 10A1.2 Poverty, Ethnic Minorities and Water Supply Coverage

<table>
<thead>
<tr>
<th>Province</th>
<th>Communes Total</th>
<th>%</th>
<th>Ethnic Minorities Total</th>
<th>%</th>
<th>RWS Coverage NTP (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Nam Dinh</td>
<td>202</td>
<td>0</td>
<td>794</td>
<td>0.4</td>
<td>58</td>
</tr>
<tr>
<td>2. Hai Duong</td>
<td>238</td>
<td>0</td>
<td>4,198</td>
<td>0.2</td>
<td>61</td>
</tr>
<tr>
<td>3. Ninh Binh</td>
<td>127</td>
<td>3</td>
<td>18,831</td>
<td>2.1</td>
<td>50</td>
</tr>
<tr>
<td>4. Thai Binh</td>
<td>269</td>
<td>0</td>
<td>1,197</td>
<td>0.6</td>
<td>63</td>
</tr>
<tr>
<td>TOTAL/AVG</td>
<td>836</td>
<td>3</td>
<td>818,226</td>
<td>0.4</td>
<td>58</td>
</tr>
</tbody>
</table>

Source: Estimated from 1998 VLSS and 3% sample of 1999 Population and Housing Census6
1 Based on 2,345 Poorest Communes (Program 135), MOLISA, 2003 data
Table 10 A1.3  Communes with significant Ethnic Minority Population, Nho Quan District, Ninh Binh Province

<table>
<thead>
<tr>
<th>Commune</th>
<th>Area (km²)</th>
<th>Population</th>
<th>Kinh</th>
<th>Minorities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thach Binh</td>
<td>26.12</td>
<td>8,245</td>
<td>4,800</td>
<td>3,445</td>
</tr>
<tr>
<td>Cuc Phuong</td>
<td>123.48</td>
<td>2,641</td>
<td>357</td>
<td>2,284</td>
</tr>
<tr>
<td>Yen Quang</td>
<td>10.70</td>
<td>5,837</td>
<td>3,051</td>
<td>2,786</td>
</tr>
<tr>
<td>Ky Phu</td>
<td>43.93</td>
<td>4,753</td>
<td>1,575</td>
<td>3,178</td>
</tr>
<tr>
<td>Quang Lac</td>
<td>14.76</td>
<td>5,715</td>
<td>2,013</td>
<td>3,702</td>
</tr>
<tr>
<td>Phu Long</td>
<td>30.47</td>
<td>5,449</td>
<td>4,122</td>
<td>1,327</td>
</tr>
</tbody>
</table>

Communes with over 1,000 ethnic minority population

The above table shows that the large majority of the ethnic minority population, mainly Muong, are found in six communes; Thach Binh, Cuc Phong, Yen Quang, Ky Phu, and Phu Loc in Nho Quan District.

There is one commune with significant concentrations of ethnic minorities included in the preliminary list of 120 prioritized communes for Phase I of the proposed Project (2005-2010). This is Thach Binh commune, with 3,445 ethnic minority people, mainly Muong.

The map below shows the location of these communes in Nho Quan District and the two communes scheduled for implementation in Year 1.
As can be seen from the above map, communes with significant ethnic minority populations are located in the western parts of the Province bordering Hoa Binh and Thanh Hoa provinces.

One commune, Thach Binh, in Ninh Ninh Province with significant concentrations of ethnic minorities is in the preliminary list of 120 prioritized communes for Phase I of the proposed Project.

In Hai Duong Province significant concentrations of ethnic minority, mostly San Diu, are found in Chi Linh District in the northern part of the province. Distribution of ethnic minorities among communes in Chi Linh District are shown in the following table.

Table A1.4 Ethnic Minority Population by Commune, Chi Linh District, Hai Duong Province

<table>
<thead>
<tr>
<th>Commune</th>
<th>Area (km²)</th>
<th>Population</th>
<th>Kinh</th>
<th>Minority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Le Loi</td>
<td>25.56</td>
<td>8,057</td>
<td>7,923</td>
<td>134</td>
</tr>
<tr>
<td>Bac An</td>
<td>43.57</td>
<td>6,602</td>
<td>5,007</td>
<td>1,595</td>
</tr>
<tr>
<td>Hoang Hoa Tham</td>
<td>27.81</td>
<td>2,690</td>
<td>2,361</td>
<td>329</td>
</tr>
<tr>
<td>Thai Hoc</td>
<td>8.39</td>
<td>4,815</td>
<td>4,656</td>
<td>159</td>
</tr>
</tbody>
</table>

1 Communes with over 100 ethnic minority population

The table above shows that a large majority of the ethnic minority population, mainly San Diu, are found in four communes; Le Loi, Bac An, Hoang Hoa Tham and Thai Hoc, in Chi Linh District. The map below shows the location of these communes and the two communes scheduled for implementation in Year 1.
As can be seen from the above map, communes with significant ethnic minority populations are located in the hilly northern parts of the Province bordering Quang Ninh and Bac Ninh provinces.

No communes in Hai Duong Province with significant concentrations of ethnic minorities are in the preliminary list of 120 prioritized communes for Phase I of the proposed Project.
Annex 2  
Legal Instruments relating to ethnic minorities in Vietnam

Ethnic minority screening and checklists will be prepared in line with guidelines contained in the World Bank's OD 4.20 and applicable Government decisions and regulations governing ethnic minorities. Some of the most important Government policies and regulations concerning ethnic minorities are listed below:

Decision 327 of 15 September 1992 on use of bare land, degraded hills, forest, coastal plains and water bodies to stabilize and improve the material and cultural life of people in new economic zones and ethnic minorities

Decision 556/TT of 12 September 1995 Circular guiding the implementation of Decision No. 556/TTg, dated 12/9/95 by Prime Minister on amending and revising Decision No 327/CT

Decision 661/QD-TTg of July 29, 1998 targets, tasks, policies and implementing the 5 million hectare forest project


Decree No.59/1998/ND-CP of August 13,1998 on functions, responsibilities, authorities and organizational structure of the State Committee for Ethnic Minority and Mountainous Area Affairs (CEEMA)

Decision No.133/Ttg of July 23,1998 ratifying the national target program on hunger elimination and poverty alleviation in the 1998-2000 period

Decision No.135/1998/QD-TTg of July 31, 1998 to approve the program on socio-economic development in remote communes with special difficulties

Circular No.41/UB-TT of January 8, 1996 on regulating and guiding materialization of special zones in ethnic minority and mountainous areas

These decisions, instructions and other legal instruments will apply to all aspects of planning, implementation and operation of facilities supported by the proposed project. The full text and content of these instruments will be made available to all relevant stakeholders prior to commencement of project activities in a province, district or commune with significant ethnic minority population.
Annex 3  Guidelines for Social and Social Impact Assessments

Introduction

Social Assessments are undertaken to incorporate social development and capacity building goals into project design. Its aims are to enhance the capacity for decentralised and participatory planning and implementation of water supply and sanitation facilities, in selected communes in 12 provinces in northern and north central Vietnam and to improve public health and personal hygiene.

A key element of project design is the participation of commune authorities and local people in all stages of the project cycle. Communes will be allowed to choose the water supply and sanitation facilities they want from a list of feasible options. Funds will be available to households for construction of point source water supplies and household sanitation facilities. This is in line with government policy to encourage greater decentralisation of development to local level. Emphasis will be on maximum use of local organizations, knowledge, skills, labour and materials and on consulting, informing and being accountable to local people.

The aims of the Social Assessment are to:

1. ensure that the project benefits the poorest and most vulnerable people in the project area, including ethnic minorities and women; and

2. strengthen participation of beneficiaries, including the poorest, women and ethnic minorities, and other vulnerable groups, in all stages of the project cycle.

The Social Assessment will be based on findings from field studies in selected communes in the project area who have significant concentrations of ethnic minorities.

Social and Economic Situation

Economic and social conditions vary within the project area, from changing livelihoods of ethnic minority farmers in upland areas to communes where indigenous groups are marginalised by pressures to sell land to outsiders. These communes often have poor agricultural opportunities and unfavourable climatic conditions.

Ethnic minority groups are often the poorest people in the project area. Similarities between some groups may be used for planning. The strategy and EMDP should address differences within communes, low Vietnamese language and literacy skills, and prevalent beliefs. Some indigenous forms of social organisation - role of traditional leaders (gia lang) and of women in some matrilineal and matrilocal minority groups - remain strong.

Key Stakeholders

Three types of infrastructure works exist in communes in the project area: government projects built with external funding and technical assistance, works financed and implemented by local people but promoted by government, and works without government funding built entirely by local people. District administrators are key players in the first type, although there is an intention to hand greater responsibility over to the commune level in many districts.

The second type are constructed largely by local people, supported by government policy to provide social services. The third type are constructed by local people themselves using local social organisation, skills and materials. An opportunity to build upon this local self-reliance exists along with the need to improve local capacity to implement infrastructure projects.
Participation Issues

Project benefits will be uneven across communes and within communes. It is influenced by the location of the commune itself, distance of remote villages and households from main trunk pipelines, design and layout of water supply systems within villages, insufficient investment, and, most importantly, existence of appropriate and affordable facilities. Some types of infrastructure may be particularly beneficial to the most vulnerable people or groups in the project area. The infrastructure priorities of local people come from the practical needs within their communities, and people rarely separate the interests of individuals within their households from the interests of the household as a whole.

Obstacles and opportunities for beneficiary involvement

Consultation of beneficiaries is presently limited, and knowledge of government policies and programmes is poor. Hesitation to express grievances publicly is exacerbated by a lack of knowledge of procedures for doing so; similarly, there is little knowledge among local people about the plans and budgets for projects implemented in their areas.

Local construction skills are present in many project communes. These could be mobilized to ensure that infrastructure corresponds to local preferences, to increase local labour used to lower costs and to increase capacity for maintenance through use of locally available skills and materials. Currently, government projects pay very low rates for labour, penalising poor households which tend to contribute labour rather than cash.

Administrative delays in project implementation can work against local participation by holding up work in times when local people are free from agricultural labour, or forcing rushed construction before the rainy season. Experience exists at local level in hiring contractors, but communities will need to be better aware of bidding and contracting procedures to ensure they receive fair treatment. Despite new regulations allowing for management boards at commune level, experience is still limited. Where they exist, non-officials rarely play a role in managing and supervising project implementation.

Proposed Strategy

The strategy described in the final section of the report for incorporating goals of the Social Assessment aims to ensure that ethnic minorities and other vulnerable groups will benefit from the project and to build upon the recognised strengths of all stakeholders involved in implementing improved water supply and sanitation facilities.

Guidelines will be prepared for ensuring meaningful community involvement in every stage of the project cycle, including a conflict resolution and grievance redress mechanism.

Changes to project design may be required. Adjustments and additions to designs and type of facilities offered aim to make the options more appropriate to local needs and priorities, and, by placing the choice of facilities at commune/community level, to include local consultation in decisions about the type of works. Beginning with a smaller number of commune/community volunteers is recommended, with other communes being included in subsequent batches/years.

A recommended strategy for project preparation begins with the selection of community volunteers, selected for their previous experience and skills. Training requirements for these volunteers/facilitators, commune committees and health and VWU representatives to promote effective and meaningful participation are prepared.
Policy changes are recommended in existing laws in support of the goals of the Social Assessment, and measures to interlink infrastructure development with quality social services, and increased access to social services by marginalised groups, are recommended.

A strategy for information dissemination to communes about the proposed project makes use of multiple channels, and emphasises understanding by target audiences. Information would be channelled through community volunteers/facilitators and mass organisations, through printed information and provincial media. Information at commune and village levels should be publicly posted in commune and village centers and regularly updated.

The strategy for implementation includes recommendations for selection, appraisal and approval, forming committees at commune and village level, financing mechanisms for subprojects, project design, use and maintenance, and additional measures for conflict resolution if needed.

A monitoring mechanism is proposed that takes information directly from village and commune levels to central level, as well as indicators that monitor distribution and use of project benefits and community participation. A feedback mechanism is recommended for adapting project design in response to information from local level. Tasks are suggested which contribute to more equitable distribution of project benefits and improved maintenance.

Finally, risks in implementing the proposed project should be described and mitigation measures identified.

**Social Impact Assessment**

A particular type of Social Assessment is the Social Impact Assessment (SIA). An SIA for ethnic minorities will be carried out if screening shows that ethnic minorities are living in the proposed project area and are likely to be affected by the proposed project. These affects usually include acquisition of land and other economic, social or cultural assets associated with the acquired or affected land. Such impacts can include:

- Permanent loss of access to and use of land
- Temporary loss of access to and use of land
- Restricted access to and use of land for certain purposes
- Houses, buildings and other material property affected
- Trees, crops and domestic animals affected
- Effects on customary cultural and historically important land, sites, etc.
- Conflicts with or restriction on access to customary water sources or water and land use rights enjoyed by ethnic minorities
- Use of communally-owned or controlled land for project-related activities
- Damage to land or property due to leakage, overflow, or discharge of water or wastewater into the local environment from any part of a water supply system

The SIA will provide information for use in preparing the EMDP(s) and identifying indicators for use in baseline and impact studies and monitoring plans.

Social Impact Assessments should be carried out by suitably qualified and experienced social scientists, working in close collaboration with local government representatives,
ethnic minority leaders and other key stakeholders. TORs and work plans for the SIA will be prepared using these guidelines and information contained in this Strategy by the CMO, who will engage consultants for carrying out the SIA. The SIA report should be distributed for comment to all key stakeholders and discussed at a stakeholder’s workshop prior to formal submission to MARD and the World Bank.