

# Ethnic Minority Development Framework

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## Socialist Republic of Viet Nam: Productive Rural Infrastructure Sector Project in the Central Highlands

Prepared by the Ministry of Agriculture and Rural Development for the Asian Development Bank.

## ABBREVIATIONS

ADB	–	Asian Development Bank
CEMA	–	committee for ethnic minority affairs
CHP	–	central highland provinces
CPMU	–	central project management unit
DARD	–	Departments of Agriculture and Rural Development
DPC	–	district people's committee
EM	–	ethnic minority
EMDF	–	ethnic minority development framework
EMDP	–	ethnic minority development plan
FFM	–	fact-finding mission
HHs	–	households
IP	–	indigenous people
IPP	–	indigenous peoples plan
MARD	–	Ministry of Agriculture and Rural Development
PPC	–	provincial people's committee
PPMU	–	provincial project management unit
PRI	–	productive rural infrastructure
SPS	–	safeguard policy statement

## NOTE

In this report, "\$" refers to US dollars.

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## I. INTRODUCTION

1. The Productive Rural Infrastructure Development Project (PRIDP) will be implemented in the five provinces (Gia Lai, Kon Tum, Dak Lak, Lam Dong and Dak Nong) of the Central Highlands. The proposed Project aims to rehabilitate and upgrade existing but deteriorated critical productive rural infrastructure (PRI) over a period of five years. It directly supports the Government of Viet Nam's (Government) National Target Program for New Rural Development (NRD). The Project will focus on improving, sustainably, medium scale irrigation systems and associated PRI, including rural access infrastructure and local markets.

2. The majority (84%) of the population of the Central Highland Provinces (CHP) live in sparsely populated and dispersed villages where land is suitable for agriculture. The primary income source for nearly all rural CHP households is farming. Total population of the Central Highlands is over five million<sup>1</sup> comprising 54 ethnic population groups, with Kinh as the majority population. Around 65% of the total population is from Kinh-Hoa<sup>2</sup> group and the remaining 35% are from 52 ethnic minority groups. Table 1 presents ethnic composition of the CHPs. It shows that only eight out of the 52 ethnic minority groups have populations over 50,000. These include Gai Rai, E De, Ba Na, Co Ho, Nung, Xo Dang, Tay and Mhong in order of population size. The other 44 ethnic population groups each represent less than 1% (50,000 people) of the total population in the Central Highlands. Assessment of the 29 candidate subprojects proposed by the CHPs shows that percentage of ethnic minority populations at the subproject level varies from as high as 98 per cent to as low as one per cent. The weighted average of ethnic minority populations in the subprojects from Kon Tum, Gia Lai, Dak Nong and Lang Dom are 54.83%, 77.57%, 32.34% and 40.59% respectively.<sup>3</sup> Information from Dak Lak province is not included in this calculation due to gaps and inconsistencies in the data.

3. Impacts of the project on ethnic minorities in the subproject areas are expected to be overwhelmingly positive since the subprojects will be aimed at: (i) overall economic and social improvement of the total population; (ii) most of the subprojects involve rehabilitation of existing infrastructure; (iii) all subprojects are small to medium scale; (iv) any subproject assessed as likely to have significant adverse impacts on the population and ethnic minorities will be automatically dropped from the list

4. Three subprojects (in Dak Lak, Gia Lai and Kon Tum provinces) have been pre-selected and feasibility studies are being prepared at this stage. Based on the feasibility studies prepared by project preparatory technical assistance (PPTA) team and confirmed during fact-finding mission (FFM) in January 2013, there will be no negative impact on ethnic groups, no land acquisition nor resettlement of ethnic minority (EM). There will be no change in the EM farming and livelihood system, nor in their cultural practice and ancestral domain. Any possible negative impacts such as loss of temporary crops and livelihoods will be avoided or compensated accordingly. Awareness of road safety, HIVs/AIDS will be conducted for EM using their preferred languages and methods

5. The rural infrastructure will directly and indirectly create benefits for people living in the subproject areas, particularly the poor many of whom are EMs. The impact is expected to be positive through lower production costs, and improved access to socio-economic opportunities and services. The subprojects will improve existing infrastructure and will not cause infringement upon traditional lands or land use. Almost all land required is within established

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<sup>1</sup> Table Five. The 2009 Viet Nam Population and Household Census.

<sup>2</sup> Hoa (Chinese) minority has been included with the Kinh group due to their economic advancement.

<sup>3</sup> See Table 2 in the text and Tables A1, A2, and A3 in Annex 1.

rights of way. Some minor compensation may be required for small structures or standing crops which need to be removed during construction. The subproject proposals/feasibility studies prepared by PPTA team together with government agencies is category C for indigenous people (IP) according to ADB's Safeguard Policy Statement (2009) (SPS). This is confirmed during the FFM. As more than 15 more subproject proposals are expected to be prepared for the Project in the next five years, and there might be a few subproject proposals with category B for IP, therefore ethnic minority development framework (EMDF) is prepared to guide the preparation and implementation of ethnic minority development plan (EMDP). Any category A subprojects will automatically be deleted.

## II. LEGAL AND POLICY FRAMEWORK

6. **Definitions.** The government does not use the term “indigenous peoples” for any groups, but it is generally the *ethnic minorities* living in the mountainous areas that are referred to as Viet Nam's indigenous peoples. The term ethnic minority is thus often used interchangeably with indigenous peoples.<sup>4</sup> In official wording, indigenous peoples in Viet Nam are referred to as ethnic minorities (*dan toc thieu so, dan toc it nguoi*). The government has defined ethnic minorities as “those people who have Vietnamese nationality, who live in Viet Nam but do not share ‘Kinh’ characteristics such as language, culture and identity”.<sup>5</sup>

7. The definition of indigenous peoples or ethnic minorities in Viet Nam is based on four characteristics: (i) a language different from the national language; (ii) long traditional residence on, or relationship with land, and long traditional social institutional system; (iii) a production system closely identified with the group; and (iv) ‘self identification’ as a distinct cultural group that is accepted by neighbouring ethnic groups.

8. **National Policies and Programs for Indigenous Peoples.** The equality and right of every ethnic person living in Viet Nam has been clearly stated at the highest level in the Constitution of 1992. Article 5 of the Constitution declares that: “The Socialist Republic of Viet Nam is the unified State of all ethnicities living in on the territory of Viet Nam. The State carries out a policy of equality, solidarity and mutual cultural assistance among all nationalities, and forbids all acts of national discrimination and division. Every nationality has the right to use its own language and system of writing, to preserve its national cultural identity, and promote its fine customs, habits, traditions and culture. The State issues a policy of comprehensive development and assistance, and gradually improves the material and spiritual living conditions of the national ethnic minorities”.<sup>6</sup>

9. For example, a typical subproject aims to: (i) ensure reservoir safety in the commune and supply sufficient irrigation for production area of 290 hectares (ha) of two rice crops and 54 ha of dry cultivation (coffee, maize, sugar canes and cash crops); (ii) upgrade 14 kilometers of roads for movement of agricultural products and local people's transportation in a safe and convenient way, expanding production consumption network, goods exchange amongst hamlets, district and province; (iii) improve agricultural production, cattle raising and services development; resulting in increasing production efficiency and more income for the local people; (iv) attract investment from outside to the commune; and (v) narrow the social and cultural gaps, material and spiritual gaps between areas, and ethnic groups in the district. Convenient transportation will attract teachers and health care workers to come and stay, this facilitates the public awareness and health to increase; community will be consolidated; and facilitating

<sup>4</sup> Indigenous Peoples and Ethnic Minority Groups are used interchangeably in this document.

<sup>5</sup> Christian Erni & Christina Nilsson, n.d., Country Profile: Viet Nam. IWGIA (International Work Group for Indigenous Affairs).

<sup>6</sup> Government of Viet Nam, 2009, Policy Framework for Ethnic Minority Development.

capacity building to access information, information and culture exchange to raise the local people's awareness and when the project implements, more chances for jobs to the local people.

**Table 1: Central Highlands Region Indigenous Peoples by Number and Percentage**

	<b>Numbers</b>	<b>Percentage (%)</b>
<b>Central Highlands</b>	<b>5,115,135</b>	<b>100</b>
Kinh (+Hoa)	3,333,718	65.17
Gai Rai	409,141	8.00
E De	304,794	5.96
Ba Na	204,784	4.00
Co Ho	145,993	2.85
Nung	135,362	2.64
Xo Dang	113,522	2.22
Tay	104,798	2.00
Mnong	89,562	1.75
44 other ethnic minority populations <sup>a</sup>	278,774	5.45

<sup>a</sup> 44 other ethnic populations each represent less than 1% (50,000 people) of total population in the Central.

Source: Table Five, The 2009 Viet Nam Population and Household Census.

### **III. LEGAL AND INSTITUTIONAL FRAMEWORK**

#### **A. National Legal and Policy Framework for Ethnic Minority People**

10. The EM definition in Viet Nam is based on four criteria: (i) a language different from the national language; (ii) long traditional residence on, or relationship with, land and long traditional social institutional system; (iii) a self-provided production system; and (iv) a distinct cultural identity, and self-identification as a distinct cultural group that is accepted by neighboring ethnic groups.

11. In Viet Nam, there are 54 ethnic groups, including the majority Kinh, who represent 87% of the population. Most of the EM groups live in the northern and central regions, and mostly in rural, mountainous areas. Although these EMs only represent 13% of the population, they account for nearly one third of the poor. In 12 of the 13 poorest provinces, they represent nearly half of poor households.

12. The government has a strong commitment to addressing poverty amongst Viet Nam's EMs, as evidenced by the large number of policies and programs targeting EM development since 1992.

13. Instruction 525/TT of November 1993 provides an overall policy framework for the accelerated development of mountainous areas and areas of EMs. Its main provisions are: (i) the promotion of an economy based on consumer goods instead of an economy of self-sufficiency; (ii) the development of the rural infrastructure, in particular the access roads to the villages and the supply of drinking water; (iii) the reinforcement of the existing education systems, the adaptation of the education and training programs to the local conditions and the encouragement of informal education efforts; and (iv) the study of the causes of the insufficient food supply and the identification of ways to resolve this problem in each province. Details of EMs related development programs are provided in the Social Impact Assessment, and the two most important are mentioned briefly below.

14. It is a requirement in Viet Nam that the adaptation of economic and social policies to each region and each group, should take into account the needs of EMs. The Socio-Economic Development Plan and Socio-Economic Development Strategy of Viet Nam specifically call for

attention to EMs. Major programs targeting EMs include (i) Program 135 (infrastructure in poor and remote areas); and (ii) Program 134 (eradication of poor quality houses). A national policy on education and health care for EM is in place. The national legal framework has been updated in 2007 with several documents relating to regional planning, the Program 135, Phase 2 and land administration and compensation. All legal documents are referred below.

## **B. Consistency of National Legal Framework and ADB Safeguard Statement**

15. According to the SPS,<sup>7</sup> the EM term is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

- (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (iv) a distinct language often different from the official language of the country or region.

16. The following are the National legal documents related to EM that should be followed for any development project in the country. Table 2 presents the national legal documents relating to EMs in Viet Nam.

**Table 2: National Legal Documents Relating to Ethnic Minorities**

2011	Decree No. <a href="#">05/2011/NĐ-CP</a> on the EM works. This Decree prescribes the activities of works on Ethnic Minority to ensure and promote equality, solidarity and mutual assistance for mutual development, mutual respect and preserve the cultural identity of peoples living together on the territory of the Socialist Republic of Viet Nam.
2011	On the 14/01/2011, The Prime Minister has signed for issuing the Decree No. <a href="#">05/2011/NĐ-CP</a> on the EM works. This Decree stipulated the activities on the EMP with aims at ensuring and improving the equality, solidarity and mutual assistance in the development, the respect for and maintenance of the specific cultural dominant features of different EM groups living in Viet Nam
2010	Decision No. <a href="#">52/2010/QĐ-TTg</a> of the government on the legal support policy for increasing awareness and knowledge on the law of poor EM people in the poor districts for period 2011-2020.
2009	Decision No. 236/QĐ-UBND dated on 30/07/2009 of the Committee for EM Affairs on the establishment of the Board of Research and development of the socio-economic development programs for 2011-2015 for the most difficult communes and villages in the mountainous areas and areas with many EM people
2007	Decision no. 33/2007/QĐ-TTg of the Prime Minister dated 20-July-2007 on the policy of assistance to improve knowledge of laws as a program of 135, phase 2
2007	Decision no. 01/2007/QĐ-UBND dated 31-May-2007 of the Ethnic Minorities Committee on the recognition of communes, districts in the mountainous areas
2007	Decision no. 05/2007/QĐ-UBND dated 06-September-2007 of the Ethnic Minorities Committee on its acceptance for three regions of ethnic minorities and mountainous areas based on development status
2007	Circular no. 06 dated 20-September-2007 of the Ethnic Minorities Committee guidance on the assistance for services, improved livelihood of people, technical assistance for improving the knowledge on the laws according the decision 112/2007/QĐ-TTg
2007	Decision no. 06/2007/QĐ-UBND dated 12-January-2007 of the Ethnic Minorities Committee on the strategy of media for the program 135-phase 2
2001	Decree No.70/2001/ND-CP: all documents registering family assets and land use rights must be in the names of both husband and wife

Source: MARD, 2012.

<sup>7</sup> ADB. 2009. *Safeguard Policy Statement*. SR3 Appendix 3.



17. Ordinance of the government on grassroots democracy and the SPS requires the borrower to engage in a process meaningful consultation and to begin early the project preparation with the EMs. Therefore there is no significant gap between ADB SPS and government regulation for EMs.

### **C. Summary of Resolution 30A**

18. The Government of Viet Nam initiated a program in poverty reduction, based on Resolution No.30a/2008/NQ-CP dated 27 December 2008 on rapid and sustainable poverty reduction. This Resolution targets 62 extremely poor districts in mainly mountainous and international boundary areas with a total population of 2.4 million persons, 90% of whom are of EMs. The poverty rate in these districts is on average 3.5 times higher than the national average. Table 2 presents provinces and districts included in the program. Bac Giang, and Son La are included in this program.

19. The Resolution calls for a 12-year accelerated development program to be based on District level comprehensive socio-economic development Master Plans. The program, to be executed by Ministry of Labor, Invalid and Social Affairs, sets specific interim targets: (i) reduce poverty by 40% by 2010; (ii) reach the average poverty rate of the whole province by 2015; and (iii) reach the average poverty rate of the whole regions by the end of the program in 2020.

20. The 30A program is predicated on mobilizing substantial funding from three main sources: private sector, government, and international donors. Two main agencies are mandated on matters relating to EMs: (i) Ethnic Peoples' Council of the National Assembly, which is responsible for submitting proposals and plans for EM groups and controlling and monitoring the implementation of national policies and development programs targeted at EMs; and (ii) Committee for Ethnic Minority Affairs (CEMA), which is responsible for proposing policies and supervising development programs for EMs.

### **D. ADB's Policy on Indigenous Peoples**

#### **1. Definition**

21. The SPS uses the term IP to refer to (i) a distinct, social and cultural group who 'self-identify' as members of a distinct indigenous cultural group and recognition of this identity *by others*; (ii) have collective attachment to geographically distinct habitats or ancestral territories and to the natural resources in these habitats and territories; (iii) have customary cultural, economic, social or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. These definitions apply directly to some of the populations of Viet Nam classified as IP.

#### **2. ADB Safeguard Policy Statement (SPS) 2009**

22. ADB's updated "Safeguard Policy Statement" builds upon the three previous safeguard policies on the environment, involuntary resettlement and indigenous peoples, and brings them into one single policy that enhances consistency and coherence, and more comprehensively addresses environmental and social impacts and risks. The SPS aims to promote sustainability of project outcomes by protecting the environment and people from projects' potential adverse impacts through (i) avoiding adverse impacts of projects on the environment and affected people, where possible; (ii) minimizing, mitigating, and/or compensating for adverse project impacts on the environment and affected people when avoidance is not possible; and (iii) helping

borrowers/clients to strengthen their safeguard systems and develop/strengthen the capacity to manage environmental and social risks.

### 3. ADB Safeguard Requirement for Indigenous Peoples

23. ADB recognizes the rights of the IP to direct the course of their own development. IPs do not automatically benefit from development interventions unless they are involved in all activities throughout the project cycle. Concerted efforts are required to fully engage the IPs in the planning and implementation of development interventions that affect their lives.

24. These definitions apply directly to some of the populations classified in Viet Nam as “Ethnic Minority” because certain groups: (i) have special attachment to ancestral territories; (ii) maintain specific cultural/social traits including language, belief, production patterns, and especially law and social institutions, which make them radically different from national mainstream culture; (iii) they are recognized by mainstream groups and government as having unique features; and (iv) finally because of their difference and isolation, they may experience deprivation of rights, marginalization, and discrimination.

25. The objective of safeguard requirements for IP is to design and implement projects in a way that fosters full respect for IP’s identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the IP themselves so that they (i) receive culturally appropriate social and economic benefits; (ii) do not suffer adverse impacts as a result of development interventions; and (iii) can participate actively in project interventions that affect their lives.

26. The IP’s safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of the IPs or affects the territories or natural or cultural resources that the IPs own, use, occupy, or claim as their ancestral domain.

### E. Project Screening and Classification

27. All ADB projects are screened to determine the extent to which the proposed projects are likely to impact the IPs. Projects are categorized based on: (i) the magnitude of the impact on IP’s customary rights of use and access to land and natural resources; (ii) socio-economic status, cultural and communal integrity; (iii) health, education, livelihood systems, social status and indigenous knowledge; and (iv) the vulnerability of the affected IPs. Projects are classified in to three categories:

- (i) **Category A:** Such projects are expected to have significant impacts on Indigenous Peoples. IPP and SIA are required.
- (ii) **Category B:** Such projects are expected to have limited impacts on Indigenous Peoples. Both IPP and SIA are required.
- (iii) **Category C:** Such projects are not expected to have any adverse on IPs. Do not require special provisions for the IPs.

28. For this Project, the three proposals/feasibility studies have been prepared and are classified as category C. Majority of the subprojects are expected to be in category C and if there is any category B, those subprojects will have to prepare am EMDP following the guidance of EMDF with the emphasize of full consultation and participation of EMs in the specific subproject areas.

## **F. Ethnic Minority Development Framework (EMDF)**

29. The objective of EMDF is to set out guidance, screening and planning procedures which apply to subprojects that will be approved during loan implementation. It provides a strategy to ensure requirements of the SPS policy for IPs are met and the EMs living in the project areas are benefitted from the subprojects as well as mitigation measure to avoid negative impacts to EM groups.

## **IV. ETHNIC MINORITIES GROUPS IN THE SUBPROJECT AREAS**

30. The brief discussion in this section is based on the information collected from three subproject areas during the initial Social Impact Assessment (SIA) in Gia Lai, Kontum and Dak Lak provinces. This social impact assessment included exploring affected EM men's and women's views about the project, its impacts on their social, economic and cultural lives, their constraints in participation and recommendations on how to ensure their equal participation and benefit from the project. The main feature emerging from the SIAs seems to be that distinctions are made between ethnic minority populations who have settled in their communities a long time ago and those who have settled more recently after 1975. The latter groups have migrated to the CHPs from the North region of the country. The former are referred to as 'native' ethnic minorities.<sup>8</sup>

31. In Kon Tum subproject area (Dak Ha district), the predominant Kinh ethnic group represents around 61% of the population. The four main ethnic minority groups are Xe Dang, Sa Ra, Ro Ngao and Ba Na. These groups are 'close knit', settled in rural communities with self-contained cultivating and settlement areas. They have their own system of production and social institutions and are relatively independent of the neighbouring communities. Ethnic minority groups who have migrated after 1975 include Thai, Tay and Nung. Some of them have settled on the fringes of the native communities and the others practice communal living including developing and cultivating land collectively. Literacy rates among the EMs are very low. The general illiteracy rate is around 12.4% and of those classed as illiterate, over 95% come from EMs,<sup>9</sup> especially EM women. More info here please, (literacy rate of EMs, access to facilities, potential involvement during constructions, training/skills need in order to increase their productivity/livelihood and to get benefit from Project facilities (training, infrastructure, etc.).

32. In Gia Lai subproject area (Chu Pah district), Kinh people account for over 48% of the population, while the main native ethnic minority groups identified are Jrai (43%) and Banar (7.1%). The main income of the district and the Nghia Hung and Chu Jor communes in particular, is farming. Income levels are generally lower for EM households, due to lower access to education, land and credit. Main crop is rice for the poorer families. While poorer families do have access to some government subsidies, overall levels of livelihoods are low. Literacy levels are lower among EM households (HHs) (50% of those EM HHs in the subproject area surveyed; cf. 4% of Kinh households). Attendance at various levels of schooling is also lower among the EM pupils, especially lower among EM girls. The subproject will encourage participation by EM HHs in construction activities. Training will be given in a range of activities related to the PRI provision, to increase their capability to make best use of the system (operation and management of irrigation scheme etc.).

<sup>8</sup> PRIDP, 2012, Social Impact Assessment and Gender Analysis: Kon Tum Province.

<sup>9</sup> From "Social Assessment and Gender Action Plan for Kon Tum", produced by the PPTA consultant, December 2012. Main findings of report are included in the Kon Tum SIR (Supproject Investment Report) and appendices.

33. In Dak Lak subproject area, the two main native ethnic minority groups are Ede and Jrai. Both these ethnic minority groups follow a matriarchal system. They live in highland villages locally referred as 'Buon'. More recently settled ethnic minority groups include Tay, Nung and Thai. Upgrading, rehabilitating and concreting total canal system in Ea Kao (including 14.87 km of main canals of N1 and N2 and numerous work items/facilities attached to the channels will increase irrigation capability in Ea Kao, bring it back to its original design. This will have a positive impact in socio-economic security and livelihood for the people in Ea Kao, Hoa Phu and Ea Tam communes in Dak Lak Province. The commune of Ea Kao has total natural area of 4696 ha, its administrative boundary is divided into 14 units of hamlets and villages including seven villages of indigenous people, six hamlets of Kinh group and other ethnic minorities who migrated from the north of the country. There are 3,544 total households in the commune, a population of 15,878 made up of seven ethnic groups. EM households represent about 23.7% of the subproject area population. EM income levels are markedly lower than that of Kinh households: approximately twice the number of HHs with annual income less than 20 million VND/HH/pa and approximately half the number with income above 100 million VND/HH/pa. Main crops cultivated by EM farmers are rice and some cash crops, e.g. coffee, pepper, rubber. Educational attainment levels and technical capacity of EM HHs are lower than for the general population and this is even lower among EM women. Training will be provided under the subprojects (for all three SPs), in order to ensure the maximum sustainable benefit for EM HHs. Temporary construction employment will also be created for members of EM HHs during the subprojects.

34. EM women are disadvantaged by poverty and ethnic and gender discrimination. EM women and girls lag behind EM men and Kinh and Chinese women in accessing health and education services and economic opportunities. Many EM women cannot read, write, and speak Vietnamese, which limits their access to and sharing of information. They have different access to assets, capabilities, and voice than do men, and cultural and economic barriers often restrict women's capacity and decision-making ability in minority communities. EM women, especially those who live in remote villages, have few opportunities to participate in meetings for any purpose. Women have significantly less access to productive resources and extension services and are disenfranchised when it comes to accessing credit. Women carry out much of the farm work but are burdened with heavy workloads. They have limited decision-making power within their households, and they lack rights to land. In addition to their economic activity, women undertake about 80% of domestic chores.

**Table 3: Kon Tum Province - Ethnic Minority Populations**

No.	Subproject Area	District	Population		
			District	Subproject	
			Population	Population	Ethnic Minority Populations (%)
1	On Trang Kla and Dak Trit	Dak Ha	64,269	8,630	48
2	Kon Cheo- Kon Dao	Dak To	39,546	5,200	43.0
3	Dak Snghe, Tan Lap	Kon Ray	23,697	3,620	28.0
4	Lung Lau - Sa Son	Sa Thay	44,799	2,100	32.0
5	Dak Dam- Kon Vang	Kon Ray	23,697	5,100	65.0
6	Dak Kit, Duc Lang , Dak Mon	Dak Glei	40,867	5,600	93.0
<b>Total</b>			<b>236,875</b>	<b>30,250</b>	<b>54.83<sup>a</sup></b>

<sup>a</sup> The 54.83% ethnic minority is a weighted average across subproject areas.

## **V. PROCESS FOR PREPARING INDIGENOUS PEOPLES PLANS**

35. The indigenous peoples plan (IPP) will address the twin issues of risk mitigation and benefit enhancement. It will first describe the legal and socio-economic contexts in which the project will operate, prepare profile of the subproject community and describe the likely positive and negative impacts on the EM people, especially EM women. It will establish appropriate, adequate and timely mitigation measures with active participation of the representatives of the EM, including EM women. Mitigation measures may require modifications of the intervention, or in the implementation plan. The IPP will also identify the need for capacity building of different stakeholders for the successful implementation of the IPP. Among them, EM women will be especially prioritized for capacity building, given their generally lower education attainment, language barriers and accessibility to information of all kinds. Monitoring indicators will be required and these should also be integrated into the monitoring framework for the overall subproject. A full outline of an IPP is provided in Annex 2.

## **VI. STRATEGY FOR ETHNIC MINORITY PARTICIPATION IN SUBPROJECTS**

36. The Project's strategy for enhancing participation of EMs is based on the recognition that the EMs particular social and cultural characteristics may limit or prevent them (especially EM women), from fully participating in and benefitting from, the project interventions compared to the majority of the Kinh people.

37. The Project has developed a consultation and participation framework as outlined in the Project Administration Manual. It describes a process to ensure that the subproject specific design and plans are based on an informed understanding of the project objectives by all intended beneficiaries. The consultation and participation framework will be implemented through facilitating partners (local key individuals, local Women's Union and/or CBOs/nongovernment organizations) who will engage with the Provincial People's Committee (PPC), DARD and the Commune Supervisory Boards to enhance and strengthen participation (of EM people, especially of EM women) at all stages of project planning, implementation, subsequent operations and maintenance of the completed PRIs and in monitoring and evaluation activities. The approach to encourage participation and contribution of EM is based on the recognition of EM's unique social and cultural characteristics that may require customized approaches and interventions than when working with the Kinh group, and that general design of the Project may limit or prevent EM in general and EM women in particular from participating in and/or benefiting in the Project activities.

## **VII. GRIEVANCE REDRESS AND MECHANISM**

### **A. Consultation and Grievance Redress Mechanism**

38. As mentioned earlier, further consultation with EM, the government and other stakeholders should continue during the preparation of the remaining subprojects as well as the current proposals and during the implementation of this Project. During FFM, EM shared their concerns and ideas in regards to improve skills in agriculture, O/M of rural infrastructures, and other areas to help improve crop and other agricultural productivity. They would like to ensure that they will be given priority for non-skilled labour and skill labour (when it is feasible) and gender consideration for EM groups should be addressed accordingly.

39. A well-defined grievance redress and resolution mechanism will be established to address EMs grievances and complaints regarding EMDP implementation in a timely and satisfactory manner.

## B. Grievance Procedures

40. The number of complaints should be reduced as far as possible through effective participation and consultation with affected EMs during the Project implementation. Every attempt should be made to establish a rapport between the affected communities and the implementing agencies through frequent interactions and transparency thereby maximizing the resolution of grievances at commune level. A three-stage procedure for redress of grievances is proposed based on practice in many Projects in Viet Nam and the new decree on EM:

- (i) **Stage 1:** Complaints from affected EMs on any project aspect lodged verbally or in written form with the commune (or ward), who will endeavour to resolve the matter with the provincial project management units (PPMUs) or central project management unit (CPMU), and commune level CEMA within 15 days of the complaint is received.
- (ii) **Stage 2:** If no resolution can be reached or if no response is received from the liaison officer within 15 days of registering the complaint, affected persons (AP) can take their complaint to the District Peoples Committee (DPC) liaison officer and district level CEMA who will endeavour to resolve the matter with the DPC within 30 days of the complaint is received. The AP must lodge the complaint within 15 days of registering the original complaint and must produce documents that support his/her claim.
- (iii) **Stage 3:** If the affected EM is not satisfied with the decision of the DPC or in the absence of any response, the AP can appeal to the Provincial People's Committee (PPC). The PPC, with advice from the related departments and agencies such as Provincial CEMA, DARD, and Department of Finance, will provide a decision on the appeal within 30 days from the day it is received by the PPC.

41. A complaint or a case to the Court of Law may be done separately or independently from the Project level Grievance Redress mechanism filing process.

42. The new government law related to grievance redress need to be studied and applied accordingly (footnote for new law/regulations).

## VIII. INSTITUTIONAL RESPONSIBILITIES

43. The CPMU, representative of MARD, is responsible for recruiting a national safeguard specialist who is knowledgeable and experienced with ethnic minority issues and familiar with the requirements of the ADB on EM to support and monitor the process of EMDP implementation. CPMU participates in updating the EMDP if needed in collaboration with the People's Committees at various levels. MARD, the project owner through its CPMU, takes responsibility to ensure the entire project is implemented according to both government and ADB requirements. This includes the responsibility to ensure the EMDP are implemented in compliance with the commitments set out in it. CPMU will oversee the Project implementation of the EMDP and coordinate with province and the ADB on issues related to the EMDP.

44. Consultants will be hired by CPMU to: (i) support the updating and implementation of the EMDP; and (ii) conduct independent monitoring of the EMDP and gender action plan (GAP) implementation. The EM specialist consultant should ensure a continuous focus on engagement of EM during the project detailed planning, review and implementation in each province

45. PPMU, assigned by PPC and DARD, is responsible for planning, implementation and regular reporting of the EMDP. During implementation of EMDP, PPMU will ensure coordination with mass organization (WU, CEMA, FA) in the organization of activities related to EMDP. The PPC authorizes DARD to undertake the EMDP implementation in the Project. The PPMU will monitor and assist all activities in regard to the implementation of the EMDP.

46. Extension worker at district level will be specifically assigned to the task on reaching out to EM if necessary and applicable in accordance to EMDP.

## **IX. MONITORING AND EVALUATION**

47. The objectives of the monitoring and evaluation program are to (i) ensure that the EMs has been effectively engaged in the project activities; (ii) monitor whether the time lines are being met; (iii) assess if the EM development support programs are sufficient; (iv) identify problems or potential problems; and (v) identify methods of responding immediately to mitigate problems.

48. Project progress and performance will be based on the indicators and targets shown in the Design and Monitoring Framework as updated from time to time as the scope of the sector project is firmed up. Three different kinds of monitoring will be carried out including: (i) implementation progress monitoring; (ii) safeguard monitoring; and (iii) gender-sensitive benefit monitoring and evaluation.

49. The PPMU should undertake internal monitoring of safeguard compliance. It will (i) identify subprojects classified as category B for IP, resettlement or environment; (ii) review the subproject safeguard plans; and (iii) inspect the subprojects on a periodic basis to ensure compliance. Results will be reported to CPMU and ADB quarterly.

## **X. BUDGET**

50. Funds have been allocated within the Project cost to cover specific measures and management costs and contingency, and this includes the following: (i) for national consultant to advise and support PPMU, CPMU and Project team during consultation with EMs and other stakeholders, preparing EMDP, implementation of EMDP, supervision (24 months intermittent, \$25,000 max); (ii) consultation with EMs for and other related stakeholders for training need assessments, etc. (\$25,000); and (iii) various specific training implementation (\$50,000). Specific funds will be allocated for safeguard activities to ensure that ethnic minorities can maximize the use of the upgraded/rehabilitated infrastructure and also to avoid or mitigate any potential negative impacts. Budget will also be provided to support the Commune Supervision Boards that will include EM representatives. All these provisions are expected to ensure that the concerns of EM will be duly taken into account during project planning and implementation. The total base cost of preparation and implementation of program related to EMs is estimated at \$100,000. Budget source should be taken from ADB loan and built in the Project Budget and Procurement Plan.

## ANNEX 1: ETHNIC MINORITY POPULATIONS IN CANDIDATE SUBPROJECT AREAS OF THREE PROVINCES

**Table A1: Lam Dong Province - Ethnic Minority Populations**

No.	Subproject Area	District	Population		
			District	Subproject	
			Population	Population	Ethnic Minority Populations (%)
1	Da T'eh	Da T'eh	45,194	36,201	27.00
2	Dak Nong Thuong	Bao Lam	112,042	4,155	44.00
3	Bao Thuan, Lien Dam, Di Linh town	Di Linh	157,707	3,300	85.00
4	Da Nhim	Lac Duong	20,636	3,637	87.00
5	Tan Hien and Cong Doan	Don Duong	91,000	1,803	62.00
6	Da Krum	Da Huoi	34,460	2,818	80.00
7	Ninh Trung, Da Bo	Cat Tien	40,190	4,155	43.68
	<b>Total</b>		<b>501,229</b>	<b>56,069</b>	<b>40.59</b>

N. B. The total (40.59) percent ethnic minority is a weighted average across subproject areas.

**Table A2: Gia Lai Province - Ethnic Minority Populations**

No.	Subproject Area	District	Population		
			District	Subproject	
			Population	Population	Ethnic Minority Populations (%)
1	Ia M'La	Krong Pa	75,929	31,058	53.0
2	Plei To Kon, Buon Luoi, Dak Let	K'Bang	63,330		33.3
3	Tan Son and Chu Jo	Chu Pah	68,626	2,138	80.0
4	Tan Hoi, An Quy and Ha Tam	Dak Po	40,244		11.0
5	Adok and Dak Doa	Dak Doa	103,924	5,539	98.0
6	Plei To Ga and Ia H'lop	Chu Puh	65,814	3,000	80.0
7	Ia Krieng and Ia Krel	Duc Co	63,800	25,616	96.7
8	Ea Dreh-Uar	Krong Pa	75,929	14,106	88
	<b>Total</b>		<b>557,596</b>	<b>81,457</b>	<b>77.57</b>

N.B. The weighted percentage total (77.57) for ethnic minorities in the subproject areas excludes all data from subprojects 2 (Plei To Kon) and 4 (Tan Hoi) which have no available population estimate.

**Table A3: Dak Nong Province - Ethnic Minority Populations**

No.	Subproject	District	Population		
			District	Subproject	
			Population	Population	Ethnic Minority Populations (%)
1	Irrigation works system in Krong No	Krong No	65,924	20,000	17.0
2	Irrigation works system in Cu Jut	Cu Jut	93,796	39,298	45
3	Jang Tro and Jang T'ri irrigation system	Dak Song	62,000	8,400	31.7
4	Quang Loc and Hamlet 2 irrigation system	Dak R'Lap	78,542		1.0
5	Dak R'La, Dak Gan irrigation system	Dak Mil	87,000	10,156	8.6
6	Irrigation system in Tuy Duc district	Tuy Duc	41,901	19,939	32
7	Che Bien and Nghia Thang irrigation system	Gia Nghia	45,701	2,250	60
	<b>Total</b>		<b>315,144</b>	<b>100,043</b>	<b>32.34</b>

N.B. The weighted percentage total (32.34) for ethnic minorities in the subproject areas excludes all data from Quang Loc which has no available population estimate but the total proportion of minorities is thought to be below 1%.



## **ANNEX 2: OUTLINE OF ETHNIC MINORITY DEVELOPMENT PLAN**

1. This outline is developed following Safeguard Requirements 3, Indigenous Peoples, as described in ADB's Safeguard Policy Statement 2009.

2. An ethnic minority development plan (EMDP) is required for all projects with impacts on indigenous peoples (IPs). Its level of detail and comprehensiveness is commensurate with the nature and magnitude of the potential adverse impacts on IPs. The substantive aspects of this outline will guide the preparation of EMDPs, although not necessarily in the order shown.

### **A. Executive Summary of the EMDP**

3. This section concisely describes the critical facts, significant findings, and recommended actions.

### **B. Description of the Project**

4. This section provides a general description of the project and the project area, describes different components of the project, and how EMs are likely to be impacted by the project interventions.

### **C. Social Impact Assessment**

5. This section:

- (i) reviews the legal and institutional framework applicable to EM in the project context;
- (ii) provides baseline information on (a) the demographic, socio-economic, cultural, and political characteristics of the affected EM communities; (b) the land and territories that they have traditionally owned or customarily used or occupied; and (c) the natural resources on which they depend;
- (iii) identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with EM at each stage of project preparation and implementation, taking the review and baseline information into account;
- (iv) assesses, the potential adverse and positive effects of the project based on meaningful consultation with the affected EM communities; critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected EM communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups of their own communities;
- (v) includes specific assessment of the affected EM's perceptions about the project and its impact on their social, economic, and cultural lives from a gender perspective; and
- (vi) identifies and recommends, based on meaningful consultation with the affected EM communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the IPs receive culturally appropriate benefits under the Project.

## **D. Information Disclosure, Consultation and Participation**

6. This section:

- (i) describes the information disclosure, consultation and participation process with the affected EM communities that were carried out during project preparation;
- (ii) summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;
- (iii) in the event of project activities requiring broad community support, documents the process and outcome of consultations with affected EM communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- (iv) describes consultation and participation mechanisms to be used during implementation to ensure EM participation during implementation; and
- (v) confirms disclosure of the draft and final IPP to the affected EM communities.

## **E. Beneficial Measures**

7. This section specifies the measures to ensure that the EM receive social and economic benefits that are culturally appropriate, and gender responsive.

## **F. Mitigating Measures**

8. This section specifies the measures to avoid adverse impacts on EM, and where the avoidance is not possible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected EM groups.

## **G. Capacity Building**

9. This section provides measures to strengthen the social, legal, and technical capabilities of (i) government institutions to address EM issues in the project area; and (ii) IPs organizations in the project area to enable them to meaningfully represent the affected EM.

## **H. Grievance Redress Mechanism**

10. This section describes measures to establish culturally appropriate and gender-sensitive grievance redress mechanisms for affected EM.

## **I. Monitoring, Reporting and Evaluation**

11. This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the EMDP. It also specifies arrangements for participation of affected EMDP in the preparation and validation of monitoring, and evaluation reports.

## **J. Institutional Arrangement**

12. This section describes institutional arrangements, including capacity building where necessary for screening and categorization, social impact assessment and preparation of EMDPs, and monitoring.

## **K. Budget and Financing**

13. This section provides an itemized budget for all activities described in the EMDP and identifies funding sources and responsibilities for allocating, approving, and delivering funds including contingency arrangement.