

MINISTRY OF TRANSPORT

WORLD BANK

RURAL TRANSPORT PROJECT NO.3

ETHNIC MINORITY DEVELOPMENT PLAN

Roadlink: Trung Mon- Chan Son
Yen Son district, Tuyen Quang province

Tuyen Quang Provincial Department of Transport

Tuyen Quang, December 2010

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I. INTRODUCTION

1.1. The Rural Transport Project No.3

The RTP 3 is carried out for 4 years from 1 January 2008 and completed on 31 December 2011. The project comprises of three components:

Component A: Rehabilitation of the core rural roads network

Component B: Maintenance of the district roads network

Component C: Institutional and capacity building program for MOT, PDoT's and Private Sector

This component will carry out rehabilitation and improvement roads for 4 years and will finance about *US\$ 107,25* millions for rehabilitation and improvement of 3,100 district, commune, village roads and bridges selected in 33 provinces in Northern and Central Vietnam.

The roads are selected according to difference of criteria including environment, social and economy as well as investment appraisal of economic effectiveness and of development of economy in the area.

Project development objective

- Increasing the number of communities connected to basic access and improved all weather roads
- Improving rural road conditions through better management and maintenance of the network; and
- Strengthening the capacity within government and the private sector to plan, implement and maintain improvements in the rural transport network.

Execution organizations:

The MOT is responsibility for issue of instruction on local transport policy and strategy and general policy and instruction on execution relating to the project. The MOT assigns the PMU6 to carry out direction and cooperation to ensure quality of the work, training, monitoring and evaluation and supervision of daily work of the project. The PPC is responsibility for arrangement and execution completely the projects in the province. The PPC of the project assigns the Provincial Department of Transport (PDOT) to execute the project.

The PCOT will assign the Provincial Project Management Unit (PPMU) to carry out the project within management of the province.

1.2. The Rural Transport Project No.3 (RTP3) in Tuyen Quang province.

According to the approved investment evaluation, the AWP2 RTP3 in Tuyen Quang province including 9 roadlinks with total length of 51,46km. However, as inflation is at high level, the distributed primary fund is enough to build 6 roadlinks with total length of 32,5km on Ham Yen, Chiem Hoa, Yen Son, Son Duong districts and Tuyen Quang town. So far, the budget amount is adequate to construct 3 remaining roadlinks with total length of 19,031 Km. These are core district roads to connect commune centers to district center or to highways. The Tuyen Quang PPMU is carrying out urgently the necessary works to commence construction. According to the plan, on the quarter I- 2011, the roadlinks will be completed and put in to use to improve living of the local people and develop economy in the area.

The Trung Mon- Chan Son roadlink with total length of 6,990 Km. Beginning point at Km142+600 of Highway No.2 of Trung Mon commune, Yen Son district. Ending point at Chan Son commune, Yen Son district. The roadlink go through two communes: Trung Mon and Chan Son.

1.3 Objectives of the Ethnic Minority Development Plan

Objectives of the EMDP are: (i) affect (culture, economy- social) of the sub-project to the Ethnic Minority community in the area the sub-project bases is completely controlled; (ii) The EM community is entirely informed and appropriately consulted about these issues and they will actively take part in construction stages; (iii) The operations of the sub-project will be suitable with the conditions of culture, economy- social of the Ethnic Minority community in the project area; (iv) Mitigation of negative affect to the Ethnic Minority community in the project area except for force majeure- and increase of positive affect; and (v) statements of institutional, fund, execution plan, supervision and evaluation are thoroughly prepared to carry out the activities effectively.

I. LEGAL FRAMEWORK FOR ETHNIC MINORITY DEVELOPMENT PLAN

2.1 Policy of Ethnic Minority of Viet Nam government

The Viet Nam government issues many policies of Ethnic Minority People , in which 3 substantial policy groups as following: (i) Policy group relating to creation of resettlement for Ethnic Minority People; (ii) Second group relating to condition of development of economy-social in general for the Ethnic Minority People; and (iii) third group relating to grant land and manage land on mountain area where the Ethnic Minority People live.

Fist group with following policies:

1. Resolution of the Ministry Committee No. 38/CP dated 12/03/1969 regarding to movement of resettlement together with setting up cooperatives in order to change method of cultivation for nomadic people.
2. Instruction from Prime minister No.393/TTg dated 10/06/1996 regarding to planning resident area, strengthening infrastructure and arranging production on Ethnic Minority and mountain areas.
3. Resolution No.24/ND-TW issued on 12/03/2003 by the 9th Conference of the Party Committee regarding to mission on Ethnic Minority People.
4. Decision No.134/2004/QĐ_TTg issued on 20/07/2004 by Prime Minister regarding to policy of production land assistance, resident land and living water for poor Ethnic Minority households who is difficult in living (as called Program 134)

Second group with following policies:

5. Prime Minister's instruction No.525/TTg issued on 02/11/1993 regarding to policies and method to continuously develop economy and social in the mountain area.
6. Prime Minister's Decision No.135/1998/QĐ-TTg dated 31/08/1998 regarding to passing program of development of economy and social for extremely difficult communes in the Ethnic Minority People and mountain ares (as called Program 135)
7. Political Committee's resolution No.22/NQ-TW dated 11/11/2003 regulating some policies of development of economy and social in mountain communes.
8. Prime Minister's Decision No.07/2006/QĐ-TTg dated 10/01/2006 regarding to approval of program on development of economy- social for extremely difficult communes and Ethnic Minority People and mountain areas in stage 2006 - 2010 (as called Program 135 - stage 2)

9. Joint-circular No.676/2006/TTLT-UBDT-KHDT-TC-XD-NNPTNT dated 8/8/2006 regarding to instruction on execution of development program for extremely difficult communes on Ethnic Minority and mountain areas at stage 2006 - 2010.
10. Prime Minister's Decision No.289/QĐ-TTg dated 18/3/2008 regarding to issue of policies for assisting the Ethnic Minority People, poor households, policy households, near-poor households and fisherman.

Third group with following policy:

11. Minister Committee's Decision No.327-CT dated 15/9/1992 regarding to regulating the policies of using cultivation land, bare hill, forest, alluvial beach and water (as called Program 327)
12. Prime Minister's Decree No.163/CP dated 16/11/1999 regarding to handing land, renting irrigation land to organization, household and individual to use constantly and long time aiming at forestry purpose.
13. Prime Minister's Decision No.132/2002/QĐ-TTg dated 8/10/2002 regarding to solving cultivation land and resident land for Ethnic Minority People in Central Highland.

The groups' policies issued aim at creating convenient conditions for Ethnic Minority People to resettle and production. Especially it improves infrastructure of the poor mountain communes. In addition, the policies aim at improving life of economy and culture, approaching education and assisting living of Ethnic Minority People community.

Besides the policy groups relating to Ethnic Minority People, there are 2 Decrees relating to grass-root democracy and participation of the resident people are applied in the Ethnic Minority Development Plan, those are: Government's Decree No.79/2003/ND-CP dated 7/7/2003 regarding to issue of regulation of democracy execution of commune level and the Prime Minister's Decision No. 80/2005/QĐ-TTg regarding to regulation of community supervision.

2.2 Policies on the Indigenous People of the World Bank

The policy on local people, article 4.10 operation Manual of the WB is applied for the Ethnic Minority Development Plan.

The objective of the policy is to ensure execution to be carried out adequately and strictly, respecting human right and local culture. Especially, central objective of the policy aims at the

local people not to be harmfully affected and to receive appropriate benefit on culture. The strategy to meet the objectives of the Bank's policy in addressing the issues pertaining to indigenous peoples must be based on their free, prior and informed participation of the indigenous people themselves, which requires identifying local preferences through direct consultation.

Preparation of this Ethnic Minority Plan also complies with steps as prescribed in the policy OP 4.10.

2.3 Regulations on ethnic minority issues of Tuyen Quang Province:

The Tuyen Quang province effectively carry out mechanism, policies and programs of the government on ethnic Minority People: policy assisting development of economy, culture-social, health care and education... as Program 134, program 135.

The province usually applies priority policies for Ethnic Minority children. Investment of infrastructure, health care, education...are given with priority.

III. CHARACTERISTICS OF ETHNIC MINORITY AT THE SUBPROJECT'S SITE

3.1 General on the ethnic minority community at the locality

In the roadlink site, there are 8 people groups living. Besides the Kinh people, there are ethnic Minority people as: Cao Lan, Tay, Hoa, Nung, Phu Pheo, San Diu, Mong, Dao, Muong. in which the most population is Dao with total number of population of 1448, number of Cao Lan, Tay, Hoa, Nung, Phu Pheo, San Diu, Mong, Muong people populations of: 284, 456, 140, 8, 36, 112, 4, 492 respectively. The ethnic Minority communities live and cultivate in the valleys, mountain side, along stream and river and along the Trung Mon- Chan Son road. The local people mostly carry out agriculture job: cultivate corn, rice, sugar-cane and wood tree. in which, rice is determined to be commodity tree and to concentrate production.

3.2 Economic characters of ethnic minority people at the subproject's site

As mentioned above, the Ethnic Minority people: Cao Lan, Tay, Hoa, Nung, Phu Pheo, San Diu, Mong, Dao, Muong in the region are mostly cultivate rice, corn, breed domestic animal...This is main income of the people in the region, in which rice is directed to develop in the district area as well as location where the road coming by. The economy development in the local region is difficult. The local people's material life is not improved. The problem is difficult in transport. The existing road is the rural road invested for long time ago so far it is

down-graded, travel is very difficult especially in raining season. Delivery of goods in the region is very difficult.

3.3 Cultural characters of ethnic minority people at the subproject's site

Tay people has many folk-song as Luon dance, Phong slu, Phuoi Pac, Ven eng...the people dance in Long Tong festival, new house celebration...In the Long Tong festival, Con throw, drag are arranged. As Tay people population is little number, the custom is less some of it is lost, especially there is Tay people hamlet losing its language and mixing it with kin people.

Nung people has got Sli song tune, love song for youth by form of chorus. But as number of little people, the particular custom is lost.

Cao Lan people is majority population. They throw Con, play chess in festivals. As their population is large number, their particular customs are perceived.

Dao people are also majority population. They throw Con, play chess in festivals. As their population is large number, their particular customs are perceived .

After living together, exchanging and mixing culture, lot of Ethnic Minority's living and production customs are changed or old and new ones are mixed. Along the roadlink, there mainly are Kinh people. As living alternately and as province's due assistance policies, Ethnic Minority people know to cultivate water rice, apply technology- science advances to cultivation and breeding domestic animal and earn economically for living following up the social development. As result, their life is substantially improved. Many households buy televisions, cassette player and motorbike. Education of Ethnic Minority People's children as well as women in particular is paid attention.

3.4 Social characters of ethnic minority people at the subproject's site

Recent years, the authorities of province, district and commune prepare and carry out programs of economy and social development to assist ethnic minority people in the mentioned commune to stabilize the living. However, because of fund limit, poor way of implementation, difficult transport, complicated terrain and low intellectual standard of people, the program's objective is not met. As such difficulties, economy exchanges between the ethnic minority people in the region as well as the economy sites don't meet requirement.

Besides, it is difficult to approach health care center and to go to school. The ethnic minority women are discriminated not to be paid attention appropriately.

3.5 Land ownership issues of ethnic minority people at Subproject's site

On the road area, land resource is abundance. Ethnic Minority people settled long time ago. They live on and cultivate on their land reclaimed themselves. However, as population is more and more increased, land area per household is less. Land mainly is rice field and hill and forestry land. Water rice, corn, potato and cassava are cultivated.

Most households are given red books for their lands but those lands are less than actual land they use. The land lots are scattered, so many land lots are not shown in the red books.

Almost agricultural lands are used, uncultivated and bare lands are rare. As for land to grow water rice, it is used thoroughly.

3.6 Gender Issues of the Ethnic Minority.

Although there are some changes in customs after the people living together for long time, in general there aren't active changes in gender issue of ethnic Minority people. In the family, husband play role of family head. Wives in charge of field work and housewife and they aren't paid attention. Son is more important than daughter. Third children rate in some households are happened resulting from discrimination of male and female. It is because of misunderstanding of Ethnic Minority households and of outdated customs of Ethnic Minority people.

IV. POTENTIAL IMPACTS OF THE SUBPROJECT TO THE ETHNIC MINORITIES AT THE LOCALITY

4.1 Positive impact

The bellow is main positive impact as well as influence scale of sub-project to the people in the locality.

Positive impacts	Description	Influence's scale
1. creating favorable conditions to the traveling traffic of the	Now, the traveling problem between the villages is unfavorable, it's very difficult to go from the village to the commune by rough roads and from the	All of 2.980 households of Trung Mon, Chan Son communes.

community (between the villages, from the village to the commune and the district)	commune to the district by small and rough roads	
2. Raising the value of agricultural products, creating favorable conditions to exchange goods, to develop services and purchases to the natives.	The price of agricultural products shall be low by unfavorable traffic, by not using the means of transport or by high fees of carriage or goods collection; and at the same time, the goods exchange shall be discontinued by roads in case of having a bad weather.	About 520 households along the road, of which 55 households of Kinh Tay, Cao Lan people on the two sides of the road shall be interest enjoyed directly
3. creating further jobs to the natives apart from their farming	Activities for construction preparation, construction, maintenance of subproject needs generally help from the local workers (about 50 general workers of the local within 12 months, and then 5 regular workers for operative & maintenance activities.)	About 50 common workers of commune along the road side
4. Contribute to raise level of cultural and sprit life of the people along two side of roadlink	As favorable transport, the people can approach to cultural center of commune and district conveniently, children go to school, patient go to infirmary more easily. The cultural programs as cinema, music and song play...set by province and district will be arranged more usually and easily here.	All households along two side of the road

4.2 Negative impact

According to design, the project roadlink is basically run along the existing road. It is only widened of roadbed restrictively outwards two sides at some locations. So the road won't affect the people land. The assessment shows that besides under unconsidered impacts, the project don't affect people's economy and social life in the region in general and the Ethnic Minority people in particular.

Negative impact	Description	Influence's scale
1. Acquisition of	- The project will acquire area of resident and cultivated lands/total area of some	- Small affect to land, trees and

<p>land will affect living way of the local people and trees, crops and fix asset of the local people. As the project is only rehabilitation, the existing road surface is enough width, this affect is small, so the people accept to donate their land for the project.</p>	<p>households;</p> <ul style="list-style-type: none"> - Some properties, trees, crops of households on two sides of road are affected; - As acquired lands are small, affect is little. No household requires resettlement. 	<p>crops of the local people.</p>
<p>2. Affect temporarily production of the people during construction</p>	<ul style="list-style-type: none"> - During construction, soil, rock...may be scattered and affect temporarily agricultural land of the local people; - Construction activities will affect short time to travel and transaction of the people 	<ul style="list-style-type: none"> - About 500 m2 agricultural land will be affected temporarily. - During construction, it will affect travel of the people along the side of road and of the commune.
<p>3. potential risk of social evil may be happened in the community</p>	<p>At peak time of construction, there will be 105 workers living and working in local region for several months. During this period, social evil may occur in these workers (as quarrel, conflict and prostitution) or their influence affect to the community (as contradiction & conflict to local people, prostitution, thief or environment pollution). At the peak time, about 105 worker will live and work at the local area.).</p>	<p>At camps of th contractor, may be at centers of the communes: An Khang, Luong Vuong on two side of the road</p>
<p>4. Dust and potential</p>	<p>Construction activities will cause dust in dry season and muddy in rain season.</p>	<p>The households on two side of road and the people traveling on</p>

environment pollution	When construction, heavy rain may cause erosion on the road to flow soil and rock to resident on lower area around the roadlink.	the road during construction. The households with their farm around the roadlink
5. Potential accident of working	During construction, the contractors will use considerable number of equipment. So the working accident may be happened to the worker as well as the local people traveling	The households on two side of road, the travelers, and the workers during construction.
6. Potential risk of traffic accident when using the road	After completion of the road, quality of road will be improved, vehicles running with higher speed, so potential risk of traffic accident may be happened	The local people as well as travelers.

V. MEASURES TO MITIGATE THE NEGATIVE IMPACTS

5.1 Diminishing negative impacts

To mitigate negative impact, the following measures will be priority to carry out:

Negative impact	Measure	Execution unit
1. Acquisition of land will affect living way of the local people. As the project is only done by improving the existing road where is enough wide, it will not affect the agricultural production of the local people	- As the roadlink is only improved, the existing roadbed is enough wide, the acquired land of the local people is small and unconsidered, the impact scale on the cultivated, garden and resident lands of the households on two side of the road is low. On other hand, when completing the road, the drainage system on two side of road is improved not to make water pond or muddy in the people garden. When the construction unit cause affect to the people, this unit will assist the people to overcome. When the road completed, dust will not occur to land on two side of road and the land will be useful.	Contractor, PPMU
2. Affect temporarily production of the people during construction.	The contractor will compensate the temporarily affected land of the people during construction under supervision of the PPMU. At the same time, jobs will be created for people around to gain additional income covering the affected land. The bypass, fence, sign board... will be arranged to control traffic for people and traffic means	Contractor, PPMU
3. Potential risk of social evil in community	Strengthening administration of staff, worker taking part in constructing as well as propagandizing the local people. Cooperating with the local authority usually check the social order not to let evil occurring.	Contractor, authority, PPMU and local people
4. Dust and risk of environment pollution.	Contractor must carry out measures to mitigate environment pollution as regulated in the contract under the supervision of the consultant and the employer.	Contractor, supervision colsutant, PPMU and local people

5. Risk of working accident	Contractor must carry out measures to get working safety as regulated in the contract under inspection of supervision consultant	Contractor, supervision consultant, PPMU
6. Risk of traffic accident after the road being used	<ul style="list-style-type: none"> - Design and construction of traffic sign boards, sign post, fence and other of the specification... - Propagandizing and instructing traffic law to children and people in the region 	Contractor, design consultant, supervision consultant, PPMU, authority, local transport police

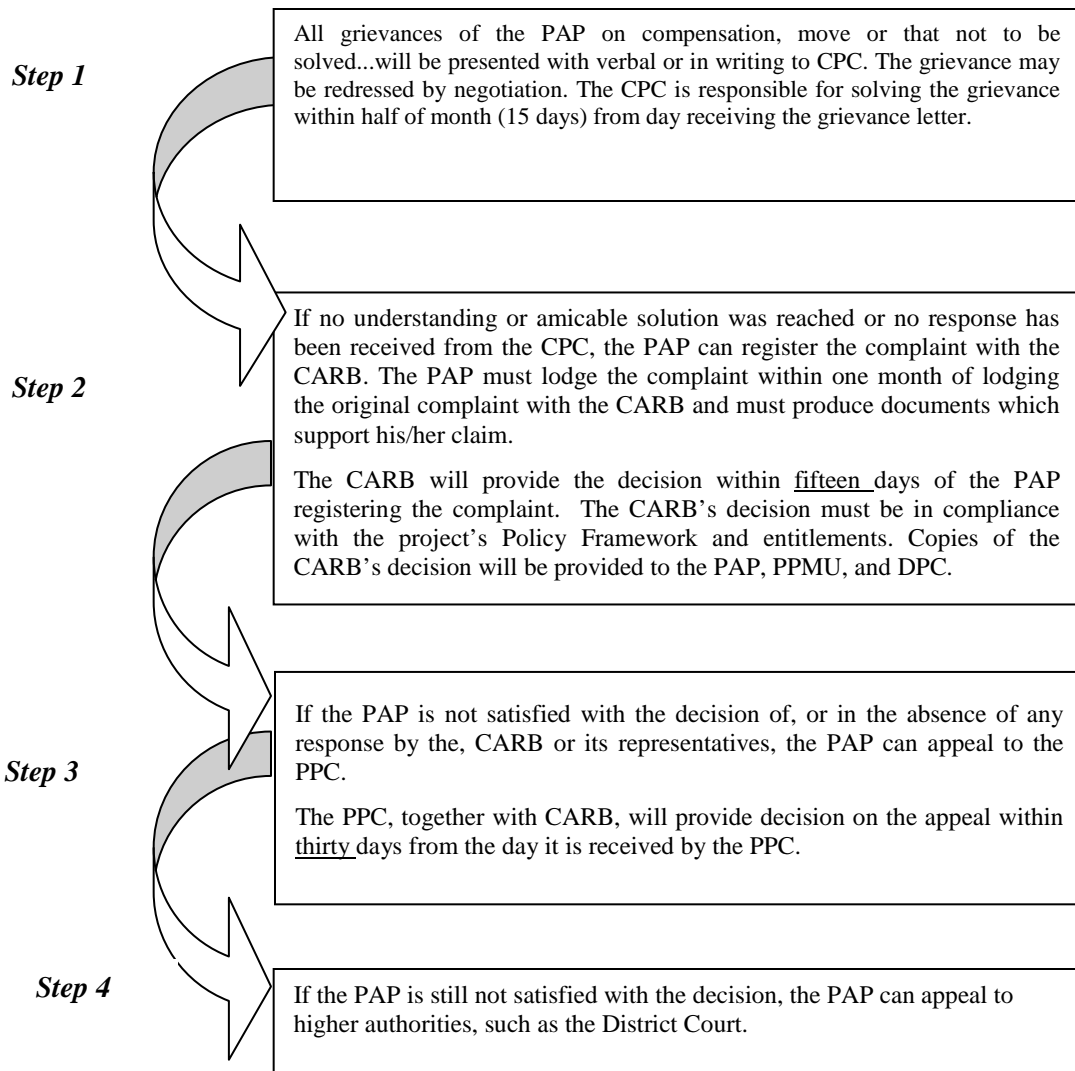
5.3 Community consultation and participation

The PPMU carry out the issue under the requirement of the project. Specifically, the PPMU investigates, collect data and screen matter of Ethnic Minority. The PPMU evaluates the social impacts holds the meeting to publicize: (i) general of project; (ii) compensation policies, resettlement, land acquisition, EMDP; (iii) environment procedures and environment impacts as well as local people's demands and expectations. Investigation, collection of data, holding consultation meeting are carried out for communes: Luong Vuong, An Khang where the road is on (attached with meeting minutes). Public of information is implemented under the project framework.

5.4 Supporting effectively grievance redress process

On purpose of grievance redress, the People Committees of commune and district and committees of compensation, assistance and resettlement must set up the grievance redress departments with responsibility for solve the grievance at every step. The problems of commune level will be solved through community consultation. If required, the social and resettlement specialist, non-government organization, division in charge of ethnic minority people of district and conciliators and instructors will participate. The PAP will be exempted of administration fees based on the grievance redress procedures except for prosecution to the court.

One procedure of four stages for grievance redress would be recommended as under:



Note:

- CPC: Commune People's Committee
- PAP: Project Affect Person.
- CARB: Compensation Resettlement Board

VII. INSTITUTIONAL ARRANGEMENTS

Project Management Unit No.6 (PMU6)

The MOT, state level, through PMU6 is responsible for operation of activities in management and execution of project including social development as resettlement and Ethnic Minority Development. PMU6 decides to set up one department to execute RT3, in which there is staff in charge of acquiring land and resettlement plan. PMU6 will rent (if necessary) establish consultant organization with specialist of Ethnic Minority Development Plan who will assist PMU6 and assist and inspect PPMU during preparation and execution of the EMDP.

PMU6 will set up a system to carry out inside evaluation and inspection through the PPMUs, outside inspection through independence inspection organizations rented by the PMU6. (As presented in preparation stage of EMDP make by cooperation between consultant and PPMU)

Provincial Project Management Unit (PPMU)

The PPMU (is professional organization of the provincial department level) is required to assign at least 2 staffs in charge of preparation and execution of project's social development (including resettlement, land acquisition and EMDP).

The detail measures determined during consultation will create organization structure relating to progress of EMDP execution. In execution of EMDP, it should be determined the unit who will be responsible for proceeding the measure proposing in the project. The EMDP should be consulted frequently with the units to adjust the measures to the appropriate level. The EMDP will arrange necessary institution to execute each plan.

Responsibility of the PPMU consists of:

- Investigation (as screening) of the roadlinks proposed following the AWP; submission to PMU6 list of roadlinks to be assessed about social impact and EMDP.
- Preparation of EMDP for each AWP.
- Execution of inspection and operation specified by EMDP

(PPMU will arrange to select the units with function, power and profession to prepare and execute the action plan in the EMDP approved by the WB)

- Cooperation with leader of district, province to necessarily ensure execute the activities of the EMDP.
- Continue to maintain consultation effectively with Ethnic Minority communities.
- Submission of achievements by quarter, report to PMU6 the operations of the EMDP.

Others

The components of the EMDP will be responsible for execution by Viet Nam Women Association, Farmer Association in the area of sub-project. The PPMU will cooperate with Women Association, Viet Nam Fatherland Front, the local units, relation organizations to eliminate hunger and reduce poverty in the region. This allows to integrate the project's activities with those implemented by the organizations.

IX. SUPERVISION, MONITORING AND EVALUATION

Objectives of supervision progress are (i) ensure that the impacts determined through evaluation are solved with the measures in the EMDP; (ii) Supervision to see whether the scheduled time is complied with; (iii) evaluation to see whether mitigation and strengthen measures are effective; (iv) determination of issues occurred or will occur, and v) determination of mitigation measures.

Stage of preparation and execution of EMDP will be supervised and instructed regularly by the PMU. The results will be reported quarterly to PMU6. The PMU6 will summarize and evaluate the report and then it will be submitted to the WB annually.

Responsibility for internal instruction and supervision consists of:

- Certification of information on Ethnic Minority communities is whether collected and treated and verification of SIA is whether carried out as regulated in the provisions in the policy framework.
- Review the EMDP is whether carried out as designed and approved;
- Verification of fund for EMDP to see that it is whether supplied adequately in course to the PPMU to meet requirement of the purposes, and certification of the fund that is whether used by the PPMU according to the provisions in the EMDP, and
- Note all grievances and ensure that all those are redressed in due course.

The Independent Monitoring Organization (IMO) will be maintained by the PMU6 to proceed evaluation and supervision independently progress of resettlement execution. The IMO will participate supervision of EMDP. The Independent Organization may be a research institute or academy institute, non-government organization (NGO) or an independent consultant company providing that all personnel staff should be experienced and accepted by WB. The independent organization will make field trip to pilot local with about 20% households who are Ethnic Minority in order to:

- Determine procedures of participation to community and activity as regulated in the EMDP are implemented whether suitably as specified in the policy framework and the EMDP;
- Evaluate that the objectives of the policy framework are whether satisfied;

- Collect index of quality on social and economy impacts from the project to Ethnic Minority people; and
- Propose to modify execution procedure for the EMDP to achieve principles and purposes of the policy framework.

Report of independent monitoring will be submitted to WB and PMU6.

X. REPORT

The PPMU will submit the results of EMDP quarterly to the PMU6. The PMU6 will summarize and evaluate the report and then submit it to the WB annually.

Independent consultant will be rent by the PMU6 to carry out independent monitoring and submit directly report to the WB and PMU6.

XI. COSTS ESTIMATION FOR THE ETHNIC MINORITY PLAN

10.1. Cost estimation

As presented in the part 5.1 *Mitigation of negative impacts*, measures to mitigate negative impacts of the sub-project on the Ethnic Minority communities will be carried out by project using different sources of the project. It is impact No.1 will not be implemented because the road don't result in land acquisition or in assist from contractor. The impacts No. 2, 3, 4, 5 will be responsibility of the contractors. in addition, the project will arrange budget to implement remaining mitigation measures.

Total cost estimate is **20,000,000 VND**, its details are following:

No.	Description	Cost (VND)
1	Propagation and instruction of traffic law to children and people in the region	7,000,000
2	Proceed of a media program to inform and educate to ethnic minority people in the locality on (i) social and health matters, (ii) prevent from infection of diseases as HIV and common disease, (iii) prevent from social evils occur, (iv) disaster to land, natural resource and cultural and social properties.	13,000,000
	Total	20,000,000

10.2. Management and expense of budget

- + Employer- MOT.
- + Representative of Employer- PMU6.
- + Project Management Unit: 2 levels:
 - Central level: PMU6.
 - Local level: PPMU of PDOT
- + Management and payment of investment fund: executed in accordance with financial management procedure of the RTP3.