Mekong Delta Region Urban Upgrading Project (MDR-UUP)
CAN THO CITY SUB-PROJECT

Ethnic Minority Development Plan

Presented by:
DONG DUONG INVESTMENT AND CONSTRUCTION JOINT STOCK COMPANY (DDC)

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ETHNIC MINORITIES
DEVELOPMENT PLAN REPORT

NATIONAL URBAN UPGRADING PROJECT – MEKONG RIVER
DELTA REGION
(MDR-UUP)

CAN THO SUB-PROJECT

Project’s owner
CAN THO CONSTRUCTION DEPARTMENT

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TABLE OF CONTENTS

EXECUTIVE SUMMARY........................................................................................................... 8
I. INTRODUCTION.................................................................................................................. 10
   1.1 Background of the project.......................................................................................... 10
   1.2 Can Tho city sub-projects ....................................................................................... 10
   1.3 Objectives of EMDP ................................................................................................. 11
II. SOCIO-ECONOMIC CHARACTERISTICS OF THE KHMER PEOPLE IN THE PROJECT AREA ............................................................................................................. 13
   2.1. Ethnic minority communities in Can Tho city and in Sub-Project area ................. 13
   2.2. Socio-economic characteristics of Khmer group in the Can Tho sub-project region ......................................................................................................................... 13
       2.2.1. Population characteristics and habitation situation ........................................ 13
       2.2.2. Economic characteristics of Khmer people in the subproject region ............... 13
       2.2.3. Situation of land use right ............................................................................... 14
       2.2.4. Situation of using electricity and clean water .................................................. 14
       2.2.5 Culture, customs and traditions identities ....................................................... 14
       2.2.6 Gender and Social practices .......................................................................... 14
   3.1. National Legal Framework ..................................................................................... 17
   3.2. Policies of Can Tho Province and programs for Ethnic Minority People ......... 20
   3.3. World Bank's Operational Policy on Indigenous Peoples (OP/4.10) ............... 20
   3.4 Project principles for Khmer people ....................................................................... 21
IV. POTENTIAL PROJECT IMPACTS ON KHMER PEOPLE ............................................... 22
   4.1 Project positive impacts on the Khmer People ....................................................... 22
   4.2. Negative impacts and mitigation measures .............................................................. 23
V. METHOD TO ENSURE BENEFITS FROM PROJECT TO KHMER PEOPLE ............. 26
   5.1 Mitigation measures. ............................................................................................... 26
   5.2 Free, prior, and informed consultation with the affected Khmer communities during project implementation ................................................................. 26
       5.2.1 Objectives .......................................................................................................... 26
       5.2.2 Summary of consultation results with Khmer communities during project preparation ................................................................. 26
       5.2.3 Consultation and Participation strategy during project implementation ........... 27
VI. GRIEVANCE AND COMPLAINT SETTLEMENT MECHANISM ................................... 29
VII. MEASURES AND ACTIVITIES FOR ETHNIC MINORITY ................................................. 31
    7.1 Measures to support for mitigation of adverse impacts ....................................... 31
    7.2 Building capacity of Khmer community ................................................................. 32
VIII. INSTITUTIONAL ARRANGEMENTS FOR EMDP IMPLEMENTATION ..........34
  8.1. Institution arrangement .................................................................34
  8.2 EMDP implementation plan schedule .................................................34
IX. MONITORING AND EVALUATION ......................................................35
  9.1 Monitoring Principles ......................................................................35
  9.2 Internal Monitoring ..........................................................................35
  9.3. External Monitoring and Evaluation ..................................................36
X. BUDGET AND FINANCE ........................................................................38
  10.1. Budget source ................................................................................38
  10.2. Cost Estimation ...............................................................................38
XI. EMDP DISCLOSURE ARRANGEMENTS ...........................................39
ANNEXES .................................................................................................40
  Annex 1: Map of the sub-project areas .......................................................41
  Annex 2: List of participants .....................................................................42
  Annex 3: List of land affected ethnic minority households for the sub-project 43
  Annex 4: Detail impacts on Ethnic Minorities (EMs) caused by the Can Tho city subproject .................................................................43
  Annex 5: Minutes of public consultation meetings ....................................43

Vietnam: Mekong Delta Region Urban Upgrading Project (MDR-UUP) – Can Tho city subproject
LIST OF TABLES

Table 1: Summary of project positive impacts on the Khmer People ...................................... 22
Table 2: Summary of project negative impacts and mitigation measures ................................. 23
Table 3: Measures and budgets ................................................................................................ 31
Table 4: Measures and budget for building capacity ................................................................. 32
Table 5: Proposed EMDP implementation plan ....................................................................... 34
Table 6: Cost estimate .............................................................................................................. 38
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRC</td>
<td>City Resettlement Committee</td>
</tr>
<tr>
<td>DMS</td>
<td>Detail measurement survey</td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>EMDP</td>
<td>Ethnic Minorities Development Plan</td>
</tr>
<tr>
<td>FS</td>
<td>Feasibility Study</td>
</tr>
<tr>
<td>GOV</td>
<td>Vietnamese government</td>
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<tr>
<td>IDA</td>
<td>International Development Association</td>
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<tr>
<td>IP</td>
<td>Indigenous People</td>
</tr>
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<td>LIA</td>
<td>Low Income Area</td>
</tr>
<tr>
<td>PAHs</td>
<td>Project Affected Households</td>
</tr>
<tr>
<td>PCs</td>
<td>People’s Committee</td>
</tr>
<tr>
<td>PMU</td>
<td>Project Management Unit</td>
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<tr>
<td>RP</td>
<td>Resettlement Action Plan</td>
</tr>
<tr>
<td>RPF</td>
<td>Resettlement Policy Framework</td>
</tr>
<tr>
<td>SA</td>
<td>Social Assessment</td>
</tr>
<tr>
<td>TOR</td>
<td>Terms of Reference</td>
</tr>
<tr>
<td>WB</td>
<td>World Bank</td>
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PREFACE

This Ethnic Minority Development Plan (EMDP) was prepared to ensure that the project complies with the World Bank’s Indigenous Peoples policy (OP4.10) referred here as ethnic minorities (EMs), who are living in the project’s low income selected areas. The objectives of the EMDP are to ensure that: (a) EMs affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on EMs are identified, those adverse effects are avoided, minimized, mitigated, and compensated.

The OP 4.10 confirms development projects, under distinct circumstances, could affect ethnic minorities (EMs) putting them at risk and causing irreversible cultural and socio-economic impacts. EMs as social groups with identities distinct from that of dominant society, frequently are among the most marginalized and vulnerable segments of the population. Economic, social, and legal status often limit their capacity to defend their rights to land, territories, and other productive resources, and restricts their ability to participate in and benefit from development interventions.

The EMDP was prepared based on the results of the social assessment (SA) carried out in the project areas as well as free, prior and informed consultations in low income areas of Can Tho city. Consultations were conducted in order to ensure all the needs and concerns of EM communities are included in the project activities and confirm their support to the project. The EMDP sets up a plan and activities that project executing agencies will implement during project implementation.
DEFINITION OF TERMS

Indigenous Peoples
Equivalent to Ethnic Minorities (EMs) in Viet Nam. 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 identify 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, social, economic, social or political institutions that are separate from those of the dominant society and culture; and (iv) an indigenous language, often different from the official language of the country or region.

Project impact
Any consequence immediately related to the taking of a parcel of land or to restrictions in the use of legally designated parks or protected areas. People directly affected by land acquisition may lose their home, farmland, property, business, or other means of livelihood. In other words, they lose their ownership, occupancy, or use rights, because of land acquisition or restriction of access.

Displaced (affected) people
Individuals or businesses that are directly affected socially and economically by Bank-assisted investment project caused by the involuntary taking of land and other assets that results in: (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. The involuntary taking of land includes the exercise of possession when the proprietor has allowed and benefited from others' occupation of the area. In addition, displaced person is one for whom involuntary restriction of access to legally designated parks and protected areas that result in adverse impacts on livelihoods also; this category of displaced person would be unlikely in the urban area, however.

Vulnerable groups
Distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) women headed household (widow, disabled husband with elderly or children), (ii) disable or the elderly alone, (iii) poor people (living below the state poverty threshold), (iv) the landless, and (v) ethnic minority groups.

Culturally appropriate
Having regard for all facets of the cultures, and being sensitive to their dynamics.

Consultation
Where the project affects EMs, the borrower engages in free,
Ethnic Minority Development Plan

Participation

Prior and informed consultation with EMs. The borrower ensures: a) an appropriate gender and intergenerational inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the affected people; b) using appropriate method to the social and cultural values of the affected EM communities and their local conditions; and c) providing the affected EM communities with all relevant information about the project in a culturally appropriate manner at each stage of project preparation and implementation.

Collective attachment

For generations there has been a physical presence in and economic ties to lands and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites. "Collective attachment" also refers to the attachment of transhumant/nomadic groups to the territory they use on a seasonal or cyclical basis.

Customary rights to lands and resources

Patterns of long-standing community land and resource usage in accordance with Ethnic Minority Peoples' customary laws, values, customs, and traditions, including seasonal or cyclical use, rather than formal legal title to land and resources issued by the State.
EXECTIVE SUMMARY

As most medium-sized cities in Vietnam, in Can Tho City low income areas (LIAs) are constrained by high-density population, inadequate infrastructure provision, poor hygienic conditions and frequent flooding. A demand for upgrading infrastructure was confirmed in selected project’s areas. Can Tho City Upgrading Subproject is comprised of the following components: Component 1, Tertiary Infrastructure Upgrading in 31 LIAs; Component 2, Supporting Primary and Secondary Infrastructure; Component 3, Resettlement Sites Construction; and Component 4, Implementation and Project Management.

The project will bring about pragmatic benefits for the city, especially for people living in LIAs, including the Khmer ethnic minority. However, the project also would cause adverse impact on 2,916 HHs including 77 Khmer HHs of which two Khmer HHs have to relocate. The social assessment shows that the project will not affect physical cultural structures, historical sites, nature and biodiversity reserves considered as collective attachment of the Khmer people. In addition, quantitative data on people’s land and assets will be updated at the time of project’s measurement survey (DMS).

This EMDP was prepared to provide with measures by which negative impacts to the ethnic minority people are mitigated and benefits are enhanced. The EMDP was based on the findings of the social assessment and results of free, prior and informed consultations with the affected Khmer people conducted in the project low income areas (LIAs) in May 2011 by DDC’s consultant. The social assessment defined the methods for consultations and the EMDP sets up the measures to: (a) minimize, mitigate, and compensate for potential adverse impacts on Khmer communities; (b) ensure that Khmer people receive social and economic benefits in a culturally appropriate manner and inclusive in both gender and intergenerational terms.

The free, prior and informed consultations conducted by social specialists included group discussions and in-depth interviews with households’ heads and representatives of affected Khmer HHs. Participants in LIAs 1, 3 and 6 and 15 were invited to join group discussions in their resident areas. According to the results of social assessment, it was confirmed that Khmer people in the project area speak fluent Vietnamese. Therefore, group discussions were conducted in Vietnamese without any translator’s support during the meetings, as it was not requested by the participant EMs.

The project’s objectives and potential positive and negative impacts, mitigation measures, and compensation and resettlement entitlements were disclosed for and consulted with the participants. All representatives of Khmer households agreed and supported the project by scoring. They are aware that the project will improve their living conditions such as drainage, flood, environment pollution. Two relocated Khmer HHs confirmed their cultural preference for relocating in their current resident area, so as to ensure they maintain their relations with their neighbours and social networks.

A consultation process during project implementation was designed to ensure compliance with the Indigenous People Policy (OP4.10) of the World Bank: ensuring (i) broad support project objectives from the EMs; (ii) provide EMs with the opportunity to identify their preferences and constraints, as relate to compensation, resettlement and livelihood restoration. The dissemination of RPs among ethnic minorities will be done before project’s appraisal.

Vietnam: Mekong Delta Region Urban Upgrading Project (MDR-UUP) – Can Tho city subproject
The approved RPs and EMDPs will be summarized and delivered to the project communes and head of villages so that people can access and refer when they need.

A grievance redress mechanism was established for the project and informed to all EMs. Therefore, all EMs' complaints or grievances related to involuntary resettlement or any other aspect of the project intervention will be received and solved up timely and satisfactorily without any fee or payment by relevant agencies as stipulated in the Grievance Mechanisms.

Regarding the institutional arrangements the Can Tho City PMB in combination with the City Resettlement Committee (CRC) will be responsible for the overall EMDP implementation, including capacity building for EMs and the implementing agencies. The ethnic minorities affected were informed and agreed on the project's internal Monitoring and Evaluation mechanisms as well as on external monitoring by an agency recruited by the PMB for the independent monitoring and evaluation (see chapter 9).

The total estimated budget for implementing the Ethnic Minority Development Plan is 1,839,600,000 VND, which includes costs for training workshop on home business, capacity building for Khmer people, and vocational training allowance (see chapter 10).
I. INTRODUCTION

1.1 Background of the project

With the remarkable economic growth since 1990, Vietnam is urbanizing rapidly with yearly average increase of one million persons in urban areas. By 2020, it is estimated that, population in Vietnam will increase to 100 million persons. Of which 40% of the population will live in urban areas compared to the current urban population of about 29%. The Government’s Urban Development Strategy of 2000, updated in 2008, emphasizes the positive relationship between urbanization and economic development and the potential to further reduce overall poverty rates. The strategy has important poverty alleviation aspects (Vietnam entering the 21st century) and effective urban management can enhance the benefits of urbanization.

Despite great achievements in poverty reduction and strong economic growth, intra-urban inequality is still evident in the poor living conditions and lack of access to basic services such as housing, land tenure, drainage and sanitation and overcrowding in some pockets, etc. Low-income areas within cities are characterized by high population density and lack of, or poorly maintained infrastructure and social services. The quality of housing is usually low; many houses are settled around lakes and canals and have limited access to water supply, and sewerage connections are not available. Flooding occurs frequently due to inadequate drainage. Poor sanitation often results from the direct discharge of waste into nearby drains, canals, rivers or lakes without treatment, which is posing environmental and health risks. Together with urbanization, inflow of people from rural to urban areas causes housing encroachment and illegal settlement. Higher population density inevitably puts additional pressures on these areas that are already destitute of adequate infrastructure and services.

In 2007, Ministry of Construction (MoC) prepared the National Urban Upgrading Strategy and Overall Investment Plan for Urban Upgrading to 2020 (NUUP), which is based on lessons learn from Vietnam Urban Upgrading Project in four cities (Ho Chi Minh, Can Tho, Hai Phong, and Nam Dinh). This Strategy has been approved by the Prime Minister in June 2009. Overall investments in basic infrastructure needs to the year 2020 were estimated to be more than US$11 billions. According to this approved Strategy, Government of Vietnam seeks support from World Bank to implement the National Urban Upgrading Program. Mekong River Delta Region is supported in the Project taking into consideration that this region has the highest demand for infrastructure upgrading in low-income areas and a critical need for investments in drainage and wastewater collection. Based on the demand for infrastructure upgrading in low-income areas, Mekong River Delta Region is proposed as key area in Vietnam National Urban Upgrading Program. Six (06) cities were selected in this Project, including Cần Thơ, Mỹ Tho, Trà Vinh, Cà Mau, Rach Giá and Cao Lãnh.

The project aims to improve the living conditions and infrastructure services in low-income areas in six cities in the Mekong Delta Region: to improve urban management and planning capacity of those cities’ agencies; and to support National Urban Upgrading Program through a list of urban upgrading projects based on the National Urban Upgrading Strategy and Overall Investment Plan for Urban Upgrading to 2020.

1.2 Can Tho city sub-projects

Objective of Can Tho city Sub-projects is to improve living standard for the poor in urban areas by upgrading social, technical and environmental infrastructure in the project sites and other related areas. Specific project objectives are the followings:

- Upgrade and improve infrastructures which affect directly or indirectly the business, production and daily life activities of residents in LIAs.
- Enhance the efficiency of the local administrative management system through building capacity for local staff at all levels and provide equipments for the management and planning in the locality.
- Enhance capacity for poor residents in LIAs through training of skills and occupations.
- Contribute to enhancing the justice and sustainability in the locality.
- Contribute to realizing the National Urban Upgrading Project in particularly and national goals on poverty reduction and hunger elimination in general.

Can Tho city sub-project consists of 4 components as follows:

- Component 1: Upgrading tertiary infrastructure and services improvement in 31 LIAs (alley roads, water supply and drainage, lighting, garbage and solid waste collection and environmental hygiene). A total area of 413 ha, 7,234 households and 32,521 residents.

- Component 2: Upgrading supporting primary and secondary infrastructure as a basis for connection to tertiary infrastructures, include: Installation of domestic water supply system in LIA 1, Improvement of Bun Xang reservoir, Improvement of Ngong canal, Sao canal, and the canal south of Bun Xang reservoir, Upgrading of roads in Le Binh ward, Cai Rang district, Provision of solid waste management equipment.

- Component 3: Constructing Resettlement Site: Construct the Resettlement Site at Long Tuyen ward for households relocated from Ninh Kieu and Binh Thuy districts (adjoining and Ninh Kieu and Binh Thuy) with total area of 22 ha. Resettlement area includes schools, health clinic, cultural center, market and wastewater systems. The project area resettlement is 9.735 ha with 160 lots serving for on-site resettlement (22 households) and 111 households to be relocated within the project area.

- Component 4: Supporting for Project Implementation and Management. Building capacity for Project Management Unit (PMU), community and local authorities who participate in the project implementation process; propagandize and mobilize residents to participate in monitoring and supervision of construction quality, contribute finance, operate and maintain infrastructure systems upon their upgrading.

1.3 Objectives of EMDP

The social assessment conducted in project areas by a consultant of DDC in May 2011 shows that there are Khmer people, and Kinh people (dominant ethnic group) Chinese people living in 31 project selected LIAs. Chinese and Kinh people are not considered as EMs and are not part of vulnerable groups in the project area. Chinese and Kinh people have similar economic and cultural profiles and speak both Vietnamese and their own languages.

According to the Indigenous People Policy (OP 4.10) of the World Bank:, the project adversely affects EMs, so an EMDP is required aiming to: a) minimize and mitigate project impact on the livelihoods of EMs in the project area and; b) ensure that the development process fosters full respect for the dignity, human rights and cultural uniqueness of ethnic minorities in the project affected area, and takes into account their development needs and aspirations. Specifically, the EMDP aims to:

(i) define mitigation measures to minimize negative impacts among ethnic minority communities, and maximize benefits of the project by selecting the most suitable design alternative;

(ii) Prepare, the analysis of the EMs legal and policy framework concerning EMs, the budget and implementation plan to effectively carry out targeted activities for affected EMs.
(iii) Provide the results of free, prior and informed consultation and define an active participation framework for project implementation; and

(iv) Ensure that local EMs are involved in the process of project design and implementation so that EM peoples receive social and economic benefits in a culturally appropriate manner and inclusive in both gender and intergenerational terms, and broad community support for the project.

(v) Define the monitoring and evaluation for the project.
II. SOCIO-ECONOMIC CHARACTERISTICS OF THE KHMER PEOPLE IN THE PROJECT AREA

A social assessment was conducted in May 2011 by DDC consultant in the subproject areas. The following parts will present key findings of socio-economic characteristics of Khmer people and their expectations of compensation and resettlement.

2.1. Ethnic minority communities in Can Tho city and in Sub-Project area

According to social assessment conducted by ....... Khmer people in Can Tho city concentrate on O Mon district, accounting for 3.8% (1,072 Khmer households) of population of the whole district. About 31.8% of Khmer HHs is poor in the district. 48.6% of Khmer households (521 households) lack agricultural land or have no land for production, and 27.6% (296 households) of them have not residential land. The majority of Khmer people's livelihood relies on agriculture but the Khmer group in the project area, particularly in the LIAs are not dependent on farming. They work as hired labours for porter constructor of auxiliary building or seasonal labours during agricultural harvesting season, or small trading business.

2.2. Socio-economic characteristics of Khmer Group in the subproject region.

2.2.1. Population characteristics and habitation situation.

Population and family: Khmer families in Can Tho city are usually two main types: nuclear family (two generations of the family) and extended family (the family compound with more than 3 generations living together under one roof). However, in Can Tho, most Khmer families are the nuclear family with the average family size of 5.2 persons. Ratio of male and female is 49% and 51% respectively. Among 77 affected household, there are 45 households headed by female. Relationships between family members consist of relationship between husband and wife, parents and children, grandparents and grandchildren, among siblings. Khmer people mainly live concentrated and build a close-knit relationship among members in the community, hence, kinship is clearly expressed.

Habitation situation: As Khmer people in Mekong delta area, almost all Khmer people in Can Tho city have been living in the city long time ago, mainly concentrate on O Mon district. They live together with Kinh and Hoa (Chinese) people and share public facilities and natural resources.

2.2.2. Economic characteristics of Khmer people in the subproject region

The Khmer traditions in wet rice cultivation are ancestral. Animal husbandry, weaving, pottery and sugar making from the "Thot Not" trees are other forms local income generating activities. In Can Tho city, most of Khmer people perform un-skilled jobs and small commerce and trading; only 10.8% of respondents in LIAs work in industrial zones. According to the social assessment (SA) results conducted by DDC consultant in May 2011, incomes of Khmer households in the project LIAs come from diverse sources but mainly from seasonal and irregular works and unskilled jobs such as porters, motobike drivers' services, hairdressers, food service, selling lotto, newspapers. Therefore, the average income of Khmer groups is often low and unstable. The minimum wage of the unskilled labour or irregular employment is from 50-60,000VND/day. According to SA, the average income per person per month of Khmer people is about 421,000VND, lower than national poverty line (500,000VND/person/month).
2.2.3. Situation of land use right

According to the SA results, Khmer households in the project LIAS have no agricultural land. They use residential land with land use right certificates (LURCs). The SA did not find any case of land encroachment or dispute. However, Khmer households that lack the required documentation for the official land use certification are entitled to full compensation.

2.2.4. Situation of using electricity and clean water

According to the results of the socio-economic survey on Khmer People affected by the subproject on April 2011, Khmer households in project LIAs are facing difficulty to access to basic urban services, such as water services, while more than 95% of Kinh and Hoa households have access to water services. Only 20% of Khmer households in the LIAs are using self-drilling wells, the remaining use water from ponds/canals. The reason is that poor Khmer households have not enough budgets to connect to the public water pipeline and pay for water use fee.

The available data on socio-economic of Chau Van Liem Ward in O Mon district also show that about 80% of Khmer households use the toilet. The rest of households often use toilet of their neighbours or discharge directly into the canals. This is one of the causes of environmental pollution in the LIAs.

2.2.5 Culture, customs and traditions identities

Language: Khmer’s own language is spoken mainly among families and community members. The Khmer have preserved their own language and writing which is taught at the Khmer pagodas and pass onto new generations mainly orally. Culture and ancestral traditions. Khmer people mainly practice Brahmanism and Hinayana Buddhism. A Khmer pagoda is a meeting place for cultural activities and practices. Before reaching adulthood, young Khmer people often attend pagodas to study and improve their ancestral knowledge. In rural area, Khmer people share mixed multiethnic settlements with the Kinh and Hoa in so-called "soc" (villages), and "phum" or "ap" (hamlets). Their houses are built with local materials thatched or tiled roofs. In the city Khmer people live in wards together with Kinh people. Major Khmer festivals include, "Chon Cho Nam Tho May" (New Year Festival), Buddha's Birthday, "Don Ta" (Forgive the Crimes of the Dead), and "Ooc Om Bok" (Moon Worship). During these large festivals and celebrations some Khmer elders wear their traditional clothes. Men wear white loose-fitting blouses, black trousers (or black blouses) and scarves in their head. Women wear xam p6t h6l, a cloth range creating a sort of short and wide pants.

2.2.6 Gender and Social practices

Gender in community administration: Although Khmer people actively participate in political administration, most of Khmer officials are male. Khmer women are not encouraged to take part in community administration by family. The SA results show that women’s social administration participation rate in the communes is much lower than that of men’s. Even in LIAs where rate of Khmer is high as LIAs 1, 3, 6, and 15 women’s political administration participation rate in the communes is very low. 100% head of wards in district are men.

Gender in family: Khmer families are known as a family with equality between husband and wife. This is reflected in such aspects as:
• Important decision making in the family such as buying valuable property, children’s marriage, doing charity work in the pagodas are discussed and agreed on between husband and wife.

• Ownership of property is shared between husband and wife. Common property created during the marriage is owned by both. In addition to common property, both of them have private ownership rights for possessions before marriage, gift or inheritance for only one of them. At the time of divorce, private property belongs to undivided private possessions; common property is equally divided among them.

• Both men and women are appreciated in the society. When men become monks in the pagodas, women obey the Buddhist rules at home and go to pagodas on certain days every month.

• A husband must receive permission to marry the second wife by the first wife.

• Divorce is not discriminated. When marriage cannot be continued, divorce can be carried out without much attachment or big difficulties.

• In the relationship with children, parents do not have any discrimination between sons-daughters, eldest child – others, adopted child – biological child. Accordingly, sons-in-law and daughters-in-law are treated equally in the family, there is no unjust treatment to the wife’s and the husband’s siblings. Inheritance from parents is equally divided among children. Parents at the old age often live with the youngest child regardless of the youngest child’s gender. After death of parents, last property will be given to the person who looks after parents before their deaths.

• Khmer people’s notion of a clan is neither female-oriented nor male-oriented. When tracing his/her lineage and identifying his/her bloodline, an individual does not attach much importance to answering whether he/she belongs to the father’s or the mother’s clan. Therefore, Khmer people do not have notion of clans related to father or mother. There is no difference in treatment between father’s clan and mother’s clan.

• When living together with Hoa and Kinh group, a cross-cultural exchange leading to some Khmer’s cultural changes is brought about. However, these changes are not remarkable as father-oriented families of Hoa and Kinh’s group or mother-oriented families of Cham group.

• Despite the gender equality in the relationships among family members and social viewpoint, there still exists some gender pattern and difference in the role of male and female play in the family:

• The different role between husband and wife is based on the gender-based division of labour.

• In the relationship with children in daily life as well as handling important affairs, parents often show sympathy with their children. However, this relationship is built in a strict order and discipline. Parents do have power on their children.

• In spite of no gender discrimination, parents still prefer to have a son so that he can become a monk and fulfil his filial duty. Nevertheless, the preference for sons does not cause unfair treatment to daughters.

• In the traditional concept of a clan, marriage and families are not father-oriented, but Khmer people often name children after the father’s family name when making a birth
certificate or household records. A child named after his/ her father’s family name is just a legal matter.

**Gender in Religious Practice:** Even though in culture and religious practice women are respected, they are not allowed to become a nun on account of the Khmer Buddhist regulations. Men who have become a monk and returns to secular life are greatly respected in the Khmer family and Khmer communities.

Khmer women have actively participated in livelihood restoration programs for ethnic minority women which include training courses on agriculture, animal husbandry. However, if the training did not specify the remuneration paid or will pay lower fees, women are discouraged to participate. It is difficult to organize advocacy programs for women, such as for public sanitation, pre-natal healthcare visits, and family planning.
III. LEGAL FRAMEWORK FOR ETHNIC MINORITY PEOPLE

3.1. National Legal Framework

All ethnic groups in Vietnam enjoy full citizenship under the law and national constitution. The Constitution of Vietnam (1992, amended 2001) acknowledges equality among ethnic groups and includes general principles as stipulated in Articles 5, 30, 36 and 39 of the Constitution:

a. Vietnam is a united nation of all ethnic groups living within the country.

b. The State applies a policy of equality, solidarity and mutual support among the various ethnic communities and prohibits all acts of ethnic discrimination and division.

c. All ethnic groups have the right to use their own languages and writing systems and to preserve their traditional customs and culture.

d. The State implements policies of all-round development aimed at gradually improving and raising the material and spiritual conditions of life of ethnic minorities.

e. The State will take charge of and will ensure the promotion of the cultural values of all the nationalities in Vietnam.

f. The State gives priority for development of education and health care to mountain inhabitants and ethnic minorities.

Policies: The Government of Vietnam has passed a series of policy resolutions related to ethnic minority development, particularly in remote mountainous areas. One of the most relevant of these is Decision No.134/2004/QD-TTg (referred to as “Program 134”) of the Prime Minister, dated on 20 July 2004, which includes a number of policies to provide support in terms of land for agricultural production, residential land, dwelling houses and clean water for daily-life to poor ethnic minority households meeting with difficulties.

Participation/Grassroots Democracy: Regulations from the Government relating to grassroots democracy and public participation are also relevant to this EMDP. Ordinance No.34/2007/PL-UBTVQH11, dated on 20 April, 2007 (superseding Decree No.79/2003/NĐ-CP of 7 July 2003) on the implementation of democracy in communes, ward and township levels, provides the basis in Viet Nam for community participation in the preparation of development plans and their supervision. Prime Minister’s Decision No. 80/2005/QD-TTg, dated on 18 April 2005, promulgates regulations on investment supervision by the community.

The adaptation of economic and social policies to each region and each group, taking the needs of ethnic minorities into account, is a requirement. The Socio-Economic Development Plan and Socio-Economic Development Strategy of Vietnam specifically call for attention to ethnic minorities. Major programs targeting ethnic minority people include Program 135 (socioeconomic development for extremely poor communes in ethnic minority and mountainous areas, Phase 1 &2) and Program 134 (support of productive land, residential land, housing and clean water for poor ethnic minorities and hard life). A policy on education and health care for ethnic minorities is in place. All legal documents relate to EMs as follows:

- Resolution No.22/NQ-TW of 11 November 2003 of the Party’s Politburo on a number of policies for the economic-social development in the mountainous communes.
Ethnic Minority Development Plan

- Resolution of the IX session Party Central Committee’s No 24/-NQ/TW dated on 12, March, 2003 on ethnic minorities activities.
- Decree No. 60/2008/ND-CP of Government dated May 9th, 2008 on functions, tasks, rights and organization of Committees for Ethnic Minorities.
- Resolution of National Assembly dated on July 7th, 2003 on Regulation for Committees for Ethnic Minority Committee.
- Decision No.134/2004/QD-TTg of the Prime Minister, dated on 20 July 2004, on a number of policies to provide support to poor ethnic minorities (supporting residential land, productive land and clean water for poor ethnic people with difficult living conditions).
- Decision 170/2005/QD-TTg dated December 25, 2005 by Prime Minister issuing criteria of a poor household in 2006-2010.
- Decision 32/2007/QD-TTg dated on March 5, 2007 by Prime Minister on giving capitals to disadvantaged ethnic minority households to promote production.
- Decision No. 33/2007/QD-TTg dated on March 5, 2007 by Prime Minister on Policies to Support Relocation of Ethnic Minority Inhabitants for Sedentary Farming and Settlement in the 2007-2010 period.
- Decision 112/2007/QD-TTg dated 20th July, 2007 by the Prime Minister on the policy supporting services to improve the people’s life, and legal support to increase the legal awareness under the program 135 phase II.
- Program 135 on infrastructure investment for poverty and remote area.
- Policy on education and health care for ethnic minorities.
- Decision No.05/2007/QD-UBDT dated on September 6, 2007 by Committee for Ethnic Minority recognizing communes of three ethnic minority and mountainous regions based on development status.
- Circular No. 06/2007/TT-UBDT dated on September 20th, 2007 of Committee for Ethnic Minority guidance on the assistance for services, improved livelihood of people, technical assistance for improving the knowledge on the laws according the Decision 112/2007/QD-TTg.
- Directive No.393-TTg of 10 June 1996 of the Prime Minister on population planning, improvement of infrastructure and production restructuring in the regions of ethnic minorities and mountainous regions.
- Inter-ministerial Circular No. 50-TT/LB in 1995 by Ministry of Finance and Committee for Ethnic Minority on guidance on management, distribution and utilization of support funds for ethnic minorities and Khmer peoples with extreme difficulty living conditions.

Vietnam: Mekong Delta Region Urban Upgrading Project (MDR-UUP) – Can Tho city subproject
• Decision No.267/2005/QD-TTg of Prime Minister on October 31, 2005 on job-training policies towards boarding schools ethnic minority pupils.

• Directive No.03/2002/CT-BTC dated on September 6, 2002 by Minister of Finance enhancing the work of building, training and fostering the contingent of financial officials for communes, wards and townships. In this Directive, Khmer people officials are concentrated specially.

• Directive No.04/2003/CT-BTC dated on March, 19, 2003 by Minister of Finance strengthening financial officials as Khmer and Cham peoples communes, wards and townships in the south-west province.

• Decision No. 74/2008/QD-TTg by Prime Minister of June 9, 2008, on a number of support policies on allocation of residential land and production land and creation of jobs for poor ethnic minority people with difficult living conditions in the mekong river delta during 2008-2010

• Decision No. 965/QD-TTg July 21, 2008 by the Prime Minister on amending and supplementing the Decision No.289/QD-TTg by the Prime Minister regarding issuance of policies to support ethnic minority groups, poor and nearly poor people and fishermen; Decision 602/QD-TTg dated May 22, 2008 regarding amendment and supplementation of Decision 201/QD-TTg dated February 19, 2008 and Decision No.289/QD-TTg dated March 18, 2008.

• Decision No.102/2009/QD-TTg by Prime Minister dated on August 7, 2009 on direct assistance for the poor in disadvantage area.

• Correspondence No. 10/KH-UBND dated February 25th, 2010 by Can Tho Provincial People’ Committee on implementation plan for distribution of support finance for housing land, production land and creation of job for poor ethnic minorities with difficult living conditions in 2010 in Can Tho province.

• Correspondence No.18/KH-UBND dated June 3rd, 2010 by Can Tho Provincial People’ Committee on implementation plan for Program 135 Phase 2 in 2010.

• Correspondence No.19/KH-UBND dated July 19th, 2010 by Can Tho Provincial People’ Committee on implementation plan for direct assistance policy for poor households in difficult living conditions area in 2010.

In 1995, CEMA developed a framework for External Assistance with the Development of Ethnic Minorities. This framework resulted in a strategy for the development of ethnic minority people within the Government's goal of stability, sustainable growth and reduction of poverty. The key points of this framework are: a) to fight against poverty; b) to encourage active participation of the populations of ethnic minorities in their own development; c) to reinforce the institutions involving ethnic minorities; d) to develop natural and human resources in a sustainable manner; and e) to ensure mutual respect between, and increase responsibility of the parties involved. Decree No.60/2008/ND-CP the Prime Minister, dated on 9 May 2008, prescribes the functions, tasks, powers and organizational structure of the Committee for Ethnic Minority Affairs (CEMA). This ministerial level agency under the Government performs its functions of state management on nationwide ethnic minority affairs, and on public services within its authorities, and provincial departments. Provinces with a significant ethnic minority population have a Department of Ethnic Minority Affairs under the Provincial People’s Committee. The functions of CEMA ranges from development of laws to implementation of the programs, their monitoring and acting as inter-agency of
different ministries of Vietnam and cooperating with international organizations within its authorities regulated by law.

**Vietnam Policies applied to Khmer peoples**

Directive of Party Secretariat Board No. 68-CT/TW dated on April 18, 1991 on activities in Khmer people living area: “Khmer nation is inseparable part of the community of 54 nationalities living on the territory of Vietnam. The State carries out a policy of equality, solidarity and mutual assistance among all nationalities, and forbids all acts of national discrimination and division. This is stated clearly in Constitution of Vietnam and is respected in the fact”.

The State of Vietnam is interested and supports favourable conditions to improve living conditions of all ethnic minorities, including Khmer people, all are treated equally. According to Ministry of Foreign Affairs in 2008, local governments created new 358 thousand jobs for Khmer peoples (increase about 1.2% comparing to year 2007). 4,000 Khmer persons worked in overseas as labor export with GDP per capita is about 14.8 mil. VND (equivalent to 890 USD), number of poor households reduced, about 11.2% (reduced more than 1.6% comparing to year 2007).


Besides carrying out government policies on ethnic minorities such as Programs 134, 135, Can Tho Provincial People’s Committee (PPC) issued some specific policies on ethnic affairs, for example, policy on fund for "the poor Khmer", allocation of agricultural land and residential land for Khmer landless, supporting tuition fee for poor Khmer children.

3.3. World Bank’s Operational Policy on Indigenous Peoples (OP/ 4.10)

The WB’s OP4.10 ensures Indigenous Peoples (hereby ethnic minorities) do not suffer adverse effects during the project’s development process and receive culturally compatible social and economic benefits. The strategy for addressing the issues pertaining to indigenous peoples must be based on the informed participation and EMs themselves through direct consultation.

Indigenous peoples are commonly among the poorest segments of a population. All projects proposed for World Bank financing affecting Indigenous Peoples are required

- Screening to identify whether ethnic minorities are present in, or have collective attachment to, the project area;
- If, based on the screening, and once confirmed that EMs are present in, or have collective attachment in the project area, a social assessment shall be undertaken to evaluate the project’s potential positive and adverse effects on the ethnic minorities, and to examine and modify project design to mitigate the potential adverse effects and optimize the positive effects of the project;
- A process of free, prior and informed consultation with the affected people ethnic minority communities in order to fully identify their views and to ascertain whether there is broad community support for the project;
- If the free, prior and informed consultation concludes that ethnic minority communities broadly support the project, EMDP will be prepared in, and consultation with the communities, outlining the benefits that they will receive from the project and how any adverse impacts have been minimized or mitigated; and

*Vietnam: Mekong Delta Region Urban Upgrading Project (MDR-UUP) – Can Tho city subproject*
Disclosure of the EMDP to EMs people.

To ensure that EM groups are included in the development process the policy requires preparation of an Ethnic Minority Development Plan.

3.4 Project principles for Khmer people

The basic ethnic minority development principles of the project are:

- Khmer people are encouraged, and arrangements put in place to ensure their participation in project’s activities that affect or/ and benefit them.

- The project will ensure to support culturally appropriate activities, including taking into account their language, livelihood practice, customs and traditions.

- Regarding involuntary resettlement: adverse impacts on Khmer communities will be avoided or minimized by exploring all viable options such as constructing drainage system in the bed of existing roads or walkways; affected Khmer households are entitled to full compensation for losses or affected assets, income and business activities based on replacement price, and proper livelihood restoration measures will be provided to support them to improve or at least maintain their living standard, income and production ability as the same level before the project implementation; the lack of legal right to landholdings and/or resources (including traditional hunting, fishing and community natural resources) will not affect their right for getting full compensation and assistance. In the subproject, all affected Khmer households without legal use rights certificates (LURCs) will be entitled to full compensation for their affected land, residences and lost assets. Khmer households will be relocated within their original resident area or preference so as to ensure they maintain their culture and social cohesion and institutions; implementation schedule and budget for EMDP planning and implementation must be incorporated into each subproject and the overall project; additional to compensation for land and lost assets, households with female headed, households with disabled and old persons will be provided with special allowances to help them restore their livelihoods and income.
IV. POTENTIAL PROJECT IMPACTS ON KHMER PEOPLE

4.1 Project positive impacts on the Khmer People

Four components of the subproject will bring benefits to local people in general and Khmer people in particular. The subproject will improve living conditions for low income people in terms of transportation, environment and sanitation, water supply, school, market, housing, and security. Positive impacts of project components on local people are summarized in below table:

Table 1: Summary of project positive impacts on the Khmer People

<table>
<thead>
<tr>
<th>No</th>
<th>Positive affects</th>
<th>Description of impacts</th>
<th>Number of beneficiaries</th>
<th>Action to enhance positive affects</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Improved living conditions</td>
<td>Upgrade tertiary infrastructure in LIAs will improve living conditions of Khmer people. Concretely: (1) wastewater shall be treated (2) flooding shall be reduced considerably, environment and health shall be improved remarkably (3) lighting system shall be provided at alleys</td>
<td>Component 1 and 2 have direct positive impacts on 359 Khmer households (1,836 persons)</td>
<td>Active subproject design and implementation with Khmer community participation including full consultations and their proposals incorporated into the implementation plans. Civil works of components 1 and 2, will provide prior opportunity to Khmer labourers in LIAs, for them to implement civil works and other services provision for the Subprojects.</td>
</tr>
<tr>
<td>2</td>
<td>Increased awareness on the role of Khmer EM to design activities for the living conditions improvement, and contributions with manpower and materials</td>
<td>Through community consultation, and participation Khmer people shall provide suggestions and recommendations for project design and implementation of Subproject for ensuring projects sustainability</td>
<td>For all Khmer in the LIAs</td>
<td>Subprojects at design stage consulted with Khmer people as to help Khmer people strengthen their awareness, participation and key role on urban upgrading.</td>
</tr>
<tr>
<td>3</td>
<td>Jobs opportunities for Khmer People prioritized</td>
<td>During construction of civil works, contractors are required to prioritize local Khmer People offering jobs opportunities</td>
<td>For all Khmer labourers in project areas</td>
<td>Defined procedure s agree d with Khmer people ensured they benefit of temporary jobs' opportunities during the project cycle</td>
</tr>
<tr>
<td>4</td>
<td>Skilled Khmer people supported</td>
<td>Consultation and participation in project design and implementation will</td>
<td>For all Khmer people (1,836 persons) in 3</td>
<td>Opportunities for Khmer people to participate in subproject design and</td>
</tr>
</tbody>
</table>
Ethnic Minority Development Plan

4.2. Negative impacts and mitigation measures

Undoubtedly, the project brings significant benefits to local people including Khmer EMs. However, it also involves negative impacts as a result of land acquisition that could be affecting livelihoods and incomes. The identified negative impacts of project’s components on Khmer people and mitigation measures are summarized in table below:

### Table 2: Summary of project negative impacts and mitigation measures

<table>
<thead>
<tr>
<th>No.</th>
<th>Negative affects</th>
<th>Description of impacts</th>
<th>Number of PAPs</th>
<th>Mitigation measures of negative impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Livelihoods activities and</td>
<td>In order to upgrade tertiary and secondary</td>
<td>77 Khmer households are</td>
<td>During project design measures to minimise and</td>
</tr>
<tr>
<td>2</td>
<td>Security conditions of Khmer people improved</td>
<td>Public lighting system constructed by the subproject helps Khmer people travel conveniently and safely at night.</td>
<td>All Khmer communities in 3 LIAs and other people in project LIAs</td>
<td>Capacity building on public energy and road safety provided</td>
</tr>
<tr>
<td>3</td>
<td>Traffic system inside each LIA improved, environment pollution reduced and land value increased</td>
<td>According to the sub-project design, small alleys in LIAs will be widen and rose up level to get better traffic conditions for local people. When infrastructure of LIAs is upgraded, the land price at LIAs will increase accordingly</td>
<td>359 Khmer households (1,836 persons).</td>
<td>Capacity building on improved environment pollution and its sustainability provided, along with road safety</td>
</tr>
</tbody>
</table>

Vietnam: Mekong Delta Region Urban Upgrading Project (MDR-UUP) – Can Tho city subproject
<table>
<thead>
<tr>
<th>Ethnic Minority Development Plan</th>
</tr>
</thead>
</table>

<p>| 2 | Relocation impacts on Khmer people | 2 | Alternative designs made to reduce relocation such as upgrading existing canals and drainage, constructing civil works on public land. |
|----------------------------------|----------------------------------|----------------------------------|
| income of Khmer people are affected due to land acquisition | technical infrastructure, requires land acquisition affecting Khmer peoples livelihoods and income | affected, of which 2 households have to be relocated. |
| income of Khmer people are affected due to land acquisition | technical infrastructure, requires land acquisition affecting Khmer peoples livelihoods and income | affected, of which 2 households have to be relocated. |
| mitigated land acquisition included: social assessment survey, free, prior and informed consultations with Khmer people. These provided participation on project's decision making for Khmers contribution to project decision making about confirmed project support | 2 | Khmer households have to relocate. |
| 3 | Residential land of some Khmer households are affected | 65 Khmer households will be affected their residential land, of which 2 HHs are to be relocated | Land for land or cash compensation options for acquired land at full replacement cost and assistance for rehabilitation of the living conditions for the affected Khmer households, according to cultural preferences provided |
| Residential land of some Khmer households are affected | According to Subproject design, 65 Khmer households will be partly affected their residential land | 65 Khmer households will be affected their residential land, of which 2 HHs are to be relocated |
| Khmer families with small business at home affected temporarily | During construction and upgrading of tertiary infrastructure some Khmer business activities shall be temporarily affected | 03 Khmer households shall be temporarily affected their business and trade activities |
| Khmer families with small business at home affected temporarily | During construction and upgrading of tertiary infrastructure some Khmer business activities shall be temporarily affected | 03 Khmer households shall be temporarily affected their business and trade activities |
| Local transportation is impacted during construction. | Construction process at LIAs shall affect the traffic of local people, especially pupils going to school every day. | All people living in LIAs, including 359 Khmer households |
| Local transportation is impacted during construction. | Construction process at LIAs shall affect the traffic of local people, especially pupils going to school every day. | All people living in LIAs, including 359 Khmer households |
| Relevant construction measures taken into account to shorten period of impact on those Khmer households' business; compensation for income lost during business activities provided | Relevant construction measures taken into account to shorten period of impact on those Khmer households' business; compensation for income lost during business activities provided | Relevant construction measures taken into account to shorten period of impact on those Khmer households' business; compensation for income lost during business activities provided |
| Vietnam: Mekong Delta Region Urban Upgrading Project (MDR-UUP) – Can Tho city subproject | 24 | 24 |</p>
<table>
<thead>
<tr>
<th></th>
<th>The upgrading and Improving of the alleys leading to the lower line.</th>
<th>After completion of upgrading alleys, their surfaces will be higher than houses' floors of HHs living along both sides of the valleys from 20 to 60 cm. Therefore, they will experience flooding during rainy season.</th>
<th>All Khmer households live along the upgraded alleys</th>
<th>Credit funds to upgrade houses for Khmer people as, part of livelihood rehabilitation measures will be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>HIV/AIDS, drug use, infectious diseases, environmental pollution, violence, increased due to increased number of people during construction</th>
<th>During construction time, many workers come and stay in LIAs, social evils as mentioned may happen and affect order and security of local people.</th>
<th>Khmer young males and females</th>
<th>Strengthened awareness of contractors and workers and Khmer people about risks of social evils and measures to protection and preparedness through capacity building. Close monitoring of environmental management plan during construction.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
V. METHOD TO ENSURE BENEFITS FROM PROJECT TO KHMER PEOPLE

5.1 Mitigation measures.

The subproject will cause negative impacts on households due to land acquisition for Components 1 and 2. Therefore, mitigation measures at the stage of project design included: (i) to look at technical design alternatives to minimise and mitigate negative impacts and where unavoidable impacts were confirmed, a proper compensation considered for land, structure, and income losses proposed; (ii) free, prior and informed consultations with Khmer communities on a drafted resettlement plan were carried out and will continue during project implementation; (iii) based on consultations resettlement sites selected for relocated household were considered as to ensure response to the affected preferences and have the least impact to their livelihoods and income generating activities. Two options of resettlement sites were provided for relocated households, resettlement sites which will be constructed in LIAs by the project and self-relocation in other preferred places; (iv) before submission of the compensation plan to the authorized agency for approval, it will be disclosed to affected households through public meetings. The approved compensation plans will be disclosed to affected households through public meetings and providing written information in public areas; (v) during construction, a method to minimize and address adverse impacts on business and traffic of Khmer people will be developed. Labor safety measures will be issued and closely monitored to minimize accidents.

5.2 Free, prior, and informed consultation with the affected Khmer communities during project implementation.

5.2.1 Objectives

Consultation aims at addressing concerns, incorporate suggestions and recommendations and minimize impacts among the project affected people and integrate local stakeholders’ opinions for project planning and implementation. The participatory approach encouraged Khmer people on project decision-making during project design, and will continue to do so ensuring a sound project implementation.

5.2.2 Summary of consultation results with Khmer communities during project preparation

To ensure the community consultation process brings about more effects to Khmer people, project information are prepared and delivered to the community in different ways. Therefore, Khmer households living in the project area could be known and understood about the project. Khmer people often speak Khmer language in daily communication in their family and communities. However, they can also speak and read Vietnamese. All project materials are written shortly and in Vietnamese.

Information delivered to Khmer people include: (1) an introduction of the project and the main components of the project; (2) the project impacts (positive and negative); (3) entitlements of compensation, allowances, resettlement and livelihood restoration programs; (4) compensation plan and resettlement arrangement; (5) participation and consultation during the project preparation and implementation; and (6) grievance mechanism.

During the project preparation process in April and May 2011, public consultations with Khmer people were held in LIAs 1, 2, 3, 4, 6 and 15 in Chau Van Liem ward, Can Tho city. The consultations were also conducted with relevant agencies through in-depth interviews of
representatives of Can Tho City PC, District PC, Chau Van Liem ward PC, heads of LIAs, heads of districts and wards, ethnic minority board/department, and leaders of Khmer temples.

The results of consultations are summarized as follows:

- Regularly visiting pagodas is a long-lasting custom for the Khmer people. In order not to affect their spiritual life, 2 relocated households expected to resettle within their LIA so that they can maintain their cultural social practices, and avoiding to affect their income activities and business.

- All consulted Khmer households wished to borrow a loan with low interest and installment payment within 5 years for improving or reconstructing their houses because their ground floor is lower than upgraded road surface level. This loan fund will be included in existing credit programs in project communes.

- Can Tho PMB in combination with social organizations and public unions of wards and communes conduct a program of awareness strengthening for local people and Khmer people as well on road safety in order to minimize the risks of traffic accident.

- All consulted Khmer people agreed and broadly supported the Project because they confirmed that the project will improve their living conditions and livelihoods.

5.2.3 Consultation and Participation strategy during project implementation

Consultation and participation should be conducted throughout the implementation process of the project with different stakeholders, including Khmer people. A strategy of consultation with and participation of different stakeholders is established:

- Conducting group discussions with representatives of commune/ward authorities, persons in charge of land management, and PMB staff to discuss on land acquisition of and resettlement for Khmer people.

- Consulting with representatives of all Khmer households living in LIAs on compensation plans and relocation measures.

- Meeting with head of monks in Khmer Mônvôngsa pagodas in project area to consult them about land acquisition, resettlement and restoration of livelihoods and incomes of Khmer people.

- Meeting with representatives of social organizations such as Ward/Commune Women Union, Youth Union, etc. to discuss on their role and responsibility in supporting Khmer people to rehabilitation of their lives after resettlement.

Specific action plan:

- During process of final design and construction for civil works, Khmer communities, head of monks of pagoda will have additional consultation and ensuring to provide information throughout the entire project cycle.

- For all the resettlement activities, traditions and cultural preferences, customs and lifestyle of Khmer people and Khmer households will be follow. Joint decision making will be ensured to identify any potential impacts or vulnerabilities during project implementation.

- HHs relocation activities will avoid any disruption to their cultural and customary social relations,
- Provide opportunity for all Khmer affected households to be involved in the decision making process about inventory of their land and assets losses and ensured their representatives of social associations witness and acceptance.

- Representatives of Khmer affected households participated and involved in replacement cost survey.

- Khmer affected households participate in preparation of livelihood restoration measures and programs. Income restoration activities will be provided as to ensure long term income generation culturally appropriated.

- The Khmer people monitor the process of project implementation. Guidance and capacity building will be provided to ensure participatory monitoring.
VI. GRIEVANCE AND COMPLAINT SETTLEMENT MECHANISM

During project implementation, EMs and other local communities and stakeholders may raise their grievance to executing agencies or local authorities about issues related to resettlement, entitlements for compensation as well as project implementation. A grievance redress mechanism for the project will ensure full access to Khmer. In a culturally appropriated manner. Key principles of the grievance mechanism must ensure that: (i) the basic rights and interests of affected EM peoples are protected; (ii) EM Peoples have the rights to lodge grievances and get their grievances settled for free of charge; (iii) the grievance procedure will be an important part of the conflict resolution that a community-based mechanism, involves EMs and representatives of other vulnerable groups.

The grievance mechanism must be publicly disclosed to the Khmer affected communities during public consultations throughout the project implementation process. Khmer people should be informed about contact addresses of the respective organizations at relevant levels where complainants and grievances are to be sent Grievances related to any aspect of the Project will be handled aimed at achieving consensus and facilitating translators to their own language when needed.

Grievance Redress Mechanism

The grievance mechanism will resolve complaints, including those of EM Peoples and will pass through 3 stages before they could be elevated to a court of law, as the last resort. First stage, at Commune People’s Committee. An aggrieved affected household may bring his/her complaint before the receiving department of the Commune People’s Committee to be received and guided for necessary procedures. The CPC will meet personally with the aggrieved affected household and will have 5 days following the lodging of the complaint to resolve it. The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles. Upon issuance of decision of CPC, the complainants can make an appeal within 30 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the DPC.

Second stage, at the district level: Upon receipt of complaint from the household, the DPC will have 15 days following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles. Upon issuance of decision of DPC, the complainants can make an appeal within 30 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the PPC.

Third Stage, at the provincial level: Upon receipt of complaint from the household, the PPC will have 30 days following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping file of all complaints. Upon issuance of decision of PPC, the household can make an appeal within 45 days. If the second decision has been issued and the household is still not satisfied with the decision, the household can elevate his/her complaint to the provincial court within 45 days.

Fourth stage, the Court: Should the complainant file his/her case to the provincial court and the court rule in favor of the complainant, then Provincial government agency will have to
increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, the complainant will have to receive compensation as described in the approved compensation plan and obey all requirements of land clearance.

To assure that the mechanism described above is pragmatic and acceptable to affected EM Peoples, and affected communities about this mechanism, particularly addressing the needs of bililingual information provided when required.
VII. MEASURES AND ACTIVITIES FOR ETHNIC MINORITY

The proposed measures consist of the following three categories: Measures to avoid or mitigate adverse impacts; Measures to enhance positive impacts; Measures to ensure project benefits accrue to affected Khmer people in a preferential or in an appropriate manner.

The scale and scope of the proposed measures are subject to modification from time to time depending on the finalization of project design and various other factors.

7.1 Measures to support for mitigation of adverse impacts

According to results of the free, prior and informed consultations with Khmer people during the social assessment (conducted in May 2011 by consultants) all affected Khmer households defined their preference: to access loans to develop home business such as food services provision. People prefer to receive cash allowances, training courses for related to investment of credits in their own chosen business.

The PMU will conduct an assessment of Khmer people’s demand for loans. With a list of potential borrowers, the city authorities will decide in consensus with the affected EMs about credit programs with an average loan amount of 10 million VND/household, to be provided by banks or social organizations in the city such as city’s Women Union or social policy Bank. These programs should be included in existing credit programs in the project communes, as is not a component of the project.

Orientation training on business for Khmer households who plan to do business will be supported by the project. The PMB of the city will coordinate with consultants and other agencies to carry out capacity building on handcrafts production and marketing; to support hands-on training (workshops) to present and showcase successful small private enterprises including experiences and lessons learned with business development; to support training visits to successful business models that may be suitable to Khmer households so that they evidence operational experiences as opportunities to help them foresee difficulties that they may cope when doing business.

Table 3: Measures and budgets

<table>
<thead>
<tr>
<th>Proposed measures</th>
<th>Targets/indicators</th>
<th>Beneficiaries</th>
<th>Budgets</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of loan</td>
<td>Invest in small home business</td>
<td>Among 52 Khmer households who have demand for business and loan.</td>
<td>10 million VND/household, interest from 0.5%-0.8% per month</td>
<td>2012-2016</td>
</tr>
<tr>
<td></td>
<td>Invest in upgrading houses</td>
<td>Among 52 Khmer households who have demand for upgrading their houses</td>
<td>10-20 million VND/household</td>
<td>2012-2016</td>
</tr>
</tbody>
</table>
**Ethnic Minority Development Plan**

<table>
<thead>
<tr>
<th>Orientation training courses</th>
<th>Introduction of handicrafts, successful experience and models of business</th>
<th>Among 258 Khmer people who want to do business</th>
<th>300million VND</th>
<th>2012-2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vocational training allowance</td>
<td>Cash allowance instead of vocational training courses</td>
<td>61 affected Khmer laborers.</td>
<td>5 million VND included in RP</td>
<td>2012-2013</td>
</tr>
</tbody>
</table>

### 7.2 Building capacity of Khmer community

A project’s fund will support Khmer community in building their capacity for participation in project implementation, strengthening their awareness for an effective participation. The PMB in combination with Provincial Department of Culture and Communication, Television and local broadcast stations set up communication programs in Khmer language to disseminate project information about the potential project’s opportunities for Khmer people. The RP and EMDP will be disclosed and disseminated in summarized version and in Khmer language to inform ward/commune office before project’s appraisal.

During project implementation, social consultants should be hired to guide and train Khmer people to participate in the process of project implementation. Participatory methods and skills development will be introduced.

Upon design process of resettlement sites, 2 relocated Khmer households and high-ranking bonze of Monivongsar pagoda should be invited to the sites to contribute with ideas and give comments on the design of resettlement sites to ensure the selected sites and its design suitable to their culture, customs and habits. In the same manner to ensure project is benefiting Khmer community.

**Table 4: Measures and budget for building capacity**

<table>
<thead>
<tr>
<th>Proposed measures</th>
<th>Targets/indicators</th>
<th>Beneficiaries</th>
<th>Budgets</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television and broadcasting programs in Khmer language</td>
<td>Translating project information and policy in Khmer language and disseminating by television and broadcasting programs</td>
<td>359 Khmer households and Khmer monks in LIAs</td>
<td>10million VND/LIA</td>
<td>2012-2013</td>
</tr>
<tr>
<td>Guidance of Khmer people on participation in the process of project implementation</td>
<td>Training in participatory methods and skills, and guiding practice of participation in the project implementation,</td>
<td>359 Khmer households</td>
<td>Budget included in project management costs</td>
<td>2012-2013</td>
</tr>
</tbody>
</table>

*Vietnam: Mekong Delta Region Urban Upgrading Project (MDR-UUP) – Can Tho city subproject*
<table>
<thead>
<tr>
<th>Contribution to selection and design of resettlement sites</th>
<th>Monitoring</th>
<th>Relocated households and monks participate in selecting and designing resettlement sites</th>
<th>2 relocated households and monks of Khmer pagodas</th>
<th>Budget included in RP implementation costs</th>
<th>2012-2013</th>
</tr>
</thead>
</table>

*Vietnam: Mekong Delta Region Urban Upgrading Project (MDR-UUP) – Can Tho city subproject*
VIII. INSTITUTIONAL ARRANGEMENTS FOR EMDP IMPLEMENTATION

8.1. Institution arrangement

Can Tho City People’s Committee will establish a PMB to implement this subproject. The PMB in combination with the City Resettlement Committee (CRC) are responsible for implementation of the involuntary resettlement plan (RP) and the EMDP. It needs to organize training workshop for staff of PMB and CRC to strengthen their capability of project implementation, including implementation of resettlement and EMDP. Supporting and strengthening capability of Khmer community will be integrated with RP implementation.

To ensure the EMDP is implemented in compliance with the EMPF and EMDP, PMB is responsible for internal monitoring the implementation process of EMDP. PMB will recruit a team or organization specialized in social development and experienced in social safeguard policy of the WB to monitor the process of EMDP and RP implementation as the independently external organization. The internal monitoring is carried out monthly and the external monitoring is twice a year with the monitoring indicators (see Chapter 9).

8.2 EMDP implementation plan schedule

The implementation plan for EMDP is set up as follows:

Table 5: Proposed EMDP implementation plan

<table>
<thead>
<tr>
<th>Nr</th>
<th>Preparation phase</th>
<th>Implementation phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Subproject preparation</td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Preparation of FS, RP, EMDP</td>
<td></td>
</tr>
<tr>
<td>1.2</td>
<td>Approval of FS, RP, EMDP</td>
<td></td>
</tr>
<tr>
<td>1.3</td>
<td>Sign loan agreement</td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Implementation Plan of EMDP</td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>Orientation training courses</td>
<td></td>
</tr>
<tr>
<td>2.3</td>
<td>Training workshop on home business</td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Community consultation with ethnic minority</td>
<td></td>
</tr>
<tr>
<td>2.5</td>
<td>Training and strengthening capability for Khmer people</td>
<td></td>
</tr>
<tr>
<td>2.6</td>
<td>Implementation of measures to minimize adverse impacts (DMS, compensation and resettlement, livelihood restoration...)</td>
<td></td>
</tr>
<tr>
<td>2.7</td>
<td>Checking, monitoring and assessment</td>
<td></td>
</tr>
</tbody>
</table>

Remarks: *this stage is Community consultation and dissemination of EMDP after getting approval including consultation about this EMDP.

Vietnam: Mekong Delta Region Urban Upgrading Project (MDR-UUP) – Can Tho city subproject
IX. MONITORING AND EVALUATION

9.1 Monitoring Principles

To ensure the EMDP is implemented and complies with the World Bank’s Indigenous People Policy (OP4.10), a Monitoring and Evaluation Mechanism needs to be established and carried out throughout the process of project implementation. Monitoring and evaluation is a continuous process. The PMB will be in charge of internal monitoring. Basing on the monitoring mechanism, a monitoring and evaluation plan of the mitigation measures will be made by the PMB. The mechanism will describe:

- the internal monitoring process;
- key monitoring indicators which would be used for internal and external monitoring (as proposed in 9.2 item);
- institutional arrangements;
- frequency of reporting and content for internal and external monitoring, process for integrating feedback from internal and external monitoring into implementation;
- methodology for external monitoring;
- financial arrangements for external monitoring and evaluation

9.2 Internal Monitoring

Objectives of the internal monitoring aim to:

a. Ensure all negative impacts of the subproject on EM Peoples are mitigated, minimized or compensated in compliance with RPF, RP, EMPF and EMDP.

b. Ensure mitigation measures are implemented in culturally appropriate way for ethnic peoples.

c. Identify whether the free, prior and informed consultations for ethnic people communities are conducted in culturally appropriate manner for ethnic peoples or not.

d. Determine if complaint procedures are followed the EMPF and propose solutions if there are pending issues.

e. Conformity between relocation and land clearance and construction commencement to ensure that affected EM Peoples have been provided with compensation, allowance, and relocation satisfactorily before construction commencement.

Internal monitoring will be monthly conducted by the PMB. All findings of the internal monitoring should be reported to the PPC and the WB. In practice, the internal monitoring of EMDP implementation should be combined with internal monitoring of RP implementation. The findings of both RP monitoring and EMDP monitoring should be included in one report to submit to PPC and the WB for review.

Key internal monitoring indicators:

a. Consultation with and participation of Khmer people are culturally appropriated conducted during project implementation (number of consultations events and documentation provided).
b. Payment of compensation to affected Khmer people are provided based on DMS results and replacement costs of affected assets at the market prices at the time of the effective payments (100% of affected land and assets confirmed).

a. Resettlement activities are conducted according to the compensation policies as agreed RPF and RP for the sub-project (100% of affected HHs confirmed full compensation payments).

b. Determine if the required transition and income restoration measures and allowances are timely provided (100% of households by ongoing report assessment issued).

c. Assess if all income and livelihood restoration measures have been provided properly for Khmer people and proposed remedial measures if objectives of restoring income of households have not been met (100% of the impacted HHs ongoing assessment report issued).

d. Implementation of information disclosure and community consultation (number of events documented and reported).

e. Determine if complaint procedures are followed and propose solutions if there are pending issues (grievance redress mechanism on-going documentation and reports issued).

9.3. External Monitoring and Evaluation

External monitoring will be conducted by an external agency that is specialized in the social science. The external monitoring of EMDP implementation should be included in the external monitoring of RP implementation with the same methodology and monitoring indicators, but focusing on ethnic minority peoples. The monitoring is periodically conducted twice a year and findings reports will be submit to the PPC and the WB for review.

Key indicators of external monitoring and evaluation:

a. Public consultation and awareness of project benefits, resettlement policy and entitlements of Khmer PAPs;

b. DMS of affected assets and compensation payment as per policies in approved RPs;

c. Land acquisition and transfer procedures;

d. Construction/rebuilding of replacement houses and structures on residual land or to new relocation sites;

e. Level of satisfaction of Khmer PAPs with the provisions and implementation of the RPs and EMDP;

f. Grievance redress mechanism (documentation, process, resolution);

g. Effectiveness and sustainability of entitlements and income rehabilitation measures for Khmer PAPs;

h. Gender impacts and strategy;

i. Capacity of Khmer PAPs to restore/re-establish livelihoods and living standards. Special attention provided or to be provided to severely affected and vulnerable households;

j. Resettlement impacts caused during construction activities;

k. Participation of Khmer PAPs in RP and EMDP planning, updating and implementation;
I. Institutional capacity, internal monitoring and reporting; and
m. Channelling of government funds for compensation payment and allowances for severely Khmer PAPs or displaced PAPs.
X. BUDGET AND FINANCE

10.1. Budget source

Budget for implementation of EMDP are counterpart fund. Can Tho City PC should allocate and provide this fund sufficiently and timely to ensure that EMDP is implemented successfully.

10.2. Cost Estimation

Costs of compensation, resettlement and assistance for affected Khmer people and monitoring EMDP implementation are incorporated into costs of RP implementation. Cost estimate stated here is expenditures for training workshops on business for Khmer households in need, vocational training, job introduction, assistance for strengthening capability of Khmer community to participate in the project implementation process.

Costs for training workshops on business for Khmer households are estimated about 300,000,000VND, including allowance for participants, remuneration for presenters, stationary, visiting costs. Vocational training course is provided to 01 young person of each affected Khmer household with an allowance of 5 mill. VND/person. Assistance costs for building and strengthening community capacity are estimated around 10 mil. VND for each LIA where the Khmers live. Total costs for EMDP implementation is estimated about 1,440,000,000VND. See Table 6 for details.

Table 6: Cost estimate

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Quantity</th>
<th>Rate (VND)</th>
<th>Amount (VND)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Training workshops on home business for affected Khmer women and men.</td>
<td></td>
<td>300,000,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Among 258 Khmer people</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Training allowance for affected Khmer women and men.</td>
<td>14 persons</td>
<td>5,000,000</td>
<td>70,000,000</td>
</tr>
<tr>
<td>3</td>
<td>Building and strengthening capacity of communities, including Khmer women.</td>
<td>4 LIAs</td>
<td>10,000,000</td>
<td>40,000,000</td>
</tr>
<tr>
<td>4</td>
<td>Supporting for construction of community houses.</td>
<td>4 LIAs</td>
<td>150,000,000</td>
<td>600,000,000</td>
</tr>
<tr>
<td>5</td>
<td>Supporting Khmer’s pagodas for purchasing facilities</td>
<td>3 pagodas</td>
<td>50,000,000</td>
<td>150,000,000</td>
</tr>
<tr>
<td>6</td>
<td>Television and broadcasting programs in Khmer language</td>
<td>4 LIAs</td>
<td>10,000,000</td>
<td>40,000,000</td>
</tr>
<tr>
<td>7</td>
<td>Contingency (20% of 1+2+3+4+5+6+7)</td>
<td></td>
<td></td>
<td>240,000,000</td>
</tr>
<tr>
<td></td>
<td>TOTAL (1+2+3+4+5+6+7)</td>
<td></td>
<td></td>
<td>1,440,000,000</td>
</tr>
</tbody>
</table>
XI. EMDP DISCLOSURE ARRANGEMENTS

To ensure full disclosure with EM Peoples, all communication concerning the project will take place in an appropriate manner - in the Khmer language (if they cannot speak and read Vietnamese) and in a culturally proper way. Public meetings will be arranged in villages, using participatory methodology and the ethnic minority language(s) (if required). Information will be posted in a central public location such as the ward/commune People’s Committee office. Information will be mostly pictorial in order to guarantee accessibility of the information for Khmer people with poor literacy skills.

Local people’s opinions will be recorded in an appropriate way through minutes from the meetings. Notes also will be taken from all regular meetings between PMB and leaders of Khmer communities or village representatives chosen at village meetings. All the concerns from involved people will be recorded this way and brought into the project planning process and used during implementation to adjust project activities. Any concerns, claims or grievances brought up in meetings or other consultations will be recorded in the same way. The draft EMDP will be disclosed at commune level in a public meeting including all relevant stakeholders. The final EMDP also disclosed at a commune level public meeting. Women representing affected households must be present at the disclosure meetings. Copies (in Khmer language, if necessary) of the EMDP will be available at the ward/commune People’s Committee offices, village/hamlet leader’s house and EM leader’s house. It is also restored at the Infoshop of the WB in Ha Noi and posted on the website of the World Bank.
ANNEXES
Annex 1: Map of the sub-project areas
Annex 2: List of participants
Annex 3: List of land affected ethnic minority households for the sub-project
Annex 4: Detail impacts on Ethnic Minorities (EMs) caused by the Can Tho city subproject.
Annex 5: Minutes of public consultation meetings