

# Indigenous Peoples Development Planning Document

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Indigenous Peoples Development Framework  
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## VIE: Calamity Damage Rehabilitation Project

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**CALAMITY DAMAGE REHABILITATION PROJECT  
SUMMARY INDIGENOUS PEOPLES DEVELOPMENT FRAMEWORK**

**1. Project Background**

1. The proposed project involves rehabilitation of flood-damaged infrastructure in four subsectors: (i) flood protection; (ii) irrigation; (iii) roads and bridges; and (iv) social infrastructure (schools, water supply, and markets). Subprojects will be selected from among those inspected during the damage and needs assessment mission (March-April 2006), at which time 105 subprojects were considered suitable on the basis of rapid visual inspection. Based on the information obtained by the mission, these subprojects satisfy two critical selection criteria: (i) the proposed rehabilitation is directly related to typhoon damage in 2005; and (ii) the subprojects do not require significant land acquisition or resettlement. The scale of rehabilitation work in each subproject is mostly small (less than \$1 million equivalent).

2. Within the project provinces, ethnic minority groups<sup>1</sup> account for 90% of the population in Ha Giang, 80% in Yen Bai, and 30% in Phu Tho provinces, but significantly less in the other 7 provinces (Table 1). Any subprojects in these provinces that involve land acquisition and/or resettlement are highly likely to have impacts on indigenous peoples (IPs). However, the interviews and consultations conducted during the damage and needs assessment mission did not indicate that IPs would be at a disadvantage in the development process. The project is unlikely to affect IPs' (i) customary rights of access to or use of land and natural resources; (ii) socioeconomic status; (iii) cultural and communal integrity; (iv) health, education, livelihood, and social security status; or (v) recognition of indigenous knowledge. The types of temporary disturbance or damage that may be caused by rehabilitation activities will affect both IPs and the Kinh people in the same ways. A social analysis will be carried out in each subproject during the feasibility study/detailed design phase to identify any special attention or needs that should be included during implementation.

**Table 1: Ethnic Minority Groups**

<b>Province</b>	<b>Representative Minority Group</b>	<b>% to total Population</b>
Ha Giang	Dao, H'mong, Tay and Nung	90
Yen Bai	H'mong, Dao, Tay, Thia, Nung, San Chay, Phu La	80
Phu Tho	M'nong, Dao, San Diu	30
Nam Dinh	Tay and Hoa	Less than 1
Thanh Hoa	Dao, H'mong, Lao, Lu, Muong, Red Thai, Tahi, Tho	16
Nghe An	H'mong, Kho Mu, O du, Tho, San Diu	15
Ha Tinh	Chut	Less than 1
Quang Binh	Bru-Van Kiu, Chut, Lao	Less than 1
Quang Tri	Van Kieu, Hoa, Ta Oi	8
Phu Yen	Cham, Bana, E De	5

<sup>1</sup> The generic term "indigenous people" includes cultural minorities, ethnic minorities, indigenous cultural communities, tribal peoples, scheduled tribes, natives, and aboriginals.

3. The project is classified category B in relation to ADB's Policy on Indigenous Peoples<sup>2</sup> and Operations Manual (OM) F3 on indigenous peoples.<sup>3</sup> An indigenous peoples development framework (IPDF) has been prepared to set out the policy, procedures, and institutional requirements for preparing an indigenous peoples development plan (IPDP)<sup>4</sup> during project implementation to comply with the Government's applicable laws and regulations and ADB's policy. The IPDF describes specific actions to be included for subprojects having limited impacts on IPs or when there is a risk that the subproject may not bring the intended benefits to the affected IPs within the area of influence of the subproject. It also describes the procedures to be adopted by the implementing agencies, the provincial departments of agriculture and rural development (DARDs), in the screening of subprojects. The responsibility for preparing social analyses and any IPDPs required for subprojects expected to be implemented under the project, based on the principles outlined in this framework, rests with DARD (see para. 7).

4. None of the potential subprojects has yet been screened from the perspective of IP impacts. Accordingly, the IPDF has been prepared to guide the screening of potential subprojects for IP impacts and developing appropriate IPDP and/or specific actions for potential subprojects in the three provinces with significant ethnic minority populations. There will be no subprojects with significant involuntary resettlement impact (as defined under the resettlement framework) included in the project.

5. The adverse impacts of rehabilitation under the project will be temporary loss of access to or use of small areas of land adjacent to the works, minor damage to agricultural land or other assets caused by construction works and the movement of construction plant and materials to and from work sites, and permanent occupancy of some areas of land in isolated cases.<sup>5</sup> The involuntary resettlement impacts are deemed not significant, but the situation will be reviewed in each case during subproject preparation.

#### **A. Policy Framework**

6. The IPDF has been developed from Viet Nam's laws (principally the 1992 Constitution)<sup>6</sup> and ADB's policy (footnote 1) as well as Section F3/BP (May 2004) of the Operations Manual. The provisions and principles adopted in this framework supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Decree 17/ND-CP (May 2001) which regulates the management and use of official development assistance (ODA). The following basic principles have been adopted for the project:

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<sup>2</sup> ADB. 1998. Policy on Indigenous Peoples. Manila.

<sup>3</sup> ADB. 2003. Operations Manual (OM) F3 on Indigenous Peoples. Manila.

<sup>4</sup> An IPDP is required for any subproject where an IPs community is the main beneficiary of the subproject and the subproject would either significantly benefit the IP community or have significant adverse impacts on IPs.

<sup>5</sup> Significant resettlement impacts are not expected because subprojects requiring significant land acquisition and/or relocation of people are not eligible for funding under the project. Most of the rehabilitation work will be done within the existing right-of-way of the damaged infrastructure. Some small areas of land may need to be acquired where infrastructure cannot be reinstated within the original site. This may occur if the original site has been eroded or otherwise rendered unsuitable, an alternative nearby site offers greater security in terms of future flood events, or there are sound technical and financial reasons for selecting another site.

<sup>6</sup> Viet Nam's 1992 Constitution recognizes ethnic minorities as vulnerable groups and supports the provision of special assistance to bring development benefits to them. A ministerial level agency was created in 1959 to address ethnic minority development. It was supplanted in 1994 by the Committee for Ethnic Minorities and Mountainous Areas which coordinates and monitors ethnic minority development activities.

- (i) Adverse impacts on IPs, as distinct and vulnerable groups, should be avoided or minimized by exploring all viable options. In cases where impacts cannot be avoided, an analysis will be made of the options and this will be presented in such a way as to show clearly the relative advantages or disadvantages of each option.
- (ii) If directly affected by a subproject, IPs (as well as all other affected persons) are entitled to compensation for all lost and affected assets, income, and businesses at replacement cost and rehabilitation measures<sup>7</sup> sufficient to assist them to improve or at least maintain their pre-project living standards, incomes, and productive capacity.
- (iii) Lack of legal rights to assets (including traditional hunting or fishing grounds and community resources) that are lost or adversely affected will not bar the affected persons from entitlement to such compensation and rehabilitation measures.<sup>8</sup>
- (iv) In cases where relocation or displacement of IP households is required, efforts shall be made to maintain to the extent possible the existing social and cultural institutions of the people being resettled, the host community, and the community from which they have moved. If relocation is inevitable, efforts will be made to minimize the distance between the original village site and the resettlement site in order to minimize the disruptions to livelihoods and social and community ties.
- (v) Preparation of IPDPs (as part of subproject preparation) and their implementation is to be carried out with the participation of and consultation with men, women, and female-headed households from affected IPs (e.g., through public meetings, participatory rural appraisals, and focus group discussions). Due attention will be paid to the participation of IP women in such consultative and participatory processes.
- (vi) Each subproject must incorporate into its planning, preparation, and implementation schedule sufficient time and budget for IP development planning (including participatory mechanisms and surveys).
- (vii) Compensation for IPs, female headed-households, families with disabled or elderly will be carried out with respect for their cultural values and specific needs.
- (viii) To ensure that equal opportunities are provided for employment or other project benefits, DARD will inform all groups in the community of the Project in a manner and format that is acceptable to them.

## **B. Institutional Arrangements**

7. The Ministry of Agriculture and Rural Development (MARD) will be the executing agency (EA) for the project. MARD, through the Central Project Management Unit (CPMU) of its Central Project Office, will assure overall planning, coordination, and reporting for the project. The director of CPMU<sup>9</sup> in Hanoi will be the project director. In each of the 10 project provinces, DARD through its provincial project management unit (PPMU) will select, prepare, and

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<sup>7</sup> Where people are significantly affected by the loss of assets, incomes and employment, compensation solely for lost assets may not be adequate to restore their economic and social base. Such people will be entitled to rehabilitation assistance for restoring incomes and living standards.

<sup>8</sup> People without legal rights are referred to as 'non-titled' in the Operations Manual Section F2/BP (October 2003), and include those who have no recognizable rights or claims to the land that they are occupying and/or using. The policy states that restoration measures must be determined in consultation with affected communities, including those who might not be formally recognized in national legislation.

<sup>9</sup> CPMU is based on the resources and staff used for the recently completed Rural Infrastructure Sector Project (Loan 1564-VIE[Sf]). [ADB. 1997. *Report and Recommendation of the President to the Board of Directors on a Proposed Loan to the Socialist Republic of Viet Nam for the Rural Infrastructure Sector Project*. Manila.]

implement subprojects. CPMU will liaise with the Provincial People's Committee (PPC) and DARD in each province to coordinate subproject implementation. In view of the fact that there are significant links between the resettlement and IPDP activities, assistance will be provided on an as required basis by resettlement committees (including IP leaders) at district and commune levels. There are two main agencies—the Committee for Ethnic Minorities and Mountainous Areas and the Fatherland Front<sup>10</sup>—that have mandates for ethnic minority issues and these agencies will be included in the IPDP process wherever possible. Representatives of the Vietnam Women's Union will be involved to help ensure that IP women have full opportunities to participate in consultative processes. International consultants will assist the CPMU. Where MARD/DARD are not directly responsible for any particular type of infrastructure, DARD will work closely with the relevant authority.

### **C. Development Strategy**

8. DARD will select subprojects in accordance with criteria agreed upon by the Government and ADB, and will work closely with the resettlement committees to complete the resettlement process, inclusive of IP considerations.<sup>11</sup> A social analysis will be carried out during the feasibility study phase to identify any special attention or needs for IPs and other disadvantaged groups such as landless, poor, women-headed households, and disabled that should be included during implementation. To ensure fair compensation and/or equal opportunities for employment, the implementing agencies will inform all groups in the community of the project in a manner and format that is acceptable to them. If the surveys show that IPs will be at a disadvantage in the development process, or there are constraints on their ability to enjoy project benefits, an IPDP will be prepared to mitigate adverse impacts.

9. PPMU will initiate a program of consultations with affected communities prior to finalizing detailed design so that IPs' needs can be incorporated in the subprojects as far as practicable. The strategy for incorporating IPs' needs in the design of subprojects will be subsumed in the general procedures for examining possible resettlement impacts and formulating and implementing resettlement plans, including dealing with grievances (refer to the resettlement framework).

10. PPMUs will disclose (i) draft IPDPs prepared on the basis of design layouts for the subprojects; (ii) final IPDPs approved by the EA and ADB; and (iii) any revisions to the IPDPs as a result of changes in scope or design layout. Public meetings will be held and key information in the IPDPs will be disclosed to the affected communities before commencement of civil works. The information will be made publicly available in a readily accessible location and will be in the form of an information leaflet or brochure, summary IPDP, or complete IPDP—all in a form and language that can be readily understood by the community. The final IPDPs will be endorsed by each province as well as by MARD, and will also be disclosed on ADB's website.

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<sup>10</sup> The Committee for Ethnic Minorities and Mountainous Areas coordinates and monitors ethnic minority development activities at all levels of government, and assists with the issuance of decisions or decrees concerning the socio-economic development of the most under-developed provinces in the Northern Mountainous, Central Highlands, and Southwest regions. The Fatherland Front has overall responsibility for ethnic minority development and, in some provinces, the provincial Fatherland Front takes on the responsibilities of Committee for Ethnic Minorities and Mountainous Areas, and preparation of action plans (at commune level).

<sup>11</sup> Where MARD/DARD are not directly responsible for any particular type of infrastructure, DARD will work closely with the relevant authority.

11. There are various ongoing HIV/AIDS projects/programs, the activities of which may already include awareness and prevention programs covering the proposed subproject areas.<sup>12</sup> Hence, to avoid any duplication in effort, the Calamity Damage Rehabilitation Project itself will not have a project-specific requirement for HIV/AIDS awareness. Uncontrolled influx of construction workers from outside the particular subproject areas, that could increase the risk of spreading HIV/AIDS, will be avoided by using local contractors employing local labor on all construction sites to the extent possible.

#### **D. Monitoring and Evaluation**

12. PPMUs will supervise the preparation and implementation of subproject IPDPs and will monitor and report on all related activities. Monitoring indicators will be disaggregated by ethnicity, gender, female-headed households, and elderly. MARD will consolidate all provincial reports into the project performance monitoring system, which will be used to prepare regular progress reports for submission to ADB. An independent monitoring agency will be engaged if necessary to conduct external monitoring and evaluation. All relevant project information, including IPDPs or specific actions prepared under the project will be made freely available to all APs and other interested parties, in both English and Vietnamese, and will be posted on ADB's website following ADB and MARD approval of the related subproject detailed design.<sup>13</sup>

#### **E. Budget**

13. The IPDP will focus on the costs involved in mitigating adverse cultural effects or removing any constraints that might otherwise prevent IPs from accessing project benefits. To ensure the effective implementation of the resettlement and ethnic minorities development components, a qualified social and resettlement specialist (9 person months, domestic) will be recruited.

14. The purchase of land will be financed by the Government from its counterpart funds, whereas compensation, allowances, operation and administration costs, surveys, and monitoring and reporting will be financed from loan funds. The resettlement committees at commune level will be responsible for payment of compensation directly to affected persons.

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<sup>12</sup> These include the World Bank's grant-financed HIV/AIDS Prevention Project for Viet Nam (\$35 million, 2005) and project to develop health care services in the Mekong Delta (\$70 million, July 2006); ADB's project to reduce HIV/AIDS infection in young people (\$20 million, July 2006); and projects/programs of the Global fund to fight AIDS, Tuberculosis and Malaria in Viet Nam, Department for International Development (DFID); Global Funds for Aids, Tuberculosis and Malaria; US Centers for Disease Control and Prevention, and Family Health International.

<sup>13</sup> The relevant requirements for this are set out in ADB's Public Communications Policy (ADB. 2005. *Public Communications Policy: Disclosure and Exchange of Information*. Manila), Operations Manual (OM) (ADB. 2005. OM Section L/3 on public communications. Manila), Handbook on Resettlement (ADB. 1998. *Handbook on Resettlement: A Guide to Good Practice*. Manila), and Policy on Indigenous Peoples (ADB. 1998. *Policy on Indigenous Peoples*. Manila).