



**ENVIRONMENTAL AND SOCIAL ASSESSMENT
FOR VIETNAM REDD+ RESULT-BASED PAYMENTS
2014-2018**

Hanoi, December 2025

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ACRONYMS AND ABBREVIATIONS

| | |
|-------|---|
| ADB | Asian Development Bank |
| AE | Accredited Entity |
| AP | Affected People (also referred to as Displaced People) |
| BCC | Biodiversity Conservation Corridor project (funded by GEF/ADB) |
| BMU | German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety |
| BSM | Benefit Sharing Mechanism |
| BSP | Benefit Sharing Plan |
| CEMA | Committee for Ethnic Minority Affairs |
| CF | Carbon Fund |
| CFM | Community Forest Management |
| CPC | Commune People's Committee |
| CRD | Centre for Research and Development in Upland areas |
| CSF | Country Safeguards Framework |
| CSO | Civil Society Organizations |
| DARD | Department of Agriculture and Rural Development |
| DONRE | Department of Natural Resources and Environment |
| DPC | District People's Committee |
| EM | Ethnic Minority People |
| ER | Emission Reduction |
| ER-P | Emission Reduction Program (area) |
| ERPA | Emission Reduction Payment Agreement |
| ESIA | Environmental and Social Impact Assessment |

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|----------|---|
| ESMF | Environmental Social Management Framework |
| ESMP | Environmental and Social Management Plan |
| FAO | Food and Agriculture Organization of the United Nations |
| FCPF | Forest Carbon Partnership Facility |
| FGRM | Feedback and Grievance Redress Mechanism |
| FLA | Forest Land Allocation |
| FLEGT | Forest Law Enforcement, Governance and Trade |
| FORMIS | Forest Management Information System |
| FPD | Forest Protection Department |
| FPIC | Free, Prior and Informed Consent |
| FREL/FRL | Forest Reference Emission Level/ Forest Emission Level |
| FSC | Forest Stewardship Council |
| FSDP | Forest Sector Development Project |
| GA/GAP | Gender Assessment/Gender Action Plan |
| GCF | Green Climate Fund |
| GESC | JICA Guidelines for Environmental and Social Considerations |
| GRM | Grievance Redress Mechanism |
| HCV | High conservation value forest |
| HHs | House holds |
| JICA | Japan International Cooperation Agency |
| MB | Management Board |
| MBFP | Management Board for Forestry Projects |
| MOF | Ministry of Finance |
| MOI | Ministry of Industry |

| | |
|--------|--|
| MOI | Ministry of Justice |
| MOLISA | Ministry of Labor, Invalids and Social Affairs |
| MONRE | Ministry of Natural Resources and Environment |
| MPI | Ministry of Planning and Investment |
| MRV | Measurement, Reporting and Verification |
| NFI | National forest inventory |
| NFMS | National Forest Monitoring System |
| NRAP | National REDD+ Action Programme (Plan) |
| NRIP | National REDD Investment Plan |
| NTFPs | Non timber forest products |
| OP | Operational Policy of the World Bank |
| PaMs | Policies and Measures |
| PFES | Payment for Forest Environmental Services |
| PFMB | Protection Forest Management Board |
| PFMS | Provincial Forest Monitoring System |
| PLR | Policy Laws and Regulations |
| PPC | Provincial People's Committee |
| PPS | Probability Proportional to Size |
| PRAP | Provincial REDD Action Plan |
| REDD+ | Countries' efforts to reduce emissions from deforestation and forest degradation, and foster conservation, sustainable management of forests, and enhancement of forest carbon stocks. |
| RPF | Resettlement Policy Framework |
| SESA | Strategic Environmental and Social Assessment |
| SFC | State Forest Company |

| | |
|----------|---|
| SIS | Safeguards Information System |
| SNV | Netherlands Development Organization |
| Sol | Summary of Information (on REDD+ Safeguards) |
| SSCO | State Steering Committee office for the Target Program on Sustainable Forest Development for 2016-2020 and REDD+ implementation |
| STWG | Sub-Technical Working Group |
| SUF MB | Special Use Forest and Special Use Forest Management Board |
| UNDP | United Nation Development Program |
| UNEP | United Nations Environment Programme |
| UNFCCC | United Nations Framework Convention on Climate Change |
| UN-REDD | United Nations REDD+ (Programme) |
| USAID | United States Agency for International Development |
| VFD | Vietnam Forest and Delta Project (funded by USAID) |
| VNFOREST | Vietnam Forestry Administration |
| VPA | Voluntary Partnership Agreement |
| VWU | Vietnam Women's Union |
| WB | World Bank |

EXECUTIVE SUMMARY

Reduced emissions from deforestation and forest degradation (REDD+) is a mechanism that aims to provide results-based financial incentives to developing countries for actions which reduce emissions from forested lands, and for investments in low-carbon development pathways. Finance for REDD+ is expected to be provided through the Green Climate Fund (GCF) as well as the World Bank's Forest Carbon Partnership Facility (FCPF) Carbon and Bio-carbon funds. Vietnam has become among the first country in the world to complete the Warsaw Framework for REDD+ including 4 requirements to access results-based payments after fulfilling the UNFCCC safeguards requirements in January 2019.

As such, the Government of Vietnam now expresses its interest in applying to receive the pilot results-based payments (RBP) for 2014-2018 period from the Green Climate Fund (GCF), The Japan International Cooperation Agency (JICA) as an Accredited Entity (AE) to support Vietnam to prepare and submit a funding proposal to the GCF Pilot Programme for REDD+ results-based payments.

This Environmental and Social Assessment (ESA) report describes how the activities that led to the results during the period from 2014-2018 applied the GCF's environmental and social standards and how the UNFCCC's 'Cancun' safeguards were addressed and respected in the design and implementation of REDD+. It constitutes a retroactive exercise on what has been done by the Government and its development partners, both through REDD+ initiatives and other related projects, during this period.

The ESA findings showed that Vietnam had robust legal instruments to provide broad support to PLRs to be consistent with both the UNFCCC as well as the GCF safeguards. Additionally, the REDD+ related projects and programs supported by variety of international partners namely WB, ADB, UNDP, UNEP, JICA, KfW...have been applied the different safeguards but all are in accordance with such UNFCCC and GCF safeguards in Vietnam through 2014 to 2018. However, there are still some minor concerns remaining.

Therefore, it is necessary, to continue with this process by taking consideration the environmental and social safeguards into account with the implementation of policies and measures. Particularly, the recommendations along with the inputs compiled in this environmental and social assessment will inform the content of the Environmental and Social Management Framework (ESMF) that is linked to the future use of REDD+ results-based payments.

1. INTRODUCTION

Vietnam was among the first countries in Asia to announce their interest in participating in an international policy initiative that would provide financial incentives to developing countries for their efforts to Reduce Emissions from Deforestation and forest Degradation (REDD+). Since then, Vietnam has been an active participant in the international negotiations and has shown demonstrable commitment towards the development of REDD+ at national level, as well as throughout the country's forested provinces. With considerable support from international development partners; i) Vietnam's Prime Minister approved a revised National REDD+ Action Programme (NRAP) in 2017; ii) Vietnam's Forest Reference Emission Level (FREL) was endorsed by the UNFCCC in 2016; iii) Vietnam has a recognized and operational National Forest Monitoring System (NFMS) and iv) Vietnam has submitted the first SOI to UNFCCC and SIS has been operationalized. As a result, in January 2019 Vietnam became one of the first countries in the world to meet the UNFCCC Warsaw Framework conditions and become eligible for results-based payments for its REDD+ efforts.

The Government of Vietnam now expresses its interest in applying to receive REDD+ results-based payments from the Green Climate Fund (GCF). The Japan International Cooperation Agency (JICA) as a key partner providing support to the government of Vietnam on the development and implementation of REDD+ has agreed in its capacity as an Accredited Entity (AE) to prepare and submit a funding proposal to the GCF Pilot Programme for REDD+ results-based payments.

In order to receive such payments however, Vietnam needs to further undertake a retrospective Environmental and Social Assessment (ESA) describing how the activities that led to the results during the period for which payments are sought, applied the GCF's environmental and social standards as well as how the UNFCCC's 'Cancun' safeguards were addressed and respected in the design and implementation of REDD+. The assessment is expected to include information on how environmental and social risks and impacts were identified, assessed and managed; how relevant stakeholders were engaged; and about the implementation of grievance mechanisms. This document therefore responds to this requirement as part of the REDD+ RBP proposal in Vietnam for the period 2014-2018.

It is also necessary to address future environmental and social risks, as well as to apply safeguard policies and standards in the implementation of activities associated with the use of proceeds from the RBPs. Some conclusions and recommendations are provided at the end of this document, which are intended to inform the development of an Environmental and Social Management Framework (ESMF) for the use of proceeds. The ESMF is also provided as a separate document.

The ESA is organized as follows:

Chapter 1 Introduce the background and rational of this ESA.

Chapter 2 outlines the overall scope and approach to the assessment, briefly summarizing the GCF requirements and applicable safeguards frameworks as well as the evaluation methodology applied.

Chapter 3 provides an assessment of the extent to which the safeguards policy frameworks are aligned, comparing the Government of Vietnam's legal framework with the GCF's environmental and social safeguards as well as how Vietnam has proposed to address the UNFCCC's Cancun safeguards through its own country-led approach and policies, laws and regulations.

Chapter 4 then begins by summarizing the policy context that enabled the development of REDD+ in Vietnam as well as the relevant activities implemented in the country over the period 2014-18, including at the national level, the definition of specific REDD+ Policies and Measures (PaMs), work on the institutional mechanism for REDD+ and Warsaw Framework conditions for REDD+ readiness (including the UNFCCC safeguards requirements), as well as sub-national planning and pilot implementation activities. It also presents information on how and the extent to which relevant safeguards were addressed and respected in the design and implementation of REDD+ PaMs through government and internationally-funded programs at national and sub-national levels during the period 2014-18.

Chapter 5 outlines the Grievance Redress Mechanisms (GRM) for REDD+ that were identified, adapted and applied in the context of REDD+ and summarizes some of the key concerns of stakeholders that were documented during the design and implementation of REDD+ at national and sub-national levels.

Chapter 6 reflects on the extent to which the proposed country-led safeguards policy framework is adequate in terms of additionally meeting GCF requirements both on paper and in practice. Recommendations are provided that are intended to guide or inform ESMF development to ensure that identified gaps or weaknesses are addressed.

2. ENVIRONMENTAL AND SOCIAL ASSESSMENT SCOPE AND APPROACH

2.1. GCF REQUIREMENTS

The ESA is conducted and assessment report provided in compliance with the GCF requirement to do so, noting; *“The funding proposal will be accompanied with due diligence report(s) describing the extent to which the activities undertaken in the past leading to the results¹ for which the RBP is requested have been implemented in a manner consistent with the following GCF policies: Environmental and Social Safeguard standards (ESS Standards)”*. With regard to environmental and social safeguards, the following are required:

- I. **Due Diligence:** The Accredited Entity (AE) i.e. JICA, in collaboration with the Host Country is required to prepare an ESA report describing the extent to which the measures undertaken to identify, assess, and manage environmental and social risks and impacts, in the context of the REDD-plus proposal, were consistent with the requirements of the applicable GCF ESS standards. The Secretariat, in its second-level due diligence, will take such assessment into account as part of its overall consideration of the funding proposal against the scorecard. This, along with the country’s own assessment of how the Cancun safeguards were addressed and respected during the REDD-plus activities, will provide the basis for recommending the proposal to the Board for approval. The assessment for this aspect is included in Chapters 3 and 4 of this report.
- II. **Stakeholder Engagement:** Description of stakeholder engagement will form part of the information provided by the countries through the UNFCCC summary of information (SOI) as well as the ESA prepared by the AEs. The assessment by the AE described in section shall include a description of how the stakeholders were identified, informed, and consulted and how they have participated in the activities. The ESA will describe how stakeholder were engaged in Vietnam’s REDD+ readiness processes at national and sub-national levels. The assessment for this aspect is included in Chapter 4 of this report.
- III. **Grievance Redress:** The ESA will include a description of the GRMs, or analogous system whether established as part of the REDD-plus activities or as integral to the system of the country. The ESA will also specify how the mechanisms were accessed, the complaints that were received, and how these were resolved. The assessment for this aspect is included in Chapter 5 of this report.

¹ Period leading up to 2014

2.2. APPLICABLE ENVIRONMENTAL AND SOCIAL SAFEGUARDS FRAMEWORKS

It is recognized that other AEs in applying for GCF REDD+ RBPs have decided to apply their own safeguards policies, standards or frameworks. Whilst JICA Guidelines for Environmental and Social Considerations (January 2022) (GESC) are broadly consistent with the GCF's ESS (hence JICA's approval as an AE)². Table 3 below has showed consistency between the GCF and GESC. Indeed, the GESC state that JICA's projects must not deviate significantly from the World Bank's Safeguard Policies, and that JICA should refer to the internationally recognized standards and good practices, including those of the international financial organizations, when appropriate. To this end, JICA actively seeks harmonization of its GESC procedures with procedures of developing partners including the World Bank and Asian Development Bank by maintaining close coordination and engaging in a joint mission on GESC in projects that are co-financed by other development partners. JICA also participated in international conferences and other events concerning GESC to keep up to date with global trends and to share its experiences, thus contributing to the improvement of the overall GESC.³

As such, the applicable environmental and social safeguards frameworks providing the basis for the assessment are: i) the UNFCCC Cancun safeguards as they have been interpreted in the Vietnam context, as it is required that REDD+ countries meet these requirements regardless of the source of REDD+ funding⁴; (ii) GCF environmental and social safeguards (ESS) as per the requirements of the funding source of the payments, as well as; (iii) JICA 's GESC.

2.2.1. ENVIRONMENTAL AND SOCIAL SAFEGUARDS FOR REDD+

Reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks (REDD+) is a policy initiative under the UNFCCC that aims to incentivize developing countries to reduce land-based GHG emissions by providing finance for achieved emission reductions.

The REDD+ concept evolved through the international negotiations under the UNFCCC and at the 16th Conference of Parties (COP) in 2010 in Cancun, Mexico, the 'plus' (+) was added – countries could now include conservation, sustainable management and enhancement of forests as REDD+ activities. At the same

² Annex 3. Accreditation on environmental and social safeguards, Clause 32, GCF Accreditation Master Agreement dated 17 May, 2018

³ JICA Annual Report 2016

⁴ According to UNFCCC Decision 17/CP.21. The full text of this decision is available at http://unfccc.int/files/meetings/paris_nov_2015/application/pdf/sbsta_42_agenda_item_further_guidance_on_ensuring_transparency_cop_auv_template.pdf

conference, the parties agreed to a set of seven safeguards applicable to the implementation of REDD+. This means that any country interested in carrying out any REDD+ activities must implement them in accordance with a number of safeguards principles. The safeguards themselves are referred to as the UNFCCC REDD+ safeguards (also known as the Cancun safeguards) see Box 1 below.

Box 1: The UNFCCC REDD+ (Cancun) Safeguards

“When undertaking [REDD+] activities, the following safeguards should be promoted and supported:

- a) That action complements or is consistent with the objectives of national forest programmes and relevant international conventions and agreements;
- b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;
- c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
- d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities;
- e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the [REDD+] actions are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;
- f) Actions to address the risks of reversals;
- g) Actions to reduce displacement of emissions.”

Source: UNFCCC Decision 1/CP.16, Appendix I, paragraph 2

In addition, at COP 16 it was also agreed that REDD+ countries must develop a system for providing information on how safeguards are being addressed and respected (also known as a Safeguards Information System - SIS). At the next COP in Durban, South Africa (COP 17), it was agreed that in order to receive results-based payments, developing countries also need to provide a Summary of Information (Sol) on how the Cancun safeguards have been addressed and respected in the implementation of REDD+. At COP 19 in Poland (2013), the Warsaw Framework for REDD+ (or ‘REDD+ rulebook’) consolidated all the previous decisions on REDD+. The Paris Agreement (2015) finally formally incorporated REDD+ as an important means towards mitigating climate change.

In short, and based on the UNFCCC decisions there are three key safeguards requirements that all REDD+ countries must comply with in order to access result based payments, regardless of the source of funding:

- 1. Implement REDD+ measures in a manner consistent with the Cancun safeguards;**
- 2. Establish a system to provide information on how the Cancun safeguards are being addressed and respected (an SIS); and**
- 3. Provide a summary of information (Sol) on how the safeguards are being addressed and respected throughout the implementation of REDD+.**

2.2.1. GCF ENVIRONMENTAL AND SOCIAL SAFEGUARDS

GCF ensures that the climate finance it allocates does not harm local communities or ecosystems. GCF standards include equitably managing environmental and social risks in relation to its activities. GCF is also the first climate finance mechanism to mainstream gender perspectives from the outset of its operations as an essential decision-making element for the deployment of its resources.

The GCF has developed a set of environmental and social safeguards (ESS), as part of an Environmental and Social Policy and Environmental and Social Management System (ESMS). GCF has provisionally adopted the Performance Standards (PS) and directives of implementation of the International Financial Corporation (IFC). There are eight (08) IFC Performance Standards that include the main environmental and social questions that must be considered when starting a project, using the best international practices. These Standards aim to:

- Anticipate and avoid adverse risks and impacts on people and the environment;
- Where avoidance is not possible, adverse risks and impacts are minimized through abatement measures;
- Mitigate any residual risks and impacts; and
- Where avoidance, minimization or mitigation measures are not available or sufficient, and where there is sufficient evidence to justify and support viability, design and implement measures that provide remedy and restoration before adequate and equitable compensation of any residual risks and impacts.

PERFORMANCE STANDARDS



Figure 1. IFC Performance Standards

Table 1. GCF Environmental and Social Safeguards/IFC Performance Standards

| Performance Standard | Key Objectives/Contents |
|--|---|
| <p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> | <p>PS1 establishes the importance of (i) integrated assessment to identify the environmental and social impacts, risks, and opportunities of projects; (ii) effective community engagement through disclosure of project-related information and consultation with local communities on matters that directly affect them; and (iii) the client’s management of environmental and social performance throughout the life of the project.</p> |
| <p>PS2: Labor and Working Conditions</p> | <p>PS2 recognizes that the pursuit of economic growth through employment creation and income generation should be accompanied by protection of the fundamental rights of workers. PS2 core objectives are:</p> <ul style="list-style-type: none"> • To promote the fair treatment, non-discrimination, and equal opportunity of workers. • To establish, maintain, and improve the worker-management relationship. To promote compliance with national employment and labor laws. • To protect workers, including vulnerable categories of workers such as children, migrant workers, workers engaged by third parties, and workers in the client’s supply chain. • To promote safe and healthy working conditions, and the health of workers. • To avoid the use of forced labor. |

| Performance Standard | Key Objectives/Contents |
|--|--|
| | <p>PS2 comprises safeguards requirements relating to:</p> <ul style="list-style-type: none"> • Working Conditions and Management of Worker Relationship • Protecting the Work Force (child labor and forced labor) • Occupational Health and Safety • Workers Engaged by Third Parties • Supply Chains |
| <p>PS3: Resource Efficiency and Pollution Control</p> | <p>PS3 recognizes that increased industrial activity and urbanization often generate increased levels of pollution to air, water, and land that may threaten people and the environment at the local, regional, and global level. PS3 core objectives are:</p> <ul style="list-style-type: none"> • To avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities • To promote the reduction of emissions that contribute to climate change <p>PS3 comprises safeguards requirements relating to:</p> <ul style="list-style-type: none"> • General requirements covering: Pollution Prevention, Resource Conservation and Energy Efficiency; Wastes; Hazardous materials; Emergency preparedness and response; Technical guidelines • Ambient Considerations (project impacts on air, water and spoils) • Greenhouse Gas (GHG) emissions • Pesticide Use and Management |
| <p>PS4: Community Health, Safety and Security</p> | <p>PS4 recognizes that project activities, equipment, and infrastructure can increase community exposure to risks and impacts. In addition, communities that are already subjected to impacts from climate change may also experience an acceleration and/or intensification of impacts due to project activities. PS4 core objectives are:</p> |

| Performance Standard | Key Objectives/Contents |
|--|---|
| | <ul style="list-style-type: none"> • To anticipate and avoid adverse impacts on the health and safety of the Affected Community during the project life from both routine and non-routine circumstances. • To ensure that the safeguarding of personnel and property is carried out in accordance with relevant human rights principles and in a manner that avoids or minimizes risks to the Affected Communities <p>PS4 comprises safeguards requirements relating to:</p> <ul style="list-style-type: none"> • Community Health and Safety (addressing the potential for projects to threaten communities through unsafe equipment/infrastructure, exposure to hazardous materials, introduce diseases, damage ecosystem services) • Security Personnel |
| <p>PS5: Land Acquisition and Involuntary Resettlement</p> | <p>PS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land. Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood as a result of project-related land acquisition and/or restrictions on land use. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. PS5 core objectives are:</p> <ul style="list-style-type: none"> • To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs. • To avoid forced eviction. • To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets |

| Performance Standard | Key Objectives/Contents |
|---|---|
| | <p>at replacement cost and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.</p> <ul style="list-style-type: none"> • To improve, or restore, the livelihoods and standards of living of displaced persons. • To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites. <p>PS5 comprises safeguards requirements relating to:</p> <ul style="list-style-type: none"> • General requirements covering: Project design; Compensation and benefits for displaced persons; Community engagement; Grievance mechanism; Resettlement and Livelihood Restoration Planning and Implementation • Physical and Economic Displacement • Private Sector Responsibilities Under Government-Managed Resettlement |
| <p>PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources</p> | <p>PS6 recognizes that protecting and conserving biodiversity, maintaining ecosystem services, and sustainably managing living natural resources are fundamental to sustainable development. PS6 core objectives are:</p> <ul style="list-style-type: none"> • To protect and conserve biodiversity. • To maintain the benefits from ecosystem services. • To promote the sustainable management of living natural resources through the adoption of practices that integrate conservation needs and development priorities. <p>PS6 comprises safeguards requirements relating to:</p> <ul style="list-style-type: none"> • General requirements • Protection and Conservation of Biodiversity (including provisions covering: natural habitats, modified habitats, critical habitats, legally protected |

| Performance Standard | Key Objectives/Contents |
|---------------------------------------|--|
| | <p>and internationally recognized conservation areas, invasive alien species</p> <ul style="list-style-type: none"> • Management of Ecosystem Services • Sustainable Management of Living Natural Resources • Supply Chain |
| <p>PS7: Indigenous Peoples</p> | <p>PS7 recognizes that Indigenous Peoples (IPs), as social groups with identities that are distinct from mainstream groups in national societies, are often among the most marginalized and vulnerable segments of the population. In many cases, their economic, social, and legal status limits their capacity to defend their rights to, and interests in, lands and natural and cultural resources, and may restrict their ability to participate in and benefit from development. IPs are particularly vulnerable if their lands and resources are transformed, encroached upon, or significantly degraded. Their languages, cultures, religions, spiritual beliefs, and institutions may also come under threat. As a consequence, IPs may be more vulnerable to the adverse impacts associated with project development than non-indigenous communities. This may include loss of identity, culture, and natural resource-based livelihoods, as well as exposure to impoverishment and diseases. PS7 core objectives are:</p> <ul style="list-style-type: none"> • To ensure the development process fosters full respect for human rights, dignity, aspirations, culture, and natural resource-based livelihoods of IPs. • To anticipate and avoid adverse impacts of projects on IP communities or when avoidance is not possible, to minimize and/or compensate for such impacts. • To promote sustainable development benefits and opportunities for IPs in a culturally appropriate manner. • To establish and maintain an ongoing relationship based on Informed Consultation and Participation (ICP) with the IPs affected by a project throughout the project's life-cycle. |

| Performance Standard | Key Objectives/Contents |
|--------------------------------------|--|
| | <ul style="list-style-type: none"> • To ensure the Free, Prior, and Informed Consent (FPIC) of the Affected Communities of IPs when the circumstances described in this PS are present. • To respect and preserve the culture, knowledge, and practices of IPs <p>PS7 comprises safeguards requirements relating to:</p> <ul style="list-style-type: none"> • General requirements • Circumstances Requiring Free, Prior, and Informed Consent • Mitigation and Development Benefits • Private Sector Responsibilities Where Government is Responsible for Managing Indigenous Peoples Issues |
| <p>PS8: Cultural Heritage</p> | <p>PS8 recognizes the importance of cultural heritage for current and future generations. Consistent with the Convention Concerning the Protection of the World Cultural and Natural Heritage, this PS aims to ensure that clients protect cultural heritage in the course of their project activities. PS8 core objectives are:</p> <ul style="list-style-type: none"> • To protect cultural heritage from the adverse impacts of project activities and support its preservation. • To promote the equitable sharing of benefits from the use of cultural heritage <p>PS8 comprises safeguards requirements relating to:</p> <ul style="list-style-type: none"> • Protection of Cultural Heritage in Project Design and Execution • Project’s Use of Cultural Heritage |

In addition to the Environmental and Social Policy, the GCF Board of Directors has additionally approved an Indigenous People’s Policy (Decision GCF.B.19/11). The Indigenous People’s Policy applies to the GCF, AEs and National Designated Authorities (NDAs). The Policy includes stringent safeguards for all projects/program that include indigenous people (IPs). In the case of this program, the people potentially affected by the program include “ethnic minority” which

count as “indigenous people” by the definition used in the Indigenous People’s Policy⁵. Within the context of Vietnam, the term “ethnic minority” is used by the Government. With respect to the GCF Indigenous Peoples Policy, the project recognizes the requirements set forth in Paragraphs 38 and 39. GCF IP Policy respects the circumstance of Vietnam, however, as defined in the policy’s paragraphs 41, 44 and 45.

GCF has further approved its Gender Policy (B.24/12), which has the following main objectives:

- a) To support climate change intervention and innovations through a comprehensive gender approach, applied both within the institution and by its network of partners, including accredited entities (AEs), national designated authorities (NDAs) and focal points, and delivery partners for activities under the GCF Readiness and Preparatory Support Programme;
- b) To promote climate investment that:
 - Advance gender equality through climate change mitigation and adaptation actions; and
 - Minimize social, gender-related and climate-related risks in all climate change actions; and
- c) To contribute to reducing the gender gap of climate change-exacerbated social, economic and environmental vulnerabilities and exclusions through GCF climate investments that mainstream gender equality issues.

2.2.2. JICA ‘s GUIDELINES FOR ENVIRONMENTAL AND SOCIAL CONSIDERATIONS

The Japan International Cooperation Agency (JICA) is recognized as an Accredited Entity by the GCF and thus can assist the Government of Viet Nam (GOV) with GCF grants and projects.

JICA has long considered both environmental and social impacts in its development projects. In 2010 JICA adopted its “safeguards policy,” and updated in 2022,⁶ the Guidelines for Environmental and Social Considerations (GESOC), which applies to all forms of Official Development Assistance (ODA) of the Government of Japan.

This policy calls for screening of all projects and loans, and then environmental and social assessment as part of development planning, as well as management

⁵ referring to paragraph 38 of the Indigenous People’s Policy

⁶ JICA Guidelines for Environmental and Social Considerations: https://www.jica.go.jp/english/about/policy/environment/guideline/icsFiles/afiedfile/2023/12/25/kankyoEN_1.pdf

plans and monitoring as needed. The policy underscores the importance of supporting the host government's own standards and efforts, and providing additional support when needed to meet the environmental and social standards of the international community.

This JICA policy is in line with the GCF safeguard requirements as well as the Cancun REDD+ safeguards. Since late 2019, JICA has been undertaking a major review and revision of this policy, taking into consideration several international developments, including the updating of the World Bank safeguards with a new Environmental and Social Framework.⁷

The JICA Guidelines outline basic principles for consideration of environmental and social impacts in development projects, a process to be followed for social and environmental assessment, monitoring, and other requirements. It contains a list of prohibited practices. To begin the process, the JICA Guidelines provide a screening form for projects, to be submitted by project proponents. (This screening form, as used to assess the proposed Use of Proceeds of the GCF grant, is annexed to the ESMF document.)

Based upon initial screening, projects are then classified in terms of anticipated degree of impacts: Category A for major, complicated, or unknown impacts, or sensitive projects, Category B for moderate impacts, Category C for minimal or little adverse impacts, and Category FI for projects supporting financial intermediaries. Category A projects must then undergo an Environmental Impact Assessment, with detailed field studies, whereas Category B projects undergo an Initial Environmental Examination, based on existing information and/or quick field surveys. Category C projects do not require further social and environmental assessment. If a project involves a Master Plan, then a Strategic Environmental Assessment (SEA) is required. JICA as well as the project proponent are directly involved in stakeholder consultations for EIAs, but encourages project proponents to conduct stakeholder consultations for IEEs.

The JICA Guidelines are compliant with the requirements of both the Cancun safeguards (Table 2) and the GCF, or IFC, safeguards (Table 3). The Guidelines aim to follow international best practice for safeguards. It specifies that: "JICA confirms that projects do not deviate significantly from the World Bank's Safeguard Policies and refers as a benchmark to the standards of international financial organizations; to internationally recognized standards, or international standards, treaties, and declarations, etc.; and to the good practices etc. of developed nations including Japan, when appropriate."

When adopted in 2010, the JICA Guidelines made specific references to three of the existing World Bank safeguards:

⁷ come into effectiveness in October 2018.

- The JICA Guidelines provide an illustrative list of contents for EIA reports, based on Annex B of the World Bank Operational Policy, OP 4.01, on Environmental Assessment.
- The JICA guidelines specify that where needed, Resettlement Action Plans (RAPs) and Indigenous Peoples Plans (IPPs) should be prepared, and should include the elements specified in the World Bank Operational Policies and Bank Procedures covering these matters, i.e., OP/BP 4.10 and OP/BP 4.12.

The Guidelines are broader in scope than these World Bank safeguards, as they refer to a number of issues that were not covered by the World Bank safeguards. The Guidelines propose a list of issues to be considered, such as gender issues, human rights, children’s rights, impacts on human health and safety, infectious diseases, occupational safety, employment, etc. The exact issues to be covered for any specific project are specified in the Terms of Reference for that particular project.

Table 2. Comparison of JICA’S GESC and Cancun safeguards

| Cancun REDD+ Safeguards | JICA Guidelines for Environmental and Social Considerations |
|---|---|
| <p>a) Actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements.</p> | <p>JICA Guidelines stress the importance of aligning with international and national policies, laws, regulations, and other agreements. JICA aims to support, and where needed, strengthen, national PLRs, institutional arrangements, and other means to enhance meeting of mutually-shared development objectives</p> |
| <p>b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty.</p> | <p>The Guidelines also require or encourage stakeholder participation.</p> <p>Appendix 1 specifies that projects must be socially acceptable and consider social institutions and infrastructures.</p> |
| <p>c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted</p> | <p>Consideration must be provided for Indigenous Peoples.</p> <p>Appendix 1 provides specific guidance for IPs, and requires an Indigenous Peoples Plan consistent with requirements of the World Bank OP 4.10, Annex B.</p> |

| Cancun REDD+ Safeguards | JICA Guidelines for Environmental and Social Considerations |
|---|--|
| <p>the United Nations Declaration on the Rights of Indigenous Peoples.</p> | |
| <p>d) Full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities</p> | <p>The Guidelines require stakeholder consultation in Category A projects, and encourage it in Category B projects.</p> <p>Appendix 1 specifies that efforts must be made to obtain the consent of indigenous peoples in a process of free, prior, and informed consultation when projects may have adverse impacts on indigenous peoples.</p> |
| <p>e) Actions are consistent with the conservation of natural forests and biological diversity, ensuring that the [REDD+] actions are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits.</p> | <p>Appendix 1 specifies that projects must respect designated conservation areas. It also provides guidance on critical natural areas and critical forests, and avoidance of illegal logging (i.e., promotion of forest certification).</p> |
| <p>f) Actions to address the risks of reversals</p> | <p>The Guidelines require assessment of not only direct and immediate impacts, but also derivative, secondary, and cumulative impacts.</p> |
| <p>g) Actions to reduce displacement of emissions</p> | <p>The Guidelines require assessment of not only direct and immediate impacts, but also derivative, secondary, and cumulative impacts.</p> |

Table 3. Comparison of JICA's GESG and GCF/IFC Performance Standards

| CGF/IFC Performance Standards | JICA Guidelines for Environmental and Social Considerations |
|--|---|
| <p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> | <p>JICA Guidelines as a whole provide policy guidance on the JICA process for assessment and management of environmental and social risks and impacts.</p> <p>Measures for environmental and social considerations must be implemented from an early stage to a monitoring stage.</p> |
| <p>PS2: Labor and Working Conditions</p> | <p>Appendix 1 of JICA Guidelines specifies the scope of impacts to be assessed, including working conditions including occupational safety.</p> |
| <p>PS3: Resource Efficiency and Pollution Control</p> | <p>JICA Guidelines to provide active support to projects that promote environmental conservation and to projects that contribute to the protection of the global environment, such as attempts to reduce greenhouse gas emissions.</p> <p>It also states the basis for selecting the particular proposed project design, and offers justification for recommended emission levels and approaches to pollution prevention and abatement.</p> <p>The impacts to be assessed with regard to environmental and social considerations include impacts on human health and safety, as well as on the natural environment, that are transmitted through air, water, soil, waste, accidents, water usage, climate change, etc..</p> |
| <p>PS4: Community Health, Safety and Security</p> | <p>Appendix 1 specifies the scope of impacts to be assessed, which include impacts on human health and safety. Reference is also made to consideration of infectious diseases such as HIV/AIDS...</p> |

| CGF/IFC Performance Standards | JICA Guidelines for Environmental and Social Considerations |
|---|--|
| <p>PS5: Land Acquisition and Involuntary Resettlement</p> | <p>Involuntary resettlement and loss of means of livelihood are to be avoided, minimized and mitigated in accordance with the concept of mitigation hierarchy, and must be sufficiently compensated and supported in a timely manner and must be agreed upon with the people who will be affected.</p> <p>People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported by project</p> <p>Host countries must make efforts to enable people affected by projects and to improve their standard of living, income opportunities, and production levels, or at least to restore these to pre-project levels. Appropriate participation by affected people and their communities must be promoted in the planning, implementation, and monitoring of resettlement action plans and measures to prevent the loss of their means of livelihood. In addition, appropriate and accessible grievance mechanisms must be established for the affected people and their communities.</p> <p>Appendix 1 specifies that if a project will result in large-scale involuntary resettlement, then a Resettlement Action Plan must be prepared, consistent with requirements in World Bank OP 4.12, Annex A.</p> |
| <p>PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources</p> | <p>JICA ask the project proponent to take into consideration the ecosystem and biota. Particularly:</p> |

| CGF/IFC Performance Standards | JICA Guidelines for Environmental and Social Considerations |
|---------------------------------------|---|
| | <p>1. Projects must not involve significant conversion or significant degradation of critical natural habitats and critical forests.</p> <p>2. Illegal logging of forests must be avoided. Project proponents etc. are encouraged to obtain certification by forest certification systems as a way to ensure the prevention of illegal logging.</p> <p>Appendix 1 provides specific guidance in Section 6. Ecosystem and Biota, with reference to critical habitats and critical forests, and avoidance of illegal logging</p> |
| <p>PS7: Indigenous Peoples</p> | <p>Any adverse impacts that a project may have on indigenous peoples are to be avoided when feasible by exploring all viable alternatives</p> <p>When projects may have adverse impacts on indigenous peoples, all of their rights in relation to land and resources must be respected in accordance with the spirit of relevant international declarations and treaties.</p> <p>Measures for the affected indigenous peoples must be prepared as an indigenous peoples plan and must be made public in compliance with the relevant laws and ordinances of the host country. In preparing the indigenous peoples plan, consultations must be made with the affected indigenous peoples based on sufficient information made available to them in advance. When consultations are held, it is desirable that explanations be given in a form, manner, and language that are understandable to the people concerned.</p> |

| CGF/IFC Performance Standards | JICA Guidelines for Environmental and Social Considerations |
|-------------------------------|--|
| | <p>Consideration must be provided for Indigenous Peoples.</p> <p>Appendix 1 provides specific guidance for IPs, and requires an Indigenous Peoples Plan consistent with requirements of the World Bank OP 4.10, Annex B.</p> |
| PS8: Cultural Heritage | <p>Appendix 1 specifies the scope of impacts to be assessed, including cultural heritage.</p> |

2.2.3. UNFCCC SAFEGUARDS IN THE VIETNAM CONTEXT

The UNFCCC ‘Cancun’ safeguards are a set of seven broad environmental, social and governance related safeguards principles agreed at the Conference of Parties (COP) 16 in Cancun, Mexico in 2010. REDD+ countries are expected to interpret the Cancun safeguards in their own national context. Vietnam’s interpretation was developed on the following bases:

- i) Vietnam proposes to adopt a country-led approach to safeguards, meaning that it will define and utilize its own Country Safeguards Framework to meet multiple safeguards requirements, especially those of the UNFCCC, the FCPF/WB and the GCF.
- ii) The Country Safeguards Framework has been defined in tandem with and in response to the National REDD+ Action Programme (NRAP) and the specific REDD+ PaMs identified therein. It provides a framework for ensuring that REDD+ is implemented in a manner that is consistent with the UNFCCC safeguards principles aiming to avoid or mitigate potential social and environmental risks and enhance or promote benefits. Assessments of the environmental and social co-benefits and risks of REDD+ activities informed the development of the Country Safeguards Framework.
- iii) The Country Safeguards Framework has been developed based on detailed analyses of Vietnam’s policies, laws and regulations (PLRs) and/or institutions (that are relevant to the UNFCCC safeguards principles).
- iv) The process of developing the Country Safeguards Framework was iterative and involved extensive multi-stakeholder consultation at national and sub-national levels.

The UNFCCC safeguards, their key elements and Vietnam's interpretation⁸ is thus presented below.

Safeguard (a): That actions complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements

Key Elements/Terms:

- REDD+ actions complement or are consistent with the national forest strategy and plan
- REDD+ actions complement or are consistent with the objectives of 18 relevant international conventions and agreements (see Annex 1)

Vietnam's Interpretation:

Cancun safeguard (a), in the context of Vietnam, means that the specific PaMs set out in the NRAP and PRAPs are expected to be consistent with, or complement the objectives of Vietnam's National Forest Development Strategy (2006-2020), National Forest Protection and Development Plans and National Target Programme (NTP) on Sustainable Forest Development, and their guiding principles (which include rational use of natural resources), as required by the Constitution, as well as the objectives of 18 international conventions and agreements to which Vietnam is a signatory (see list in Annex 1).

Safeguard (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty

Key Elements/Terms:

- Forest governance structures
- Access to information
- Effective governance structures
- Rule of law
- Appropriate legal framework (rights to land use and forest land, fair benefit sharing, gender equity, and cross sectoral coordination)
- Access to justice
- Stakeholder participation
- Accountability and tackling corruption

⁸ Viet nam first Summary of Information,
https://redd.unfccc.int/files/4850_1_first_soi_viet_nam_28eng_29.pdf

Vietnam's Interpretation:

Cancun safeguard (b), in the context of Vietnam, means that the agencies responsible for developing and implementing the NRAP and PRAPs must provide information regarding the proposed REDD+ PaMs through active dissemination during both development and implementation, and upon request, in line with the requirements of relevant PLRs (notably the Law on Access to Information).

The accountability measures enshrined in the relevant PLRs, including those intended to tackle corruption, are expected to be applied. All public agencies are expected to act in accordance with their legal mandates and to follow the rules of behavior established in Vietnam's legal framework.

Existing land use rights and rights to forest land are expected to be identified, recognized and protected. The principle of fair distribution of benefits arising from the use of forest resources is expected to be applied to the implementation of the NRAP and PRAPs in line with the Constitution, Land and Forestry Laws. Gender equality and women's empowerment are to be promoted, as per the Constitution 2013 and the Law on Gender Equality 2006.

Cross-sectoral coordination between related ministries and agencies, including those in the land and forest sectors, is to be promoted throughout the implementation of the proposed REDD+ PaMs under the NRAP and PRAPs.

Relevant dispute and conflict resolution mechanisms are expected to be available to stakeholders to address any disputes arising from NRAP and PRAP implementation.

Safeguard (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples

Key Elements/Terms:

- Ethnic minorities and members of local communities
- Respecting the knowledge of ethnic minorities and members of local communities
- Respect for the rights of ethnic minorities and members of local communities

Vietnam's Interpretation:

Cancun safeguard (c), in the context of Vietnam, means that the understanding, experience and initiatives of ethnic minorities and of local communities, built up over a long period of time and transmitted from generation to generation, and the

rights of ethnic minorities and local communities as defined in the Constitution (including rights to maintain traditional knowledge, culture, customs, languages etc.) and other relevant PLRs (including the Forestry Law 2017 e.g. pertaining to spirit forests), are to be respected throughout the implementation of REDD+ actions under the NRAP and PRAPs.

Safeguard (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities

Key Elements/Terms:

- Full and effective participation of relevant stakeholders is recognized
- Full and effective participation of relevant stakeholders is regulated
- Participation mechanisms and/or platforms are used to facilitate participatory processes and the submission of comments and/or complaints (see safeguard b).

Vietnam’s Interpretation:

Cancun safeguard (d), in the context of Vietnam, means that adequate mechanisms to ensure the full and effective participation of all relevant stakeholders (in particular of ethnic minorities and local communities) are to be developed and implemented during the preparation of the NRAP and PRAPs, and throughout the implementation of the proposed REDD+ PaMs contained therein.

Relevant stakeholders are clearly identified in the legal framework, especially in the forest sector.

Vietnam’s legal framework recognizes the importance of ensuring public participation, including in the context of environmental and biodiversity protection, forest development as well as in the elaboration of land-use plans, and more broadly in socio-economic development planning. The Constitution (2013) and relevant laws recognized right of citizens to participate in the management of the State. The Ordinance on the Implementation of Democracy in Communes, Wards and Towns (2007) defines requirements for effective participation, including what people are required to be informed of, to discuss and vote on, to discuss and decide, to provide comments on prior to the decision by the competent authority, and to monitor.

Safeguard (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and

conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefit

Key Elements/Terms:

- Natural forests and biological diversity
- Conversion of natural forests
- Conservation of natural forests and biodiversity
- Incentivize the protection and conservation of natural forests and biodiversity and their ecosystem services
- Enhance other social and environmental benefits

Vietnam's Interpretation:

Cancun safeguard (e), in the context of Vietnam, means that REDD+ PaMs will not be used for the conversion of natural forests to plantation forest or to another non-forest land use purpose. Development and implementation of the NRAP and PRAPs are consistent with the natural forest protection and biodiversity conservation provisions of Vietnam's legal framework. Assessing the potential environmental impacts, positive and negative, of proposed REDD+ PaMs, and designing and implementing PaMs to support natural forest protection and biodiversity conservation, will be key to ensuring this consistency. REDD+ PaMs are included the provision of monetary and/or non-monetary benefits to stakeholders, including populations living in or around forest areas targeted for intervention to encourage their conservation, restoration and sustainable management by these local populations e.g. through legislation to provide investment in buffer zones of protected areas, and especially payments for forest environmental services (PFES) to local communities for their forest protection efforts. Proposed REDD+ PaMs have been assessed and designed in way that they promote ecological, biological, climatic, socio-cultural and economic benefits throughout the implementation of REDD+, in line with the orientation of the forest sector in Vietnam (see also safeguard b) that forests are managed and maintained to provide multiple economic, social and biodiversity benefits.

Safeguard (f) Actions to address the risks of reversals

Key Elements/Terms:

- Actions to tackle the risks of reversals

Vietnam's Interpretation:

REDD+ interventions are intended to be enduring, and it is, therefore, important to manage the risk of reversals. If the intervention is in part or in whole reversed, the climate benefits of the REDD+ intervention are lost through the loss of forest carbon stocks. In Vietnam, risks of reversals are to be identified during the PaMs

development stage. The National Forest Monitoring System (NFMS) will be the main source of information to monitor the implementation of REDD+ PaMs in order to track changes in forest cover and quality, which can inform actions to reduce the risks of reversals.

Safeguard (g) Actions to reduce displacement of emissions

Key Elements:

- Actions to reduce internal displacement of emissions

Vietnam's Interpretation:

Displacement is an important issue with regard to REDD+ because there may be no net reduction in emissions if deforestation has simply shifted to another areas a consequence of REDD+ implementation. In order to reduce the risks of displacement, the NRAP and PRAPs identify key drivers of deforestation and degradation, as well as potential opportunities for forest enhancement, and clarify how these drivers are to be addressed by the REDD+ PaMs. Potential social and environmental impacts of the proposed PaMs are to be identified and mitigated, including conflicts linked to land use in REDD+ intervention areas. The NFMS is also expected to be capable of identifying instances of deforestation and forest degradation, which, through further investigation may be shown to be due to displacement as a consequence of REDD+ implementation. NFMS tracking of deforestation and forest degradation, coupled with analysis of causes, can inform actions taken to reduce the risk of any further displacement. In addition, Vietnam has cross-border collaboration agreements on forest management and trade with neighboring countries (e.g. Lao PDR and Cambodia), which can help identify and reduce potential regional displacement.

2.3. EVALUATION APPROACH AND METHODOLOGY

The scope of the ESA covers the period from 2014-18; in some cases the processes developed in this period started in previous years, so background information is included. The ESA is conducted in relation to Vietnam's key REDD+ activities during this period, including national level efforts to develop a REDD+ mechanism focused on the four pillars of REDD+ readiness, as well as sub-national piloting and implementation of relevant REDD+ and forest sector activities. This covers both government programs and the significant level of support provided for REDD+ by international donors and implementing agencies. The following chapter describes Vietnam's REDD+ activities between 2014 and-2018.

The ESA firstly examines the adequacy or alignment of safeguards at the policy level, i.e. the country safeguard framework against the GCF and UNFCCC

requirements. Then, the ESA draws on a considerable volume of existing documentation of REDD+ activities during the period and retroactively examines the extent to which the above two safeguards frameworks (GCF and UNFCCC safeguards) were applied in relation to the design and implementation of REDD+ at this stage of Vietnam's readiness transition process. This will focus in particular on: a) measures taken to identify, assess and manage environmental and social risks and impacts; b) stakeholder engagement in the processes of REDD+ PaMs development and implementation; c) the grievance redress mechanism – how it was developed and how grievances have been received and resolved.

3. ASSESSMENT OF ALIGNMENT OF SAFEGUARDS POLICY FRAMEWORKS

3.1. ALIGNMENT OF INTERNATIONAL SAFEGUARDS AND VIETNAM'S LEGAL FRAMEWORK

Table 4 and Table 5 present the alignment of international safeguards (Cancun, GCF ESS, JICA) and Viet nam.

Table 4. The consistency in objectives and scope of coverage among Environmental and Social Safeguard Systems ⁹

| GCF ESS | UNFCCC Cancun Safeguards | JICA Guidelines for Environmental and Social Considerations | Vietnam 's Existing Legal Framework |
|--|---|--|---|
| <p>PS 1: Assessment and Management of environmental and social risks and impacts PS 1 establishes the importance of</p> <ul style="list-style-type: none"> integrated assessment to identify the environmental and social impacts, risks, and opportunities of projects; effective community engagement through disclosure of project-related information and consultation with local communities on matters that directly affect them; and | <ul style="list-style-type: none"> Safeguard (a): That actions complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements Safeguard (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty | <ul style="list-style-type: none"> In line with the objectives of GCF and Cancun on environmental and social risk, JICA Guidelines stress the importance of aligning with international and national policies, laws, regulations, and other agreements. JICA also aims to support, and where needed, strengthen, national PLRs, institutional arrangements, and other means to enhance meeting of mutually-shared development objectives | <ul style="list-style-type: none"> Vietnam's Constitution provides that The State has a policy to protect the environment; to manage and effectively, this is supported by a number of GoV policies and programs, including: <ul style="list-style-type: none"> The Forestry Development Strategy (2006-2020), National FPDP (2011-2020) and the NTP on Sustainable Forest Development (2006-2020) The National Green Growth Strategy (2011-2020 with vision to 2050)¹⁰ The primary law through which environmental impacts and risks are assessed is the Law on Environmental Protection (2014). The Law on Environmental Protection (LEP) clearly designates the MoNRE as the lead government agency responsible for defining environmental assessment and monitoring procedures in the country. Decree No. |

⁹ This table is only high level consistency check and not an operational equivalence assessment

¹⁰ Decision No. 1393/QĐ-TTg

| GCF ESS | UNFCC Cancun Safeguards | JICA Guidelines for Environmental and Social Considerations | Vietnam 's Existing Legal Framework |
|---|--|--|--|
| <ul style="list-style-type: none"> the client's management of environmental and social performance throughout the life of the project. | | | <p>40/2019/ND-CP outlines procedures for the conduct of SEA and EIA.</p> |
| <p>PS2: Labor and Working Conditions</p> <ul style="list-style-type: none"> To promote the fair treatment, non-discrimination, and equal opportunity of workers; To establish, maintain, and improve the worker-management relationship; To promote compliance with national employment and labor laws; | <ul style="list-style-type: none"> Safeguard (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty Safeguard (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations | <ul style="list-style-type: none"> In line with the objectives of GCF and Cancun on labor and working condition, JICA JICA Guidelines (Appendix 1) specifies the scope of impacts to be assessed, including working conditions including occupational safety. | <ul style="list-style-type: none"> Vietnam has also implemented various laws, regulations and program to assure a safe working environment for workforce. The 2012 Labor Code was revised in 2019 and will take action in 2021 provide detail guidelines related to working condition, equality in employment, payment, fair treatment, medical insurance, safety insurance, unemployment pension, harassment and prohibited discrimination against labor. Additional Law on Gender Equality 2006 also defines rights of women and all necessary enhancement that employers must implement. <ul style="list-style-type: none"> - Labor Code (10/2012/QH13)¹¹ on June 18, 2012 aims at improving the labor market and industrial relations in |

¹¹ On 20 November 2019, the National Assembly of Vietnam adopted the Labor Code No. 45/2019/QH14 ("New Labor Code"), take effect from 1 January 2021. It advance over the existing one with new provision on overlap working time, additional public holidays, labor contract, retirement age, Salary Scheme...

| GCF ESS | UNFCC Cancun Safeguards | JICA Guidelines for Environmental and Social Considerations | Vietnam 's Existing Legal Framework |
|---|--|---|---|
| <ul style="list-style-type: none"> • To protect workers, including vulnerable categories of workers such as children, migrant workers, workers engaged by third parties, and workers in the client's supply chain; • To promote safe and healthy working conditions, and the health of workers; • To avoid the use of forced labor. | <p>General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples</p> | | <p>Vietnam. It introduces significant new developments relating to labor contracts, work hours, labor outsourcing, internal labor rules, and foreign employees. In addition, the Labor Code sets forth several changes to working conditions that are favorable to employees. Examples include:</p> <ul style="list-style-type: none"> - Increasing the minimum salary level during probation from 70 percent to 85 percent of full salary - Adding an extra day to the Lunar New Year holiday, bringing the total number of public holidays in Vietnam (during which employees are entitled to fully paid leave) to ten - Increasing maternity leave from four months to six months - Any form of gender discrimination is prohibited. Other regulation has specified Non-discrimination and equal opportunity namely Code of Conduct on Sexual Harassment in the Workplace (2015), Circular No. 26/2013/TT-BLĐTBXH (2013) |

| GCF ESS | UNFCC Cancun Safeguards | JICA Guidelines for Environmental and Social Considerations | Vietnam 's Existing Legal Framework |
|--|---|--|---|
| | | | <p>providing list of jobs that women are not offered.</p> <ul style="list-style-type: none"> • Law on Occupational Sanitation and Safety No. 84/2015/QH 13 approved by the National Assembly on 25 June 2015. • Code of Conduct on Sexual Harassment in the Workplace (published 25 May 2015) • Law on Employment (No. 38/2013/QH13, dated 16 November 2013) • Law on Gender Equality (No.73/2006/QH11, dated 29 November 2006). • Law on People with Disabilities (No. 51/2010/QH12, dated 17 June 2010). |
| <p>PS3: Resource Efficiency and Pollution Control PS 3 recognizes that program/ project activities,</p> <ul style="list-style-type: none"> • To avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing | <ul style="list-style-type: none"> • Safeguard (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws | <ul style="list-style-type: none"> • In line with the objectives of GCF and Cancun on pollution control, JICA Guidelines to provide active support to projects that promote environmental conservation and to projects that contribute to the protection of the global environment, such as | <ul style="list-style-type: none"> • In response to mounting evidence of environmental degradation, the Vietnamese government has enacted important environmental policies and legislation and established institutional structures to manage and protect the State's natural resources and environment. It has expressed its commitment internationally by signing the International Declaration on Cleaner Production, and has ratified the Basel |

| GCF ESS | UNFCCC Cancun Safeguards | JICA Guidelines for Environmental and Social Considerations | Vietnam 's Existing Legal Framework |
|--|---|---|---|
| <p>pollution from project activities.</p> <ul style="list-style-type: none"> • To promote more sustainable use of resources, including energy and water. • To reduce project-related GHG emissions. | <ul style="list-style-type: none"> • Safeguard (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities | <p>attempts to reduce greenhouse gas emissions.</p> <ul style="list-style-type: none"> • It also states the basis for selecting the particular proposed project design, and offers justification for recommended emission levels and approaches to pollution prevention and abatement. • The impacts to be assessed with regard to environmental and social considerations include impacts on human health and safety, as well as on the natural environment, that are transmitted through air, water, soil, waste, accidents, water usage, climate change, etc.. | <p>Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and the Stockholm Convention on Persistent Organic Pollutants.</p> <ul style="list-style-type: none"> • Vietnam's Constitution 2013 provides that The State has a policy to protect the environment, to take initiative in prevention and resistance against natural calamities and respond to climate change, this is supported by a number of GoV policies and programs, including: <ul style="list-style-type: none"> - The Forestry Development Strategy (2006-2020), National FPDP (2011-2020) and the NTP on Sustainable Forest Development (2006-2020) - The National Green Growth Strategy (2011-2020 with vision to 2050)¹² • Law on Environmental Protection (2014). • The Penal Code (2015) strengthens provisions specifically targeting environmental crime. The Code now stipulates that legal entities, as well as individuals, can be prosecuted for a range |

¹² Decision No. 1393/QĐ-TTg

| GCF ESS | UNFCC Cancun Safeguards | JICA Guidelines for Environmental and Social Considerations | Vietnam 's Existing Legal Framework |
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| | | | <p>of environmental crimes including intentionally causing pollution, non-compliance with environmental remediation and protection regulations, and breaching hazardous waste management regulations</p> |
| <p>PS4: Community Health, Safety and Security PS4 recognizes that project activities, equipment, and infrastructure can increase community exposure to risks and impacts. In addition, communities that are already subjected to impacts from climate change may also experience an acceleration and/or intensification of impacts due to project activities. PS4 core objectives are:</p> <ul style="list-style-type: none"> To anticipate and avoid adverse impacts on the health and safety of the | <ul style="list-style-type: none"> Safeguard (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws Safeguard (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities | <ul style="list-style-type: none"> In line with the objectives of GCF and Cancun on the community health and safety. Appendix 1 specifies the scope of impacts to be assessed, which include impacts on human health and safety. Reference is also made to consideration of infectious diseases such as HIV/AIDS... | <ul style="list-style-type: none"> Law on Protection of People's Health 1989 has regulated clearly the role and responsibilities of bodies in charge of people 's health. Chapter 2 regulate on sanitation in activities and labor, public hygiene, prevention and control of diseases, Chapter 3 regulates on medicate examination and treatment, Chapter 7 regulate on protect the health of the elderly, wounded soldiers, sick soldiers, disabled people and ethnic minorities, Chapter 8 regulate on implementation of family planning and protect the health of women and children The existing Labor Code reserves 5 chapters describe detail legal regulation related to working time and rest time to assure health and safety of workforces (chapter 7); labor discipline and material responsibilities (chapter 8); occupation |

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| <p>Affected Community during the project life from both routine and non-routine circumstances.</p> <ul style="list-style-type: none"> To ensure that the safeguarding of personnel and property is carried out in accordance with relevant human rights principles and in a manner that avoids or minimizes risks to the Affected Communities | | | <p>safety and health (chapter 9); working condition for female, children and other vulnerable groups (chapter 10-11).</p> <ul style="list-style-type: none"> Overall, the Labor Code introduces comprehensive policies on occupational safety and hygiene, including scientific research and technological application, support for occupational risk prevention and sharing, insurance regime for labor accidents and occupational diseases and support for employers and employees in assurance of occupational safety and hygiene. Vietnam benefits from the presence of dedicated bodies for environmental health and for road safety. Vietnam's Health Environment Management Agency (VHEMA) under the Ministry of Health is a unique institution with planning, monitoring and law entry of Health enforcement mandates in fields that range from water and sanitation to hospital waste. The National Traffic Safety Committee was established to coordinate transport and public security at all levels. |

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| <p>PS 5. Land acquisition and involuntary resettlement PS 5 objectives are:</p> <ul style="list-style-type: none"> • To avoid, and when avoidance is not possible, minimize displacement by exploring alternative program/project designs. • To avoid forced eviction. • To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at | <ul style="list-style-type: none"> • Safeguard (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws • Safeguard (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities | <ul style="list-style-type: none"> • In line with the objectives of GCF and Cancun on the land acquisition issues. • Involuntary resettlement and loss of means of livelihood are to be avoided, minimized and mitigated in accordance with the concept of mitigation hierarchy, and must be sufficiently compensated and supported in a timely manner and must be agreed upon with the people who will be affected. • People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported by project • Host countries must make efforts to enable people | <ul style="list-style-type: none"> • The Constitution of Vietnam states that all land and natural resources are public properties, coming under ownership of the entire people represented and uniformly managed by the State¹³. The Constitution and the Land Law (2013)¹⁴ recognize the right of organizations and individuals to be assigned or leased land and recognition of the land use right by the State through the grant of a land use right certificate. Land users have the right to transfer the land use right, and practice related rights and duties in concordance with the law. The land use right is protected by the law. • Land-use right certificates (LURC) signify formal state recognition of a user's rights, and are necessary for secure tenure, formal land transactions, access to formal credit and legal protection of land-use rights. LURCs may be allocated for a range of land use purposes but in the context of REDD+, the principal land use rights of concern are those related to agriculture, forests and residential land. |

¹³ The Constitution of Vietnam (2013) Article 53

¹⁴ Land Law (2013) Law No. Law No. 45/2013/QH13

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| <p>replacement cost and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.</p> <ul style="list-style-type: none"> • To improve, or restore, the livelihoods and standards of living of displaced persons. • To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites | | <p>affected by projects and to improve their standard of living, income opportunities, and production levels, or at least to restore these to pre-project levels</p> <ul style="list-style-type: none"> • Appropriate participation by affected people and their communities must be promoted in the planning, implementation, and monitoring of resettlement action plans and measures to prevent the loss of their means of livelihood. In addition, appropriate and accessible grievance mechanisms must be established for the affected people and their communities. | <ul style="list-style-type: none"> • For rural households living in or nearby forests, agricultural and residential land are the most important livelihood assets. Households that have been allocated agricultural and residential land have rights safeguarded under the Land Law (2013), including rights to compensation in the event of appropriation of land by the state and resettlement.¹⁵ According to the Land Law (2013) compensation when State recovers land must be made in a democratic, impartial, equal, public, timely and lawful manner¹⁶. Affected parties are eligible to receive various forms of support from the government¹⁷: <ul style="list-style-type: none"> - Support for stabilizing livelihood and production; - Support for training, occupation change and job seeking for cases of recovery of agricultural land from households and individuals directly engaged in agricultural production, or of recovery of land which is a combination between residential land |

¹⁵ Land Law 2013 Article 77

¹⁶ Land Law (2013) Article 74

¹⁷ Land Law (2013) Article 83

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| | | | <p>and land for trading and services of households and individuals that have to be relocated;</p> <ul style="list-style-type: none"> - Support for resettlement in case of recovery of land from households, individuals who have to be relocated; • Decree 43/2014/ND-CP detailing a number of articles of the Land Law provides details on appraisal procedures, on the contents of a dossier to be submitted on the proposed land use plan¹⁸ as well as detailed procedures concerning land acquisition, resettlement and compensation. Prior notification of affected communities is required and they have the right to complain¹⁹ under the provisions of the Law on Complaints (2011)²⁰. • Decree 47/2014/NĐ-CP on regulations on compensation, support, and resettlement upon land expropriation by the state provides the details, procedures and valuations for compensation in the event of expropriation of land by the State. Decision |

¹⁸ Decree 43/2014/ND-CP detailing a number of articles of the Land Law, Article 9

¹⁹ Decree 43/2014 Article 17

²⁰ Law on Complaints No. 02/2011/QH13

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| | | | <p>63/2015/QD-TTg on policy assistance in vocational training and job search for workers whose land is withdrawn by the state establishes additional support for citizens who have had their land expropriated. These rights may be important in the context of REDD+ activities involving changes in land use or measures strengthening the conservation of forests.</p> <ul style="list-style-type: none"> • Although customary land rights are not explicitly recognized in Vietnam's PLRs, the Land Law provides that compensation can still be provided to households that use agricultural land but have not been granted LURCs.²¹ • According to the Land Law, 'for agricultural land which was used before July 01, 2004, of which land users are households and individuals directly engaged in agricultural production but have not been granted a certificate or not being eligible to be granted a certificate of land use rights and ownership of houses and other land-attached assets under this Law, the |

²¹ Land Law 2013 Article 77

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| | | | <p>compensation must be made for the land area which is actually used²². This is an important article since Vietnam is frequently criticized as having no respect for customary land ownership. However, the Land Law provides a flexible framework that implicitly acknowledges the reality of customary land claims and as a basis for resolving the complex array of de facto versus de jure land conflicts/disputes that exist in Vietnam.</p> <ul style="list-style-type: none"> • Vietnam does not recognize collective customary land ownership of territories, for example communities that may practice swidden cultivation over long time periods and over large areas. However, under the Forestry Law 2017, the sacred forest (religious forest) has been recognized and respected and will be allocated for the local communities. In addition, the existing community forest rules or/and “huong uoc” mechanism has been existed and promoted widely. Therefore, the gap has been partly closed. |

²² Land Law (2013) Article 77

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| <p>PS 6: Biodiversity conservation and sustainable management of living natural resources PS6 asks institutions to:</p> <ul style="list-style-type: none"> • To assess and avoid impacts on biodiversity and ecosystem services if possible, and otherwise implement measures to minimize and restore any impacts. • To apply protection measures to all impacted areas that have significant biodiversity value, even if they are habitats that have been modified by human activity. • To assess the ecosystem services that the project is likely | <ul style="list-style-type: none"> • Safeguard (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefit • Safeguard (g) Actions to reduce displacement of emissions • Safeguard (f) Actions to address the risks of reversals | <p>In line with the objectives of GCF and Cancun, JICA ask to take into consideration the ecosystem and biota. Particularly:</p> <ul style="list-style-type: none"> • Projects must not involve significant conversion or significant degradation of critical natural habitats and critical forests. • Illegal logging of forests must be avoided. Project proponents etc. are encouraged to obtain certification by forest certification systems as a way to ensure the prevention of illegal logging. • Section 6. Ecosystem and Biota, with reference to critical habitats and critical forests, and avoidance of illegal logging | <ul style="list-style-type: none"> • Vietnam has ratified number of key International Convention namely the United Nations Convention on Biological Diversity, 1992 (signed in May 1993); the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973 (signed in 1994); the Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention), 1982 (signed in 1989); and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, (The Biosafety Protocol), 2000. • Vietnam's Constitution provides that The State has a policy to stably use natural resources; to protect nature and biodiversity; to take initiative in prevention and resistance against natural calamities and respond to climate change²³. This is supported by a number of GoV policies and programs, including: • Law on Biodiversity 2008 requires conservation areas to be established with clearly defined zones: strictly protected, |

²³ The Constitution (2013) Article 63.

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| <p>to impact and/or that the project will rely on, and avoid, minimize or mitigate any negative effects, including from alien species.</p> | | | <p>ecological conservation and service administrative areas. This Act elevates the principles and priorities of biodiversity conservation to the level of an independent law, which specifies the principles and priorities of biodiversity conservation at all levels, from national and ministerial to local levels.</p> <ul style="list-style-type: none"> • Other laws also deal with biodiversity. The Law on Forestry, the Land Law, the Law on Fisheries and the Law on Environmental Protection all touch on the issue of biodiversity to some degree. • In addition, Vietnam has a number of National Strategies that deal either directly or indirectly with biodiversity namely the National Biodiversity Master Plan (2011-2020 with orientation to 2030)²⁴, The Forestry Development Strategy (2006-2020), National FPDP (2011-2020) and the NTP on Sustainable Forest Development (2006-2020), The National Green Growth Strategy (2011-2020 with vision to 2050)²⁵, the Decree 117 and |

²⁴ Decision No. 45IQD-TTg

²⁵ Decision No. 1393/QĐ-TTg

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| <p>PS 7. Indigenous peoples The objectives of PS 7 are:</p> <ul style="list-style-type: none"> • To ensure that the development process fosters full respect for the human rights, dignity, aspirations, culture, and natural resource-based livelihoods of Indigenous Peoples. • To anticipate and avoid adverse impacts of programs/ projects on communities of Indigenous Peoples, or when avoidance is not possible, to minimize | <ul style="list-style-type: none"> • Safeguard (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws • Safeguard (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities | <ul style="list-style-type: none"> • In line with the objectives of GCF and Cancun to take into account the indigenous peoples in the way that any adverse impacts that a project may have on indigenous peoples are to be avoided when feasible by exploring all viable alternatives • When projects may have adverse impacts on indigenous peoples, all of their rights in relation to land and resources must be respected in accordance with the spirit of relevant international declarations and treaties. | <p>Decree 156/NĐ-CP on organization and management of special use forest. ²⁶ .</p> <ul style="list-style-type: none"> • Ethnic minority people is official terms used in Vietnam, instead of the term indigenous people. Vietnam government also has department of ethnic minority affairs from national to local level to assure rights and voice of the peoples are respected and preserved. • Vietnam's overall policy and legal framework pays special attention to ethnic minority and other rural poor communities to promote their access to basic human rights and services in aiming to support economic development and poverty reduction in these areas. • Vietnam's legal framework explicitly recognizes and protects several rights with regard to 'ethnic minorities' including the right of non-discrimination, the recognition and promotion of cultural rights and cultural inheritance of ethnic minorities' |

²⁶ Decree No. 117/2010/NĐ-CP dated 24/12/2010, Article 19b. to prioritize the application of measures to protect and conserve the natural succession, combining natural regeneration with the planting of indigenous tree species and other silviculture measures. And Decree No. 156/2018/NĐ-CP dated 14/11/2018

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| <p>and/or compensate for such impacts.</p> <ul style="list-style-type: none"> • To promote sustainable development benefits and opportunities for Indigenous Peoples in a culturally appropriate manner. ▪ To establish and maintain an ongoing relationship based on Informed Consultation and Participation (ICP) with the Indigenous Peoples affected by a program/ project throughout the program/ project's life-cycle. • To ensure the Free, Prior, and Informed Consent (FPIC) of the Affected Communities of Indigenous Peoples when the | | <ul style="list-style-type: none"> • Measures for the affected indigenous peoples must be prepared as an indigenous peoples plan and must be made public in compliance with the relevant laws and ordinances of the host country. In preparing the indigenous peoples plan, consultations must be made with the affected indigenous peoples based on sufficient information made available to them in advance. When consultations are held, it is desirable that explanations be given in a form, manner, and language that are understandable to the people concerned. | <p>cultural rights (implicitly recognizing a degree of self-determination). Ethnic minority peoples are recognized as vulnerable groups in Vietnam and are given special treatments by the government in all development projects. The Constitution affirm their equality, while the existing Law on Cultural Heritage recognizes values and need to protect culture of the people following their wishes.</p> <ul style="list-style-type: none"> • The Constitution states that 'all ethnicities are equal, unified and respect and assist one another for mutual development; all acts of national discrimination and division are strictly forbidden', and that 'every ethnic group has the right to use its own language and system of writing, to preserve its national identity, to promote its fine customs, habits, traditions and culture'²⁷. • The right to non-discrimination is supported by the Penal Code 2010.²⁸ • The GoV also has several policies and laws which aim to specifically promote |

²⁷ The Constitution Article 5

²⁸ Penal Code 2010 Article 89

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| <p>circumstances described in this Performance Standard are present.</p> <ul style="list-style-type: none"> To respect and preserve the culture, knowledge, and practices of Indigenous Peoples. | | <ul style="list-style-type: none"> Consideration must be provided for Indigenous Peoples. Appendix 1 provides specific guidance for IPs, and requires an Indigenous Peoples Plan consistent with requirements of the World Bank OP 4.10, Annex B. | <p>economic development and inclusion for ethnic minorities and remote (often forest dependent) local communities:</p> <ul style="list-style-type: none"> Resolution 88/2019/QH14. Resolution 120/2020/QH14 by the National Congress and Resolution 12/2020/NQ-CP by the GoV on Overall Action-Pan and Investment for socio economic development in ethnic minorities and mountainous areas 2021-2030 The National Socio-economic Development Strategy (2011-2020) ²⁹, Forest Development Strategy (2006-2020) and other sector strategies and development plans all place priorities economic development and poverty reduction for ethnic minorities and the poorest households. Decision 1600/QD-TTg on approving the National Target Program on new rural development for 2016-2020. Decision 886/QD-TTg on approving the Target Programme for Sustainable |

²⁹ Decision No. 432/QD-TTg on approving the Vietnam Sustainable Development Strategy for the 2011-2020.

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| | | | <p>Forest Development for the 2016-2020 period</p> <ul style="list-style-type: none"> - Decision 2085/QĐ-TTg dated 31/10/2016 approving specific policies to support the socio-economic development of ethnic minority and mountainous areas in the period 2017 – 2020 includes a range of framework targets and measures to enhance living standards of ethnic minorities in Vietnam,³⁰ including land. - Decision 75/2015/NĐ-CP on the Mechanism and Policy of Forest Development Associated with the Policy on Sustainable and Rapid Poverty Reduction and Assistance to Ethnic Minorities for the period 2015 – 2020 - Decision 419/2017/TTg mentions the requirement of respecting the ethnic minority in REDD+ activities. • Ethnic minorities' land tenure rights are the same as for other Vietnamese citizens i.e. |

³⁰ Decision 2085/QĐ-TTg dated 31/10/2016 approving specific policies to support the socio-economic development of ethnic minority and mountainous areas in the period 2017 – 2020 Article 1

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| | | | <p>they may be allocated or assigned lands for use in accordance with the law.</p> <ul style="list-style-type: none"> • The Civil Code (2015) mentions that collective ownership within communities is possible, whether based on kinship, ethnicity, tribal or religious affiliation in accordance with customary practices insofar as these multiple owners contribute to the customary practices. Furthermore, it is stated that the members of these communities can jointly manage, use and dispose of such property in accordance with customary practice. • In addition, although the legal framework does not provide for customary land tenure, traditional knowledge of ethnic minorities and local communities is respected in the legal framework through the provision that local regulations can be developed to uphold community customs in compliance with State regulations. The practice of villages maintaining traditional conventions or regulations (<i>huong uoc</i> or <i>quy uoc</i>) has existed for centuries in Vietnam – the term is widely understood and application in practice is widespread. “<i>Huong uoc</i>” have been discussed a lot |

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| | | | <p>(and piloted) in last 10 years or more in terms of community-based forest management, as a means/way of local negotiation. In line with Grassroots Democracy Decree, huong uoc can thus be considered a form of 'grassroots democratization'. There are several relevant pieces of legislation formally acknowledging the practice:</p> <ul style="list-style-type: none"> - Joint Circular No 03/2000/BTP-BVHTT-BTTUBTWMTTQVN of MOJ, Ministry of Culture and Information, Standing Committee of Fatherland Front dated March 31, 2000 guiding the development and implementation of conventions, rules of the villages, hamlets, residential - Joint Circular No 04/2001/TTLT-BTP-BVHTT-BTTUBMTTQVN-UBQGDSKHHGD dated 09/7/2001 of MOJ, Ministry of Culture and Information, Standing Committee of Fatherland Front, National Population and Family Planning Committee Vietnam on guidance to supplement the Joint Circular No 03/2000/TTLT-BTP-BVHTT-BTTUBTUMTTQVN; |

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| | | | <ul style="list-style-type: none"> - MARD Circular No. 70/2007/TT-BNN, 8/1/2007 guiding development and implementation of forest protection regulation at village community level; which Provide guidance on procedures, contents for development and implementation of Regulation on forest protection and development at village community level. |
| <p>PS 8. Cultural heritage PS 8 recognizes the importance of cultural heritage for current and future generations. Consistent with the Convention Concerning the Protection of the World Cultural and Natural Heritage, this Performance Standard aims to ensure that clients protect cultural heritage in the course of their program/ project activities. It's objectives are:</p> | <ul style="list-style-type: none"> • Safeguard (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws | <ul style="list-style-type: none"> • In line with the objectives of GCF and Cancun • Appendix 1 specifies the scope of impacts to be assessed, including cultural heritage. | <ul style="list-style-type: none"> • Vietnam approved revised Law on Cultural Heritage in 2009, and this will be used as legal base to avoid any adverse impacts of proposed project on cultural heritage. • Vietnam government also has departments of culture, information and tourism from national to local levels to monitor the implementation of the Law in every development projects. |

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| <ul style="list-style-type: none"> • To protect cultural heritage from the adverse impacts of program/ project activities and support its preservation. • To promote the equitable sharing of benefits from the use of cultural heritage | | | |

3.2. KEY VIETNAMESE POLICIES, LAWS AND REGULATIONS FOR ADDRESSING AND RESPECTING THE CANCUN SAFEGUARDS

In the previous chapter, the principles and basic elements of the UNFCCC safeguards in the Vietnam context were introduced. The table 5 below provides a more detailed comparison of the UNFCCC principles against the specific provisions in Vietnam's legal framework. This table is referred to Viet Nam's first Summary of Information (2019) first SOI of Viet nam.

Table 5. UNFCCC (Cancun) Safeguards and Vietnam’s Country Safeguards Framework

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
|---|---|--------------------|----------------------|
| Cancun Safeguard (a)– national and international policy coherence | | | |
| REDD+ actions complement or are consistent with the national forest strategy and plan | Design and selection of PaMs, comprising the NRAP, NRIP and PRAPs, are consistent with the objectives of the Forestry Development Strategy for the period 2006-2020, the Forest Protection and Development Plan for the period 2011-2020, and the National Target Programme for Sustainable Forest Developing for the period 2016-2020. Decision 5414/QD-BNN-TCLN of the Ministry of Agriculture and Rural Development dated 25 December 2015 provides national guidelines for provinces to ensure that PRAPs are consistent with the Forestry Development Strategy for the period 2006-2020, and with the Forest Protection and Development Plan for the period 2011-2020. | No gaps identified | Not applicable |
| REDD+ actions complement or are consistent with the objectives of 18 relevant international conventions and agreements (see Annex 1) | <p>The Law on Conclusion, Accession and Implementation of International Treaties (2016): Article 6(1) states that international treaties take precedence over domestic legislation; in case of any inconsistency, international treaties apply.</p> <p>Accordingly, a number of laws relevant to REDD+ confirm that, in case of differences between these international treaties and Vietnamese law, they must directly apply the provisions of the relevant international treaties in that specific matter, including:</p> <ul style="list-style-type: none"> • The Law on Environmental Protection (2014): Article 161(4) | No gaps identified | Not applicable |

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
|--|---|--------------------|----------------------|
| | <ul style="list-style-type: none"> • The Law on Land (2003): Article 3(2) • The Law on Gender Equality (2006): Article 3 • The Law on Administrative Law Procedures (2010): Article 2(3) • The Forest Protection and Development Law (2004): Article 2(2) <p>During the development of SIS and SOI, VNFOREST has studied to identify the synergies between the reporting requirements to the international agreements and conventions Vietnam is party to, and how Vietnam is currently meeting those requirements.</p> | | |
| Cancun safeguard (b) – transparent and effective national forest governance | | | |
| Forest governance structures | <p>National forest governance structures in Vietnam are defined in Article 8 of the Law on Forest Protection and Development (2004). While the Government exercises unified State management over forest protection and development, at the central level the Ministry of Agriculture and Rural Development takes responsibility for State management of the protection and development of forests. Other ministries including the Ministry of Natural Resources and Environment, the Ministry of Public Security, the Ministry of Defense and other ministries as well as ministerial-level agencies, are required to coordinate with the Ministry of Agriculture and Rural Development in the exercise of State management of forest protection and development. The Government has set out the organization, tasks and powers of specialized forestry agencies from central to district levels and of forestry officers in communes, wards, townships and villages with forests. At the local level, the People’s Committees also play a role in the protection and development of forests in their respective localities.</p> | No gaps identified | Not applicable |

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
|--|---|--|---|
| <ul style="list-style-type: none"> Access to information | <p>The right to access to information is recognized in Vietnam. Several policies, laws and regulations provide the methods, forms, formalities and procedures for securing this right and require active dissemination of information. Article 2 (1,3) of the Law on Access to Information (2016), defines access to information includes the reading, watching, listening, reproduction and photocopying of the information including details and data that are contained in existing documents and papers and stored in writings, printouts, electronic texts, pictures, photos, drawings, tapes, disks, video recordings, audio recordings or in other forms produced by state agencies. According to Articles 5, 6 and 7 of the Law on Access to Information (2016), people can freely access information which is disclosed publicly (Article 18) or can request access to most information except for information that is explicitly characterized as inaccessible or subjected to certain conditions.</p> <p>Relevant policies, laws and regulations address access to information, including:</p> <ul style="list-style-type: none"> The Law on Environmental Protection (2014) The Law on Biodiversity (2008): Articles 11 and 15 The Ordinance on the Exercise of Democracy in Communes, Wards and Townships (2007): Article 5 | <ul style="list-style-type: none"> While the Law on Legal Dissemination and Education (2012) includes relevant provisions requiring public institutions to provide information explaining the laws, regulations and procedures related to forest management in easily understandable language for forest users, these | <p>Law on Environmental Protection³¹ and the Law on Access to Information³² were adopted, which address gaps identified regarding access to information</p> |

³¹ The 2013 Law on Environmental Protection, Article 3 (24), Chapter XI, and Article 131-133

³² The 2013 Law on Access to Information Articles 1, 2, 3 (1); Article 4 (1) and (2); Article 10-13; Article 21-25; Article 26-30; and Chapter III.

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
|---|--|--|-----------------------|
| | <ul style="list-style-type: none"> Decree No. 18/2015/ND-CP dated 14 February 2015 on the Regulations on Environmental Protection Planning and Environmental Assessment The National Biodiversity Strategy to 2020 and Vision to 2030 (2013): Section III (1,a) on implementation measures. | <p>provisions have not yet been directly reflected in other relevant laws.</p> | |
| <ul style="list-style-type: none"> Accountability | <p>Vietnam’s legal framework seeks to promote accountability and address corruption, including within the forest sector. In the case of the forest sector, it creates dedicated institutions with competence for promoting transparency of the forest sector activities, which include supervision and monitoring of funds. Furthermore, forest budgets are to be scrutinized by a parliamentary and governmental process, and information about the forest agencies budget should be made publicly available.</p> <p>Relevant policies, laws and regulations include:</p> <ul style="list-style-type: none"> The Anti-Corruption Law (2005): Article 21 The Law Amending and Supplementing a Number of Articles of the Anti-Corruption Law (2012): Articles 21 and 32a The Forest Protection and Development Plan, 2016-2020: Part IV. Organizational arrangements, Provision 2c. Decree No. 05/2008/ND-CP of the Government dated 14 January 2008 on establishing a forest protection and development fund with responsibilities for the collection, commitment and use of public funds in the forest sector (2008): Articles 4, 5, 6, 7 and 8 | <p>No gaps identified</p> | <p>Not applicable</p> |

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
|---|---|---------------------------|---|
| | <ul style="list-style-type: none"> Decree No. 90/2013/ND-CP of the Government dated 08 August 2013 on provisions for the accountability of State agencies for the performance of assigned duties and powers (2013) | | |
| <p>Effective forest governance structures:</p> | | | |
| <ul style="list-style-type: none"> Rule of law | <p>Article 2 of the Constitution of Vietnam (2013) regulates the rule of law in the country. All public agencies are expected to act in accordance with their legal mandates and to follow the rules of behavior established in Vietnam’s legal framework.</p> | <p>No gaps identified</p> | <p>Not applicable</p> |
| <ul style="list-style-type: none"> Appropriate legal framework (rights to land use and forest land, equity benefit sharing, gender equality, and cross sectoral coordination) | <p><i>Rights to land use and forest land:</i> Vietnam’s legal framework clearly regulates the ownership and rights to land use and forest land. It states that all land in Vietnam belongs to Vietnamese citizens as a whole, with the State administering the land on their behalf. Citizens and organizations can hold ‘land-use rights,’ but do not have ownership rights. The legal framework regulates the potential expropriation of land. According to the Land Law (2013), Article 74, 88(1), when the State confiscates the legitimate land, the State will compensate the land, the property on the land and may also provide assistance.</p> | <p>Partial gap</p> | <ul style="list-style-type: none"> As mentioned above, although the legal framework does not provide for customary land tenure, traditional knowledge of ethnic minorities and local communities is respected in the legal framework through the |

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| | | | <p>provision that local regulations can be developed to uphold community customs in compliance with State regulations. The practice of villages maintaining traditional conventions or regulations (huong uoc or quy uoc) has existed for centuries in Vietnam – the term is widely understood and application in practice is widespread.</p> <p>“Huong uoc” have been discussed a lot (and piloted) in last 10 years or more in terms of community-based forest</p> |

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| | | | <p>management, as a means/way of local negotiation. In line with Grassroots Democracy Decree, huong uoc can thus be considered a form of 'grassroots democratization'.</p> |
| | <p><i>Equitable benefit sharing:</i></p> <p>Vietnam clearly requires the fair distribution of benefits arising from the use of forest resources. The Constitution of Viet Nam (2013) states that land and natural resources of Viet Nam belong to the people and are managed uniformly by the State on behalf of the people and affirms principles of social progress and equality in its approach to independent socio-economic development based on its internal resources.³³</p> <p>Viet Nam's forest laws and regulations recognize a wide range of benefits and services provided by forests and make provision for their allocation and distribution. This includes both the direct economic benefits from harvesting of timber and Non-timber Forest Products (NTFPs) as well as the environmental services provided by forests. The principle of fair distribution of benefits arising from the use of forest resources is expected to be applied to the implementation of the NRAP and PRAPs.</p> | <p>No gaps identified</p> | <p>Not applicable</p> |

³³ The Constitution (2013), Articles 50 & 53.

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| | <p>There are various laws and regulations providing guidance on how benefits from forests are to be distributed, depending on the forest type and benefit:</p> <p>Prime Minister’s Decision 178/2001/QD-TTg which prescribes the benefits and obligations of households and individuals assigned, leased or contracted forests and forestry land by the State for forest protection, regeneration zoning and planting, with a view to creating an economic motive force for encouraging people to actively participate in forest protection and development. The decision details what products households/individuals are allowed to collect or grow in different types of forest, the extent of their harvesting, their benefits (which may include economic returns from the sale of the products as well as certain land use rights such as the right to use a certain proportion of the land for agricultural/aquaculture production) and the taxes levied upon them by State entities, which all depend on the context. In line with the objectives of the law, in many instances households may retain 80-100% of the benefits from the sale of timber, NTFPs such as bamboo, inter-cropped plants etc.</p> <p>Decree 99 /2010/ND-CP and Decree No. 147/2016/ND-CP (which amends some of the articles in the former) state that payments for environmental services (PFES) are made on the principles of <i>‘transparency, democracy, subjectivity, and equity, in line with the legal system of Viet Nam and international agreements that Viet Nam ratifies or joins, are ensured.’</i>³⁴</p> <p>The decree also details the types of environmental services covered under</p> | | |

³⁴ Government Decree No. 99/2010/ND-CP, Article 5

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| | <p>the law (including carbon sequestration/retention, REDD+),³⁵ defines buyers and sellers (service providers may include forest owners, including households and individuals as well as contracted households and individuals), methods and levels of payment, management and use of the PFES funds, the rights and obligations of users and suppliers.</p> | | |
| | <p><i>Gender equality:</i></p> <p>Gender equality is recognized in The Constitution³⁶ as well as in the Law on Gender Equality (2006).³⁷ The law outlines the overall goals, principles, policy and measures to promote gender equality and eliminate discrimination on the grounds of gender.³⁸ State agencies, political organizations, and socio-political organizations are expected to strive to meet these goals, to educate their members and to take additional measures, including the establishment of social welfare establishments and support services.³⁹</p> <p>In order to achieve the goals laid out in the Gender Equality Law, Viet Nam has also developed a National Strategy on Gender Equality (2011-2020)⁴⁰ which includes more specific objectives and targets for enhancing gender equality in Viet Nam. The Land Law 2013 also states that land use rights and property such as houses and other land-attached assets are the joint property of husband and wife and the full names of both husband and wife</p> | <p>No gaps identified</p> | <p>Not applicable</p> |

³⁵ Government Decree No. 99/2010/ND-CP, Article 4

³⁶ The Constitution of Viet Nam (2013), Article 26

³⁷ The Law on Gender Equality (2006), Article 6

³⁸ The Law on Gender Equality (2006), Articles 4, 6, 7 & 19

³⁹ The Law on Gender Equality (2006), Article 31

⁴⁰ Prime Minister’s Decision No. 2351/2010/QĐ-TTg on approving the 2011-2020 national strategy for gender equality.

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| | <p>must be recorded in the certificate of land use rights and ownership unless otherwise agreed.⁴¹ Finally, according to the Law on Promulgation of Normative Legal Documents (2015), gender equality issues must be integrated into legal documents and considered during impact assessments.⁴²</p> <p>Decree 48/2009/ND-CP providing for measures to assure gender equality, requires gender equality issues to be included in the elaboration of legal documents and details further measures to promote gender equality, including information and education, elaboration of new legislation and identifies budgetary sources to fund these activities.⁴³</p> | | |
| | <p><i>Cross-sectoral coordination:</i></p> <p>The legal framework defines a number of mechanisms and institutional arrangements to support cross-sectoral coordination, so as to support more holistic natural resource management, including in the preparation of reports on environmental impacts of different sectors and the creation of coordinating bodies to address cross-sectoral challenges such as climate change and protection of biodiversity.</p> <p>Relevant policies, laws and regulations include:</p> <ul style="list-style-type: none"> • The Constitution of Vietnam (2013): Articles 17 and 63 | No gaps identified | Not applicable |

⁴¹ The Land Law (2013).

⁴² The Law on Promulgation of Normative Legal Documents (2015), Articles 5, 35, 69 & 87.

⁴³ Decree No. 48/2009/ND-CP providing for measures to assure gender equality details further measures to promote gender equality, Article 1 and Articles 4-14.

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
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| | <ul style="list-style-type: none"> The Law on Land (2013) The Law on Environmental Protection (2014): Article 100 Prime Ministerial No. 2139/QD-TTg dated 5 September 2011, approving the National Strategy for Climate Change (2011): Part V. The Organization of Implementation, Section 3 | | |
| <ul style="list-style-type: none"> Adequate access to justice | <p>Vietnam’s legal framework specifically recognizes the right to access to justice in the context of land management related decisions and grants access to dispute resolution mechanisms at all levels, as well as to legal services and support. The legal framework also guarantees access to appeals, remediation, compensation and the enforceability of its decisions.</p> <p>Relevant policies, laws and regulations include:</p> <ul style="list-style-type: none"> The Law on Land (2013) provides several specific provisions relating to the right to access to justice on land management related decisions and the right to denounce offences against land law The Law on Complaints (2011⁴⁴) provides a comprehensive legal framework for citizens to formally access justice relating to administrative decisions, including those related to forest and forest land access, management, ownership and use. The Law on Complaints recognises the right to access legal services through | No gaps identified | Not applicable |

⁴⁴ According to the Law on Complaints (2011), a complaint can be made directly to the decision maker, and an appeal process is provided at the immediate higher level. Additionally, the complaint may be brought to an even higher level in accordance with the Administrative Court Procedure Law (2015).

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| | <p>lawyers, or through legal aid if the complainant is entitled to enjoy legal aid services in accordance with the Law on Legal Aid (2006).⁴⁵</p> <ul style="list-style-type: none"> <li data-bbox="551 440 1458 592">• The Law on Denunciations (2011) provides for denunciations and settlement of denunciations relating to illegal acts committed by cadres, civil servants or public employees when performing their tasks or official duties. It also provides protection for denunciators⁴⁶ <li data-bbox="551 619 1458 1023">• The Law on Reception of Citizens (2013) sets out the rights and obligations of persons making complaints, denunciations, petitions or reports. This law empowers all citizens throughout the country to raise a petition or report. Under this law any citizen can provide information, present opinions and expectations, or suggest solutions. This is presented to a competent agency, organization, unit or person in relation to the implementation of guidelines, policies, laws and other activities falling under their responsibility. Citizens can raise these petitions in person at a citizen reception office where representatives of a number of central or local agencies and organizations and leaders of the Party and the State at central or local level are often present in person. <li data-bbox="551 1034 1279 1066">• The Law on Administrative Court Procedures (2015) | | |

⁴⁵ The Law on Legal Aid (2006), Article 10. Government Decree No. 07/2007/ND-CP and Government Decree No. 14/2013/ND-CP further define who is entitled to legal aid.

⁴⁶ Law on Denunciations 2011, Article 1

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| | <ul style="list-style-type: none"> • The Civil Procedural Code (2004)⁴⁷ provides that parties have the rights to ask lawyers or other people to defend their legitimate rights and interests • Law on Grassroots Mediation (2013) formalises into law the popular practice of resolving disputes and grievances at local levels through the use of customary laws and conventions and/or other informal channels • The Law on Environmental Protection (2014) provides a general provision on dealing with complaints and denunciations relating to environmental protection <p>At the local level, the heads of mass organisations, village heads, religious leaders, elders at village level, and Commune People’s Committees are responsible for dispute and grievance resolution.</p> <p>The Ministry of Natural Resources and the Environment as well as Provincial, District and Commune People’s Committees and mass organisations are responsible for the resolution of disputes and grievances related to land. Provincial, District and Commune People’s Committees are responsible for the resolution of general complaints and grievances.</p> <p>Under UNREDD Phase II, the testing of GRM model for REDD+ was conducted at site level in 6 provinces. GRM model was designed in accordance with the UNREDD/FCPF guidance ⁴⁸ and existing above</p> | | |

⁴⁷ The Civil Procedural Code (2004), Article 9.

⁴⁸ UNREDD/FCPF (2015), Joint FCPF/UN-REDD Programme Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms.

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| | Vietnam legal legislation and institution taking account the customary and culture context. | | |
| <ul style="list-style-type: none"> • Stakeholder participation | This is addressed below under Safeguard (d): Relevant stakeholders | | |
| <ul style="list-style-type: none"> • Accountability and tackling corruption | This is addressed above under Safeguard (b): Transparent Forest Structures: Accountability | | |
| Cancun safeguard (c) – indigenous peoples’ and local communities’ rights | | | |
| Ethnic minorities and members of local communities | <p>The Cancun Agreement calls for full and effective participation of all relevant stakeholders including indigenous people and local communities and respect for their knowledge and rights, by taking into account relevant international obligations including the United Nations Declaration on the Rights of Indigenous Peoples and national circumstances and laws</p> <p>Ethnic minority people is the official term in Vietnam replacing for the term indigenous people. Vietnam government has department of ethnic minority affairs from national to local level to assure rights and voice of the peoples are respected and preserved. Ethnic minority peoples are recognized as vulnerable groups and are given special treatments by the government in all development projects. The Constitution affirm their equality, while the existing Laws (such as Laws on Cultural Heritage; Land law, Forestry Law) recognizes values and voices of local communities.</p> | Lack of FPIC provisions | Included FPIC requirement, GRM |

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
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| <p>Respecting the knowledge of ethnic minorities and members of local communities</p> | <p>Article 3(28) and Article 64 of the Law on Biodiversity (2008), relating to the copyright protection by the State for traditional knowledge on genetic resources), defines and regulate traditional knowledge in the context of genetic resources.⁴⁹</p> | <p>traditional knowledge beyond genetic resources (including cultural heritage and intellectual property), collective tenure rights and self-determination.</p> | <p>EMDP to be developed during the implementation FPIC, GRM</p> |
| <p>Respect for the rights of ethnic minorities and members of local communities</p> | <p>In relation to the rights of indigenous peoples as set out in the UNDRIP (2007), the UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1982), and other relevant international agreements, Vietnam’s legal framework explicitly recognizes and protects a number of rights with regard to ethnic minorities, including the right of non-discrimination, the recognition and promotion of cultural rights and cultural inheritance of ethnic minorities’ cultural rights, and fair benefit-sharing (see also safeguard (b)).</p> <p>In Vietnam, respect for the equal right of ethnic minority peoples are affirmed by the Constitution (Article 5). This is reinforced by various laws in different areas including culture, land ownership, forestry, health care, education and employment. Ethnic minority peoples are even given some special privileges in access to high education, medical care and</p> | <p>Lack of FPIC provisions</p> | <p>Included FPIC requirement, GRM</p> |

⁴⁹ The Law on Biological Diversity (2008): Article 3(28) and Article 6

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| | <p>employment. Institutionally, Vietnam as Council for ethnic minorities people at the National Assembly and monitoring organizations from ministerial level to local levels</p> <p>Vietnam’s current Strategy for Ethnic Affairs to 2020 (2013) emphasizes the target of achieving full cultural and social development in ethnic minority groups, through developing the policy to protect and promote the cultural identity, language, writing, practice, traditional beliefs of ethnic minorities and through other activities.⁵⁰</p> <p>The Law on Land (2013) sets out the responsibilities of the State on adopting policies on residential land and land for community activities for ethnic minorities in conformity with their customs, practices and cultural identities and the practical conditions of each region, and to adopt policies to facilitate for ethnic minorities who are directly engaged in agricultural production in rural areas to have land for agricultural production (Article 27). This Law also includes provisions for exemption from or reduction of land use levies or rental charges for households and individuals of ethnic minorities living in areas with especially difficult socio-economic conditions, in border areas or on islands, and for agricultural land use by households and individuals of ethnic minorities (Article 110). It states that during the process of land allocation or land lease, ethnic minority households and individuals in the locality that have no land or lacking production land, shall be prioritized (Article 133), and affirms the right for Households and individuals of ethnic minorities using allocated land under the support policies of the State to transfer or donate land use rights after 10 years from the date of issuance of the decisions on land allocation in accordance with the Government’s regulations (Article 192).</p> | | |

⁵⁰ Prime Ministerial Decision No. 449/QD-TTg dated 12 March: Articles 1.1 and 1.4; Article 4(d)

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| Cancun safeguard (d) – full and effective participation of relevant stakeholders | | | |
| <p>Full and effective participation of relevant stakeholders is recognized</p> | <p>Vietnam’s legal framework recognizes the importance of ensuring public participation, including in the context of environmental and biodiversity protection, forest development as well as in the elaboration of land-use plans,⁵¹ and more broadly in socio-economic development planning.</p> <p>Key policies, laws and regulations related to recognition of the right to full and effective participation</p> <ul style="list-style-type: none"> • The Law on Environmental Protection (2014) • The Law on Biodiversity (2008) • The Law on Forest Protection and Development (2004): Article 13 • The Law on Land (2013) • Decision No. 661/1998/QD-TTg: Chapter II • Decree No. 99/2010/ND-CP: Article 15 • Decree No. 163/1999/ND-CP: Articles 4 and 5 • Ordinance 34/2007 on Grassroots Democracy | <p>Lack of FPIC provisions</p> | <p>Included FPIC requirement, GRM</p> |
| <p>Full and effective participation of relevant</p> | <p>Vietnam’s legal framework provides detailed explanations in relation to the types of information to be shared and the modes/mechanisms of participation for numerous types of activity, including policy and legislative development, as well as planning and management. For example, Decree No. 43/2014/ND-CP establishes a mechanism for securing the effective</p> | <p>Lack of FPIC provisions</p> | <p>Included FPIC requirement, GRM</p> |

⁵¹ The Law on Land (2013)

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| <p>stakeholders is regulated</p> | <p>public participation in land use planning.⁵² Accordingly, the draft detailed land use planning must be introduced to every urban population group, village, hamlet and other population quarters; and at the same time must be posted up at the offices of the People's Committees of the communes, wards or townships where exists the land; the receipt of opinions can be contributed directly by people or through the representatives of population quarters.</p> <p>The legal framework provides accessible dispute resolution mechanisms that are relevant to environmental decision-making.</p> <p>In relation to creating an enabling environment for the effective participation of indigenous peoples and local communities, the legal framework includes some provisions requiring the incorporation of culturally sensitive, traditional and community structures for decision-making processes that are relevant to the forest sector.</p> <p>Key policies, laws and regulations related to regulation of the right to full and effective participation:</p> <ul style="list-style-type: none"> • The Law on Forest Protection and Development (2004) • The Constitution of Vietnam (2013): Article 8 • The Law on Access to Information (2016) • Decree No. 18/2015/ND-CP dated 14 February 2015 on the provision of Environmental Protection Planning, Strategic Environmental Assessment, Environmental Impact Assessment, Environmental Protection Commitments and Environmental Protection Plans | | |

⁵² Decree No. 43/2014/ND-CP dated 15 May 2014, detailing a number of articles in the Law on Land

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| | <ul style="list-style-type: none"> • Prime ministerial Decision No.126/QD-TTg dated on February 2, 2012 on piloting benefit sharing in the sustainable management, protection and development of special use forests • The Law on Biodiversity (2008): Article 22(2,b) • Ordinance No. 34/2007 on Grassroots Democracy | | |
| Cancun safeguard (e) – conservation of natural forests and biological diversity | | | |
| Natural forests and biological diversity | A Circular issued by the Ministry of Agriculture and Rural Development in 2009 setting out the criteria for forest identification and classification ⁵³ provides the necessary basis for applying safeguard (e). | No gaps identified | Not applicable |
| Conversion of natural forests | <p>Vietnam’s current policies, laws and regulations set out a number of measures to protect natural forests from conversion, however these differ depending on the initial classification type applied to the forest. Legal conversion of special use or protection forests is highly unlikely, while degraded forests have a higher chance of being legally converted. However, Article 3 of Circular No. 23/2013/TT-BNNPTNT dated 04 May 2013 regulating the regeneration of degraded natural forests as production forests sets out specific forestry requirements for regenerating degraded natural forests as production forests, which are quite strict. Production forests are considered to have the highest likelihood of conversion under the existing PLR.</p> <p>The language of Cancun safeguard (e) explicitly states that REDD+ activities are not used for the conversion of natural forests. Therefore,</p> | It is important to note that the draft legality definition contained in Vietnam’s VPA does not prohibit the sale of timber resulting from the conversion of natural forests as long as it complies with relevant laws and regulations. | <ul style="list-style-type: none"> • DARDs should ensure PRAPs do not include conversion of natural forest or plantation activities in forested areas (of natural forests). • To the extent possible, utilize MRV systems to support the |

⁵³ Circular No. 34/2009/TT-BNNPTNT of the Ministry of Agriculture and Rural Development dated June 10, 2009, on the criteria for forest identification and classification

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| | <p>while the legal framework in Vietnam regulates the circumstances under which natural forests can be converted to other uses, in the context of REDD+, it is expected that the proposed REDD+ activities will not result in the conversion of natural forests.</p> <p>Key policies, laws and regulations related to conversion of natural forests:</p> <ul style="list-style-type: none"> • Circular No. 58/2009/TT-BNNPTNT of MARD • Decision No. 186/2006/QĐ-TTg of the Prime Minister dated on 14/8/2006 on promulgating Regulation on forest management (revised by Decision No. 34/2011/QĐ-TTg dated 6 May 2014 of the Prime Minister) • Circular No. 23/2013/TT-BNNPTNT dated on 4/5/2013 on provision of regeneration of poor natural forests as production forests. • Directive 13 CT/TW of Central Party outlines the commitment to stop the conversion of natural forests. To resolve such limitations and weakness, it recalls responsible and active actions of the local governments and sectors. • Resolution 71 provides detailed requirements and tasks for the provinces to implement the Directive No. 13. Resolution 71 contains an Annex which provides details on the tasks of provinces for the implementation Directive No.13- It lists over 38 tasks and assigns coordinating agency, cooperating agency, outputs and implementing and finishing time. This provides very specific tasks that provinces must report on. | | <p>monitoring and reporting on the conversion of natural forests by REDD+ activities.</p> |
| <p>Conservation of natural forests and biodiversity</p> | <p>The Law on Forest Protection and Development (2004) outlines a series of requirements, including that “activities that directly affect forest ecosystems as well as the growth and development of forest organisms”</p> | <p>No gaps identified</p> | <p>Not applicable</p> |

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| | <p>must comply with both the provisions of this Law (which regulate impact assessment, forest fires, insect damage, trade) as well as other relevant legislation (listed in the box below). The legal framework of Vietnam also provides a definition of natural forests, and requires the mapping of forests, and development of forest inventories, including the mapping of natural forests.</p> <p>According to the current legal framework, the mapping of biological diversity is limited to within protected areas, or more specifically, to areas where resources have been provided to inventory and/or map biodiversity. More generally the Vietnamese legal framework also contains provisions to ensure that public awareness is raised regarding the value of biodiversity and forests, and that the impacts of forest land use policies on biological diversity are considered by public agencies.</p> <p>Key policies, laws and regulations related to conservation of natural forests and biodiversity:</p> <ul style="list-style-type: none"> • The Forest Protection and Development Plan, 2011-2020: Solution (I.2a), Solution (II.1.a), Solution (II.3). • The Law on Environmental Protection (2014) • The Law on Forest Protection and Development (2004): Articles 41 (protection of forest fauna and flora), 42 (forest fire prevention and protection), 43 (forest insect damage control), and 44 (trade, transport, import and export of forest fauna and flora) • The Law on Biodiversity (2008): Articles 3(1), 11, 8 and 25 | | |

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
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| | <ul style="list-style-type: none"> • The Law on Land (2013): Article 21 • Decision No. 799/2012-QD-TTg: Tasks (1đ, 2c) on enhancing awareness raising and technical capacity on REDD+ for staff at different levels, and for forest owners and communities. Part II.6 deals with strengthening propaganda, awareness raising, local people and organization participation in planning, implementation and monitoring REDD+ activities; solution III.5 request to carry out 5-year forest inventory and annual forest resources monitoring including natural forests • Decree No.117/2010/ND-CP: Article 21 (sustainable SUF utilization), 22 (forest environmental services), and 23 (tourism). • Decree No. 200/2004/ND-CP • Decision No. 07/2012/QD-TTg • Circular No. 35/2011/TT-BNNPTNT of the Ministry of Agriculture and Rural Development • Decision No 45/2014/QD-TTg on Master plan of biodiversity conservation of the whole country to 2020, orientation to 2030 and Decision No 845/2014/QD-TTg approval on National Biodiversity Strategy & Action Plan (NBSAP) • Viet Nam’s National Biodiversity Strategy (NBSAP) to 2020 with vision to 2030 (2013)⁵⁴ details key ecosystems and biodiversity areas, the threats to biodiversity, priority in-situ and ex-situ conservation measures and identifies REDD+ as an opportunity for raising funds in support of biodiversity conservation objectives. The NBSAP is accompanied by a National Master Plan on Biodiversity | | |

⁵⁴ PM Decision no.1250/QD-TTg approving the National Biodiversity Strategy to 2020, vision to 2030

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| | <p>Conservation⁵⁵ and sets out specific tasks for the conservation of particular zones in the country, including the development of conservation</p> <ul style="list-style-type: none"> • Provincial biodiversity strategies and action plans • Provincial forest protection and development master plans (10 years) • Provincial forest protection and development strategies and action plans (5 years) | | |
| <p>Incentivize the protection and conservation of natural forests and biodiversity and their ecosystem services</p> | <p>A number of relevant policies, laws and regulations refer directly or indirectly to incentive measures to conserve natural forest biodiversity and ecosystem services in Vietnam. These include both monetary and non-monetary incentives. For example, Vietnam has a State policy to invest in or to assist in the protection and development of forests including special use forests, protection forest, and poor natural forests, as set out in Article 10 of the Law on Forest Protection and Development (2004):</p> <p>“1. The State adopts investment policies for forest protection and development in association and synchronism with other socio-economic policies, prioritizing investment in infrastructure construction, human resource development, sedentarization and settlement, stabilization and improvement of the life of high-landers. 2. The State invests in activities of protecting and developing special-use forests, protection forests and national seeding forests; protecting and developing endangered, precious and rare forest plant and animal species; conducting scientific research and application, technological development and human resource training</p> | <p>No gaps identified</p> | <p>Not applicable</p> |

⁵⁵PM Decision No. 45/QD-TTg Approving the master plan on biodiversity conservation in the whole country through 2020, with orientations toward 2030

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| | <p>for forest protection and development; building a modern system for forest management, forest statistics and inventory and forest-resource change monitoring; building a specialized forest fire-fighting force; investing in material and technical foundations and providing equipment for forest fire fighting, prevention and elimination of organisms harmful to forests. 3. The State adopts policies to support the protection and enrichment of production forests being poor natural forests and the plantation of production forests of big and precious timber as well as specialty trees; to support infrastructure construction in raw material forests; to promote forestry and support people in areas that meet with many difficulties in forest development, production organization, forest product processing and sale.”</p> <p>The Law on Biological Diversity (2008) recognizes the development of ecotourism as an effective measure to incentivize forest protection in protected areas and while also contributing to poverty alleviation and sustainable livelihoods for households and individuals living legally in conservation zones, and for the sustainable development of buffer zones of conservation zones (Article 5:4). This Law also requires organizations and individuals to pay for the use of environmental services related to biodiversity, which provides the funds to incentivize the protection of forest environmental services (Article 74). The detailed policy on payment for forest environmental services is set out in Articles 2, 4, 5, 6, 7 and 8 of Government Decree No. 99/2010/NĐ-CP dated 24 September 2010. Decree No. 99/2010/ND-CP on Payments for Forest Environmental Services (PFES) defines the types of forest environmental services (including carbon sequestration/storage) and creates a mechanism for environmental service users to pay for the services provided by State</p> | | |

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
|---|--|---------------------------|--|
| | <p>Forest Management Boards, households and communities. The decree also sets out the methods of payment to a centrally- or provincially-managed fund and how the benefits should be distributed to service providers.</p> <p>Other key policies, laws and regulations related to incentivizing the protection and conservation of natural forests and their ecosystem services include:</p> <ul style="list-style-type: none"> • Decree No. 75/2015 on policies and mechanisms for forest protection and supporting ethnic minorities in the period 2015-2020 • Decision No. 24/2012/QD-TTg on special-use forest development investment policies for the period 2011-2020 | | |
| <p>Enhance other social and environmental benefits</p> | <p>Vietnam’s legal framework currently includes a number of provisions that seek to maintain socio-cultural, and economic (social) and ecological, biological, climatic environmental, contributions (benefits) of forest resources.⁵⁶ However, the review of the relevant policies, laws and regulations (as listed in the box below) indicates that these provisions are mostly reflected in their objectives, rather than in specific operational measures. The NRAP includes a number of PaMs that aim to enhance both environmental and social benefits, including: supporting integrated planning processes towards achieving the national forest cover target; promoting public participation in environmental and social impact</p> | <p>No gaps identified</p> | <ul style="list-style-type: none"> • Not applicable |

⁵⁶ Including in: Forest Protection and Development Plan 2011-2020; Resolution 30a/2008/NQ-CP Part II.II.A; Decision 661/QD-TTg 2012; Decision 178/2001/QD-TTg; Vietnam Forest Development Strategy 2006-2020

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
|------------------------|---|-----------------|----------------------|
| | <p>assessments to improve land use decision making (enhancing environmental and social benefits and minimising risks); supporting farmers to develop sustainable agricultural models for key commodities; promoting forest land allocation to households and communities and sustainable livelihoods for forest dependent communities; promoting sustainable forestry; developing methods for calculating the Total Economic Value (TEV) of forests and including it in future land use decision making.</p> <p>Key policies, laws and regulations related to enhancing other social and environmental benefits</p> <ul style="list-style-type: none"> • The Forest Protection and Development Plan 2011-2020 • Resolution 30a/2008/NQ-CP • Decree No. 75/2015 • Decision No. 661/QD-TTg 2012 • Decision No. 178/2001/QD-TTg • Vietnam Forest Development Strategy 2006-2020 • Decision No. 24/2012/QD-TTg on special-use forest development investment policies for the 2011-2020 period • MAR Decision 5414/QD-BNN-TCLN (2015) includes a process for the consideration of environmental and social benefits/risks of proposed REDD+ activities in PRAPs in order to maximize benefits and mitigate risks as part of the PRAP design. | | |

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
|--|--|--------------------|--|
| Cancun safeguard (f) – risks of reversals | | | |
| Actions to tackle the risks of reversals | <p>Viet Nam has made a number of political commitments to address deforestation and increase forest cover, including as a means to mitigating climate change. Viet Nam’s Nationally Determined Contribution (NDC) to tackle climate change⁵⁷ commits to increasing forest cover to 45% by 2030, and the NRAP mirrors this objective. The Land Law (2013) provides conditions and criteria for changing land use purpose; changing the land use purpose from forest land to other types of agricultural land (including other types of forest land) is subject to the Prime Minister’s decision for areas greater than 20 ha, and to the People’s Council’s Decision for areas less than 20 ha.⁵⁸ The Forestry Law (2017) requires that forest planning should be based on 30- to 50-year vision, and that changes to forest purpose must be in line with the Forest Protection and Development Plan and Land Use Plan, must have approval from the regulatory agency, must have an associated and approved investment project, and must include a plan for offset planting.⁵⁹ The Law on Forestry 2017, explicitly prohibits the conversion of natural forests (except in cases of nationally important projects, national defence projects, or other critical projects approved by the government).⁶⁰ Projects proposing land/forest use changes are subject to environmental impact assessment, which would highlight the need for</p> | No gaps identified | <ul style="list-style-type: none"> • Not applicable |

⁵⁷ Prime Minister’s Decision No. 2053/2016/QD-TTg.

⁵⁸ The Land Law (2013), Articles 57 & 58.

⁵⁹ The Forestry Law (2017, effective 1 January 2019), Articles 9 & 19-20.

⁶⁰ The Forestry Law (2017, effective 1 January 2019). Article 14.

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
|---|--|--------------------|----------------------|
| | <p>very high-level approvals for even small areas of forest land use change.⁶¹ These controls contribute to addressing the risks of reversals.</p> <p>Viet Nam has systems for monitoring land use, land and forest cover change.⁶² The NRAP includes a number of PaMs which aim to address the risk of reversals, including through integrated planning, strengthening of forest law enforcement (including of offset planting obligations which helps to address reversals), and on strengthening and continuously improving the NFMS.</p> | | |
| Cancun safeguard (g) –displacement of emissions | | | |
| Actions to reduce internal displacement of emissions | <ul style="list-style-type: none"> • National scale implementation of REDD+ activities and REDD+ FREL/FRL covering the national territory; • Design and selection of PaMs that: <ul style="list-style-type: none"> ○ taken into consideration the risk of emissions displacement, including risk of emission displacement to other ecosystems, ○ addressed the underlying and indirect drivers of deforestation and land use change rather than only addressing direct drivers at specific locations; | No gaps identified | Not applicable |

⁶¹ Government Decree No. 18/2015/ND-CP; MONRE Circular No. 27/2015/BTNMT.

⁶² The Forestry Law (2017, effective 1 January 2019), Articles 32-36; Government Decree No. 23/2006/ND-CP, Articles 38-41; MARD Circular No. 34/2009/TT-BNNPTNT; MARD Circular No. 78/2017/TT-BNNPTNT.

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
|--|---|---|---|
| | <ul style="list-style-type: none"> ○ taken into account the potential proximal and distal impacts of PaMs implementation on livelihoods, as well as the demand for and supply of forest and agricultural products ● NFMS designed to detect, track and provide information on displacement at national, subnational and local levels through detailed MRV of emissions reductions/enhanced removals; ● Analysis of possible reasons for displacement of emissions, such as ineffective implementation of REDD+ PaMs, or PaMs that are not designed to address underlying (local, subnational, and national) drivers of deforestation and forest degradation; ● Assessment, clarification and resolution of conflicts around land tenure arrangements in the intervention areas. | | |
| <p>Actions to reduce regional displacement of emissions</p> | <p>The NRAP (2017) includes the following PaMs that can contribute to reducing displacement of emissions from REDD+ activities in Viet Nam.</p> <ul style="list-style-type: none"> ● Build capacity and support implementation of Viet Nam’s Timber Legality Assurance System (VNTLAS) in order to implement the Voluntary Partnership Agreement with the European Union on Forest Law Enforcement, Governance and Trade of forest products (FLEGT). ● Supported development and operation of the monitoring system of the State and independent body to ensure compliance to Viet Nam’s VNTLAS. ● Measures to strengthen inter-agency forest law enforcement (which could include cooperation with customs officials on illegal transboundary trade). | <p>The VNTLAS has not yet been legalised by the year 2018</p> | <p>Legalise the VNTLAS (in place in 2021)</p> |

| National Clarification | How the Safeguard is Addressed | Identified Gaps | Gap-Filling Measures |
|------------------------|--|-----------------|----------------------|
| | <ul style="list-style-type: none"> International cooperation measures including strengthening transboundary conservation in key conservation corridor landscapes e.g. between provinces in Viet Nam and neighboring countries. deforestation-free agricultural supply chains in relevant industries. Bilateral Memoranda of Understanding (MoU) including specific provisions and actions on addressing drivers of transboundary displacement signed with Lao PDR and with Cambodia | | |

4. SAFEGUARDS ALIGNMENT AND STAKEHOLDER ENGAGEMENT DURING IMPLEMENTATION OF REDD+ IN VIETNAM (2014-18)

4.1. OVERALL NATIONAL POLICY FRAMEWORK ON CLIMATE CHANGE AND FORESTS

It is important to understand the overall policy context in which REDD+ was being designed as a mechanism and activities implemented on the ground. This overall policy context which REDD+ PaM was designed will provide clearly the evidence on how the safeguard has been respected, particularly the safeguard A of Cancun safeguards. The following sub-sections briefly provide some of that context.

4.1.1. OVERALL ORIENTATIONS FOR SOCIO-ECONOMIC DEVELOPMENT 2011-2020

In Vietnam, the primary policy documents outlining the country's strategic development for the period in question are the ten year (2011-20) Socio-economic Development Strategy (SEDS) and the five-year National Socio-economic Development Plans (2011-15) and (2016-20).

Objective of the Socio-economic Development Strategy 2011-2020 is to make the country a modern oriented industrial one by 2020 with socio-political stability, agreement, democracy, discipline; people's physical and spiritual life is clearly improved; the independence and territorial unification are firmly maintained; Vietnam's position in international arena is continually improved; creating firm premises for higher development in the next period.

In terms of target on environmental aspect: (i) forest covering ratio will be raised to 45% Up to 2020; (ii) Restrict harmful effects of natural disaster; (iii) Actively and effectively deal with climate change, especially the rise of sea water level.

The process of Orientations for Socio-economic Development 2011-2020 have been engaged of many scientists, ministries, agencies, non-governmental organizations, research institutes, enterprises, international organizations, and development partners and supported by the multilateral stakeholders like WB, ADB...

4.1.2. NATIONAL CLIMATE CHANGE POLICIES AND PROGRAMMES

Vietnam has been making actively its efforts to combat global climate change. Vietnam has been a participant in the United Nations Framework Convention on Climate Change (UNFCCC) since 1992. At the 21st Conference of the Parties

(COP21) in 2015, the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) adopted the Paris Agreement.

Vietnam submitted the INDC to the UNFCCC Secretariat in September 2015; signed and approved the Paris Agreement in April and October 2016, respectively. Vietnam's INDC comprises two components, namely mitigation and adaptation. The mitigation component identifies the roadmap for GHG reduction in the period 2021- 2030 for the following sectors: energy; agriculture; land use, land-use change and forestry (LULUCF); and waste. Under the INDC Vietnam has pledged to reduce GHG emissions by 8% compared to the BAU scenario with domestic resources, by 2030. This contribution can increase by up to 25% with international support through bilateral and multilateral cooperation and the implementation of new mechanisms in the Paris Agreement.

The INDC of Vietnam has been developed with the participation and contribution of different ministries, non-governmental organizations, research institutes, business sector representatives as well as international development partners. Through this INDC, Vietnam reaffirms its readiness to respond to climate change and contribute to UNFCCC objectives. The national implementation plan for the Paris Agreement identifies 68 priority tasks to be implemented from 2016 to 2030 by all ministries, agencies, communities and the private sector towards the achievement of the INDC of Vietnam.

After the Paris Agreement entered into force, the Parties' INDCs became Nationally Determined Contributions (NDCs). Since the submission of its NDC, Vietnam has developed and issued several important policies on climate change response at the national level, such as:

- The Resolution of the Politburo of the Central Committee of the Communist Party of Vietnam on the orientation of Vietnam's National Energy Development Strategy to 2030, with a vision to 2045 (2020);
- Vietnam's Renewable Energy Development Strategy to 2030, with a vision to 2050 (2015);
- The Revised National Power Development Plan (PDP) for 2011- 2020 with a vision to 2030 (revised PDP VII) (2016);
- The PIPA (2016); the National Action Plan for Implementation of the 2030 Agenda for Sustainable Development (2017);
- The Target Programme for Climate Change Response and Green Growth for the period 2016-2020 (2017).

In accordance with Decision 1/CP.21 of COP21, Vietnam reviewed and updated its NDC to be submitted to the UNFCCC Secretariat in 2020 based on the actual country context. During the review and update of NDC, it has been also received the active participation of wide range of scientists, ministries, agencies, non-governmental organizations, research institutes, enterprises, international organizations, and development partners. In additions, many national, sectoral and thematic consultation workshops were organized to assess the feasibility,

contents, and measures in implementing the updated NDC. Ministries and agencies actively participated in the review and update process.

4.1.3. NATIONAL FOREST SECTOR POLICIES, PLANS, AND PROGRAMS

There are three key policies, plans, and programs related to the forestry sector:

- Forest Development Strategy 2006-2020⁶³
- Forest Protection and Development Plan
- Target Program for Sustainable Forest Development

Approved in 2012, the Forest Protection and Development Plan (FPDP) is initiated under legal platforms of several existing and revised policies. In relation to REDD+, these include:

- Decisions No. [147/2007/QD-TTg](#) for production forest development
- Decision 60/2010/QD- TTg for the 5 million ha forestation project;
- Decision No. [73/2010/QD-TTg](#) for promulgating the Regulation on forestry construction investment;
- Decree No. [117/2010/ND-CP](#) for the organization and management of special-use forests;
- Decree No. 41/ 2010/ND-CP for attracting investment from other economic sectors for forest development and protection
- Decree No. [23/2006/ND-CP](#) of March 3, 2006. on implementation of the Law on Forest Protection and Development, in order to more closely manage the change of use purposes of different categories of forests in localities;
- Decree No. 99/2009/ND-CP of November 2, 2009, on sanctioning of administrative violations in forest management and protection and forest product management;
- Decision No. 186/ 2006/QD-TTg of August 14, 2006. Promulgating the Regulation on forest management, ensuring consistency and conformity with the land law and avoiding overlap and repetition;
- To continue current policies on food support for mountainous people to stop slash-and-burn farming and shift to forestation on forestry land being used for farming; the Government's Resolution No. [30a/2008/NQ-CP](#) of December 27, 2008, on the program to support quick and sustainable poverty reduction in 62 poor districts

⁶³ New Forest Development Strategy 2020-2030 has been adopted in 2020.

As replacement for Decision 57, Decision 886/QĐ-TTg on Target Program for Sustainable Forest Development (TP-SFD) in Vietnam was approved in 2017 for the period up to 2020. This Decision defined more detail targets, and integrated environmental development with livelihood improvement for local people.

The FPDP takes social issues into consideration as it set out clear related objectives and tasks including:

- To further socialize forestry activities under the line that forest protection is the responsibility of all agencies, organizations, households and individuals;
- To generate more jobs and raise incomes for people living on forestry, contributing to eradicating hunger, reducing poverty and maintaining security and defense.

Special-use and protection forest management units and state forestry companies and local communities shall co-manage forests on the basis of sharing the responsibilities for forest management, protection and development and benefits from forests based on each party's contributions.

Overall, these targets are primarily achieved and local people's livelihood has been improved significantly since then. However, this Plan also has some limitations. A recent study⁶⁴ identified that the implementation of FPDP had created some challenges for local communities. At some people, some villagers faced food insecurity, since they were not allowed to conduct shifting cultivation anymore. Even though they were given rice, they were still more vulnerable to food insecurity. The villagers were also more vulnerable to natural hazards, since they invested a lot of money in establishing plantation forests. However, past natural disasters have shown that plantation forests in the area could easily be destroyed. The villagers are now, unlike in the past, more vulnerable to external shocks.

This study also indicated another problem as the local government tended to eliminate customary forest arrangements, such as shifting cultivation or the maintenance of sacred forests. Benefit sharing mechanism (BSM) arrangements were also implemented through the formal institutions, represented by the village headman, whereas the village patriarch saw his role diminishing to merely a ceremonial one. Meanwhile, as indicated in another study, pro-poor REDD+ programs were implemented in a top down manner⁶⁵. In other places, land tenure

⁶⁴ Mucahid Mustafa Bayrak 1,* , Tran Nam Tu 2,† and Lawal Mohammed Marafa (2014), Creating Social Safeguards for REDD+: Lessons Learned from Benefit Sharing Mechanisms in Vietnam, *Land*, 3, 1037-1058; doi:10.3390/land3031037

⁶⁵ Mucahid Mustafa Bayrak & Lawal Mohammed Marafa (2020) Are Vietnamese farmers able to combat global climate change? A case study on perceptions and attitudes towards sustainable forest management and REDD+ in Central Vietnam, *Journal of Sustainable Forestry*, 39:3, 242-258, DOI: [10.1080/10549811.2019.1634593](https://doi.org/10.1080/10549811.2019.1634593)

became insecurity because the process of demarcating village and forest boundaries did not invite participations of all related persons⁶⁶.

However, there are some problems that arise objectively. One of the factors that may influence the sustainability of initial REDD+ piloting efforts in Lam Dong province is the recent historical success of domestic PFES. Under this scheme household forest protection contracts have been signed with State forest owners (SFCs, national parks) and farmers paid cash per hectare per year. Local stakeholders understandably compare REDD+, as it has been introduced to them by the program, with the existing PFES scheme. Sub-national stakeholders, from provincial government to local farmers, perceive and expect REDD+ to be implemented as an extension of PFES, which has been pioneered in the province over the past four years. The program, in selecting Lam Dong as a pilot and focusing sub-national activities on awareness-raising activities, has reinforced the local-level perception that REDD+ is equivalent to 'PFES plus carbon'. Exploration of how on-the-ground REDD+ operations could be integrated into and improve the existing PFES scheme, however, was limited to discussions around BDS, and remains incoherent and unconvincing to local stakeholders experienced in implementing PFES for water regulation and soil conservation services⁶⁷.

Also in Lam Dong, it was highlighted that the development and implementation of REDD+ related activities has generated renewed competing claims and conflicts over forests among social actors. Underlying these conflicts there are incompatible notions of justice and associated rights, which lead different actors to accord legitimacy variously to the global norms brought about by REDD+, the customary resource practices of indigenous people, or to the state's laws. The negotiations over forests in REDD+ reflect the influence of the specific historical and political-economic settings in which REDD+ activities take place, including pre-existing conflicts over forests and power relations underpinning forest management. Therefore, the introduction of simplified and uniform regulations for forest governance in REDD+ should be avoided, since local institutions and conceptions of justice will significantly influence what is regarded as legitimate policy and can thus be endorsed as inspiration for sustainable forest governance⁶⁸. Thus, REDD+ may provide a new opportunity to take a fresh look at not only forest justice but also more broadly at sustainable forest management⁶⁹.

⁶⁶ Mucahid Mustafa Bayrak 1,* , Tran Nam Tu 2,† and Lawal Mohammed Marafa (2014), Creating Social Safeguards for REDD+: Lessons Learned from Benefit Sharing Mechanisms in Vietnam, *Land*, 3, 1037-1058; doi:10.3390/land3031037

⁶⁷ Howard Macdonald Stewart, Vancouver & Steven Swan (2013) Final evaluation of the UN-REDD Vietnam Programme, UN-REDD Programme, Geneva

⁶⁸ Cam Hoang, Poshendra Satyal & Esteve Corbera (2019) 'This is my garden': justice claims and struggles over forests in Vietnam's REDD+, *Climate Policy*, 19:sup1, S23-S35, DOI: [10.1080/14693062.2018.1527202](https://doi.org/10.1080/14693062.2018.1527202)

⁶⁹ Sikor T, Cầm H. REDD+ on the rocks? Conflict Over Forest and Politics of Justice in Vietnam. *Hum Ecol Interdiscip J.* 2016;44:217-227. doi:10.1007/s10745-016-9821-1

Similarly, the TP-SFD has also combined forest protection, forest development with socio-economic development of local people as they clearly defined corresponding targets including:

- Improve the production output and quality, promote the value of each forest type, increase the value of production forests per each area unit;
- Contribute to meeting the requirements of natural disaster mitigation, ecological and environmental protection, response to climate change and sea level rise;
- Create jobs, increase income, contribute to hunger eradication and poverty alleviation, improve livelihood for people working in the forestry sector, and closely align these activities with the process of building new rural areas, maintaining national defense, security, social order and safety.

Importantly, both FPDP and TP- SFD clearly requested related Vietnamese agencies to fully implement international commitments, take reasonable measures to protect the domestic market and develop the forest product export market in accordance with international law. Meanwhile, to assure effective participations of local communities and sustainable implementation of the programs, various measures have been designed.

Among those measures, some significant enhancements include: forest protection related law and regulation propaganda, dissemination and education; propaganda about economic, social, environmental and national defense and security value of forests via mass media; public awareness of forest protection; stimulate family households living in and near forests to sign forest protection commitments; strictly control the conversion of purposes of forestry land into other purposes, resolutely handle violations against laws on land, illegal sale and purchase of forestry land and responsibility of local jurisdictions for directing and overseeing the full implementation of planting of substitute forests with respect to projects of which the purpose is transformed from other purpose in accordance with applicable regulations.

4.2. NATIONAL REDD+ ACTION PROGRAMME DEVELOPMENT AND IMPLEMENTATION

The period 2014-18 marked a crucial transition stage as Vietnam progressed towards REDD+ readiness for results-based payments. REDD+ readiness activities in Vietnam during this period included activities at the national level particularly those focused on the strategic development of a set of national REDD+ policies and measures to meet the UNFCCC Warsaw Framework requirements. In addition, a number of donor agencies supported programs piloting REDD+ implementation at sub-national levels with results from the field feeding into national mechanism/policy development. Most of Vietnam's REDD+ efforts between 2014-18 were supported by the following international agencies/donors (WB/FCPF, ADB, UNDP...) who themselves require the

application of their own safeguards frameworks, which are largely consistent with the GCF's ESS, indeed the majority are implemented by agencies that are AEs of the GCF, meanwhile the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety's (BMU) International Climate Initiative (IKI) requires implementing partners to apply the same safeguards framework as the GCF i.e. the IFC Performance Standards.

Table 6. Key REDD+ Programs in Vietnam (2014-18)

| Agency/Donor | Programme | Dates | Activities contributed to PaM | Safeguards Framework |
|--------------------------------------|---|-----------|--|--|
| UNDP, UNEP, FAO (all GCF AEs) | UN-REDD Programme Phase II | 2014-2018 | National readiness: BDS, Safeguard, FPIC, FREL, MRV, GRM, NRAP, NRIP, SIS/SOI Sub-national REDD+ piloting: Lao Cai, Bac Kan, Ha Tinh, Lam Dong, Binh Thuan, Ca Mau | UNDP, UNEP and FAO's own safeguards frameworks |
| World Bank (GCF AE) | Forest Carbon Partnership Facility | 2013-2018 | National readiness: FPIC, PRAP, SESA, ESMF, RPF, GAP, EMPF North Central Region: Thanh Hoa, Nghe An, Quang Binh, Ha Tinh, Quang Tri, Thua Thien-Hue | World Bank Operational Policies |
| JICA (GCF AE) | Sustainable Natural Resource Management | 2015-2021 | National readiness: FREL, MRV/NFMS Managing and conserving forest resources with the participation of local people; Tracking forest changes effectively by applying the latest technology; Implementing forest management and improving livelihoods through cooperation with Japanese private enterprises; and Managing forests in the role of responding to climate change and making use of external funds to perform that role. Lai Chau, Dien Bien, Son La, Hoa Binh, Lam Dong provinces | JICA Guidelines for Environmental and Social Considerations (January 2022) |

| Agency/Donor | Programme | Dates | Activities contributed to PaM | Safeguards Framework |
|----------------|---|-----------|--|---|
| USAID | Lowering Emissions from Asia's Forests Vietnam Forests and Deltas Green Annamite | 2012-2018 | National climate change and low emissions development and REDD+ policies and strategies with a focus on reducing emissions from forestry and agriculture sectors and strengthening climate-smart livelihoods and settlements. Thanh Hoa, Nghe An, Lam Dong, Thu Thien Hue, Quang Nam provinces | USAID's Environmental Procedures |
| BMU/IKI | Delivering Multiple Benefits from REDD+ ENRICH Forest Carbon Stock Enhancement Ecosystem-based Adaptation in the Mekong Delta | 2012-2018 | National readiness: REDD+ safeguards, benefit-sharing, policy strategies in mainstreaming multiple benefits into REDD+ Action Plans at national (and subnational) level, roadmaps for country-led environmental and social safeguards; participatory approach in monitoring of carbon and non-carbon aspects, benefit distribution mechanisms from REDD+ to inform the development of REDD+ Action Plans. Thanh Hoa, Nghe An, Ha Tinh, Lam Dong, Ca Mau provinces | IFC Performance Standards |
| ADB | Biodiversity Corridors Conservation Project (BCC) | 2015-2019 | Institutional and Community Strengthening; Biodiversity Corridor Restoration and Protection; Livelihoods Improvement and Small-Scale Infrastructure Support; Quang Tri and Thua Tien Hue (and Quang Nam) | ADB Safeguard Policy Statement (SPS 2009) |

| Agency/Donor | Programme | Dates | Activities contributed to PaM | Safeguards Framework |
|--------------|--|-----------|---|--|
| JICA | Protection Forests Restoration and Sustainable Management Project (JICA 2) | | Protection forest development developing and improving protection forest (i.e. work with Protection Forest Management Boards and assisting with reforestation/ afforestation of watershed forest on PFMB land and includes small scale infrastructure civil work such fire watch huts, fire breaks, information signs etc.; | JICA Guidelines for Environmental and Social Considerations (January 2022) |
| USAID | Vietnam Forest Delta Program (VFD) | 2012-2020 | Sustainable Landscapes (Thanh Hoa and Nghe An provinces) - supporting large low-emissions development planning (green growth) efforts in the forestry and agricultural sectors, including REDD+ Thanh Hoa and Nghe An (only Thanh Hoa left in phase 2 from 4/2018-12/2020) | USAID Environmental Regulations, Policies and Procedures (22 CFR 216) |
| USAID | Green Annamite's Project | 2016-2020 | Increased Application of Low Emissions Land-Use Practices; Strengthening Biodiversity Conservation; and [SEP] Increased Resilience for Vulnerable Communities. [SEP] Thua Thien Hue (the project is also implemented in Quang Nam) | USAID Environmental Regulations, Policies and Procedures (22 CFR 216) |

4.2.1. STAKEHOLDER IDENTIFICATION AND ENGAGEMENT

Stakeholder engagement is an important aspect of the ESS, especially under PS1 Environmental and Social Management Systems, as well as with respect to effective governance and transparency and the full and effective participation of stakeholders under Cancun safeguards (b) and (d) respectively.

REDD+ stakeholders in Vietnam were identified through a stakeholder analysis at national and provincial levels conducted in 2014. The analysis identified various stakeholders including relevant public sector ministries and line agencies, sub-national departments, forest owners (including forest management boards, forest companies, cooperatives, and households), the private sector, civil society organizations and NGOs, academic research and policy organizations, communities and households. The analysis also included a power analysis as well as outlining specific strategies for the engagement of the different stakeholders⁷⁰ Vietnam's REDD+ stakeholders are also identified in the country's first Summary of Information on REDD+ safeguards.⁷¹

From 2014 to 2018—a crucial period in Vietnam's progress toward becoming eligible for results-based payments under REDD+—stakeholder engagement at the national level was extensive. This engagement took place notably through the established REDD+ Network and its six Sub-technical Working Groups (STWGs), which focused on the four key REDD+ pillars (REDD+ Strategy development, FREL, MRV/NFMS, and safeguards), as well as important policy issues such as benefit distribution, cross-sectoral planning, and integration.

UN-REDD Programme:

Throughout this period, the UN-REDD Programme invested considerable effort in designing and implementing approaches that ensured broad and meaningful stakeholder representation. Meaningful participation was ensured at multiple levels. Nationally, NGOs/CSOs and ethnic minority representatives participation. The Programme also made deliberate efforts to engage the private sector, academia, and government counterparts, recognizing their importance in pursuing sustainable finance options, fostering alliances, and promoting business opportunities that connect enterprises with households, communities, and forest owners. This broad-based and effective participation of ethnic minorities and CSOs at both national and provincial levels has been essential for inclusive consultation processes and has contributed to strengthened, independent monitoring. Guidelines for applying Free, Prior, and Informed Consultation/Consent (FPIC) were piloted under the UN-REDD Programme in Lam Dong Province, involving around 5,500 people in which 51.6% and 69% are female and ethnic minorities respectively from 78 villages, informing subsequent

⁷⁰ UN-REDD Programme (2014) Stakeholder Analysis and Stakeholder Engagement for the Implementation of National REDD Action Programme in Viet Nam.

⁷¹ SOI (2019)

national guidance for NRAP/PRAP revision.⁷² Results showed that, in general, all the participants were interested in and satisfied with information provided and presentations given by experts; use of local pictures and language in their presentations were recommended. However, the whole process of FPIC at the village level should be fully documented, particularly any issues raised by the villagers and the responses given by the team so that the process of discussion can be followed by anyone reading through the documentation. If possible, documentation should be done on large paper so that villagers can read from the back of the room. There has also been a high level of stakeholder engagement at sub-national levels through the various projects and programs that have supported PRAPs, SiRAPs, pilot activities and general awareness-raising and capacity-building events. It is estimated that there are 52 core organizations involving in REDD+ policy making at national level. They are from government agencies (15%), business sector (8%), national NGO and CSO (4%), international NGOs and donors (20%) and media (5%)⁷³.

However, women's representation in REDD+ bodies and institutions is rather limited at both MARD and VNFOREST. Only 20% of MARD's employees are women. While no women hold ministerial positions, 25% of staff at department level are women, and 14% of director-general positions are held by women. There are three women (25% of the total deputy director) hold deputy director positions at department level (MARD 2015). The FPIC (free, prior and informed consent) process superficially addressing gender has been piloted in Vietnam under the UNREDD II program.⁷⁴

Stakeholder engagement through the development process of SESA/ESMF under FCPF

Under the FCPF project, environmental and social risks have been identified with the engagement of relevant stakeholder during the development process of SESA/ESMF. The SESA is a tool which is designed to ensure that environmental and social concerns are integrated into the development and implementation processes for the NRAP⁷⁵ and the Provincial REDD+ Action Plans (PRAPs); offer a platform for consultation with and participation of relevant stakeholders to integrate social and environmental concerns into the decision-making process related to REDD+; and to enhance the country's NRAP and PRAPs by making recommendations to address gaps in relevant policy and legal frameworks, and

⁷² <https://vnforest.gov.vn/wp-content/uploads/2025/05/4.-UN-REDD-FPIC.pdf>

⁷³ Pham Thu Thuy, Moira Moeliono and Le Ngoc Dung (2014) REDD+ policy networks in Vietnam. Infor Brief, CIFOR.

⁷⁴ UN-REDD VIETNAM. 2013. UN-REDD Vietnam program gender analysis. United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, Hanoi, Vietnam.

⁷⁵ Revised National REDD+ Action Plan (NRAP) 2017-2030 on April 5th, 2017; Previously Decision 799/QĐ-TTg, 27/6/2012 approved the National REDD Action Plan.

institutional capacity to manage environmental and social impacts/risks associated with REDD+.

The SESA process has comprised two main diagnostic parts: (1) Qualitative investigations and consultations on environmental, socio-economic and institutional aspects in largely ethnic minority areas in the ER-P provinces; and (2) A quantitative survey⁷⁶ focusing on forest dependence and livelihoods of primarily ethnic minority households in the six proposed ER-P provinces

The SESA qualitative investigations began with an in-depth study of secondary literature, relevant policies, laws and regulations (PLRs) and both spatial and demographic data that had been collected by the FCPF team. The SESA team's qualitative work was carried out in all relevant Provinces, and selected Districts and Communes from October 2015 to March 2016. It also included visits to villages of various ethnic minority people. In addition to the qualitative works, relevant stakeholders (VNFOREST staff, agriculture, forestry, environment, ethnic minority staff at provincial, district and commune levels, staff in special use forest management boards (SUFMBs) and protection forest management boards (PFMBs), heads of villages and local people of different ethnic groups) have been consulted to collect information on the proposed program activities through various workshops and field visits. It is estimated that consultations have involved over 24 rural communities with some 500+ individual householders of whom 295 have been women (95% from 12 different ethnic minority groups with poverty rates in excess of 70%), 12 CPCs (75 members including 22 women) and DPCs (120 members including 20 women), six PPCs (25 members including 6 women) at the sub-national level. At the national level, including international participants based on consultation and participation records in excess of 100 people (including 25 women). For CSOs and NGOs some 35 people, including 20 women, of which 11 NGOs have been consulted in detail on REDD+ by the project and have participated in all or some of the REDD+ workshop activities. There have been in excess of 30 project related workshops at the national and sub-national level. For field-based studies the emphasis has been on quality rather than quantity with the exception of the SESA, which involves a qualitative survey of forest-dependent households chose at random based on a robust sampling strategy. In addition there have been separate sets of consultation in all provinces on the preparation of the PRAPs which involved consultations at the different levels and with the different types of stakeholders of interest. The stakeholders include forest-dependent households and communities, with the emphasis being on ethnic minority households, but not to the exclusion of non-ethnic minority households ensuring that women, younger people, the aged and vulnerable households (especially the poor and physically handicapped have been included in these consultations). Consultations were held with relevant Government departments/divisions/offices at Province, District and Commune levels in Quang Tri, Thanh Hoa and Nghe An, and at provincial level in Thua Thien Hue to assess the understanding of and preparedness for REDD+. This

⁷⁶ MARD and FCPF (2019). Environmental and Social Management Framework

especially included the Forest Protection Sub-Department and the Department of Agriculture and Rural Development (DARD), but representatives of other organizations such as the Centers for Ethnic Minorities, the Fatherland Front and the Women’s Union (the latter are both socio-political and “mass” organizations in Vietnam) were also included. The assessments included discussions with the different organizations on the approaches taken with local communities/EMs, especially on issues related to forest land management, and how they themselves assess their own resource availability in terms of staffing and implementation budgets.

The following Table 7 shows a summary of specific issues raised during consultations with communes and communities received and how these views have been taken into account in the design and implementation of the ER Program.

Table 7 Specific issues raised during different consultations with communes and communities

| Consultation | Issues raised | Notes |
|--|--|--|
| General commune and district consultation for the SESA and PRAPs | 19 key issues raised including: Illegal logging (top/ often); impacts of infrastructure mainly Hydropower projects (HPP) some minor roads (top/often); forest fires; livelihoods related issues (top/often); mining (mainly gold) natural disasters (e.g. flooding); lack of cultivation land; hope for planted forest (plantation benefits) but lack technology (next often); forest protection and management issues; fragmentation of forest (biodiversity issues); encroachment issues (next often); forest patrolling; land tenure issues (next often); access to and over exploitation of NTFPs; demand for timber; general forest degradation issues; law enforcement and lack of knowledge and awareness (next often); lack of access to credit; poor land use planning (LUP) | Issues included in the PRAP activities and BSM approach, GRM design, |
| | Entities believed to be most capable of managing forests | Households 61% / village communities 24%(highest score) |
| SUF PFMB | Encroachment/ collection of NTFPs Lack of production land shifting cultivation, land tenure issues (FLA and re-allocation issues), livelihood issues (alleviation) Illegal logging | Issues included in the PRAP activities |

Apart from qualitative consultation, a quantitative survey employing Probability Proportional to Size (PPS) sampling method has been conducted to select 102 out of the list of high forest cover 327 ER-P communes in the upland areas that also have a high proportion of ethnic minority households. In total, 3,060

households in 102 communes of the six ER-P provinces with roughly 88% of the EM population in the ER-P area were surveyed.⁷⁷

Assessment of Effectiveness and Inclusiveness During the Results Period

Vietnam conducted extensive engagement during the results period, primarily centered on developing the National REDD+ Action Programme (NRAP), the Country Safeguards Framework (CSF), and the Strategic Environmental and Social Assessment (SESA). However, the documentation reveal limitations:

Lack of Systemic Traceability: Despite the fact that while consultations occurred extensively in the donor supported REDD+ projects, a review of the implementation of Policies, Laws, and Regulations (PLRs) noted that the existing legal frameworks often did not clearly define how feedback is incorporated, and mechanisms for providing feedback and resolving disputes were limited or non-operational.

Weak Documentation of Issues Raised: Policy implementation assessments noted a general lack of transparency and non-inclusivity in the consultation process for Strategic Environmental Assessments (SEA) and Environmental Impact Assessments (EIA), especially concerning large infrastructure projects like hydropower. This meant that issues raised by affected parties were often insufficiently analyzed or documented.

Participation of Women: Despite high participation volume in some areas, women's representation in REDD+ bodies and institutions remained limited. Women's involvement was often described as "consultative participants" with little certainty of influencing decisions. Gender equality and gender differences were often not fully acknowledged in specific REDD+ legislation like the NRAP (2012 version).

Information Dissemination Gaps: While the first Summary of Information (SOI) was posted on the Vietnam REDD+ website for public comment in July 2018, this was at the very end of the results period.

These weakness will be informed the UoP for gap closing during the implementation.

4.2.2. NATIONAL REDD+ MECHANISM AND POLICY DEVELOPMENT

Vietnam was among the first countries to develop a National REDD+ Strategy/Action Plan (one of the key Warsaw Framework pillars), as the Prime Minister approved the country's first National REDD+ Action Program (NRAP) in 2012, covering the period 2011-2020. The NRAP served a critical purpose in

⁷⁷ MARD and FCPF (2019). Environmental and Social Management Framework

raising awareness on REDD+ and has provided an important platform for support from international donors to invest in REDD+ activities in the country. However, with limited available guidance from the UNFCCC or other country experiences, this initial effort was critiqued as having certain weaknesses, including for having been developed with inadequate consultation and participation. Furthermore, although NRAP (2012) outlined a roadmap towards REDD+ mechanism establishment and readiness, it did not clearly define the drivers of deforestation and forest degradation nor outline strategic policies and/or measures indicating how Vietnam would intend to achieve emission reductions. Recognizing these limitations, a process was undertaken with support from the UN-REDD Programme in 2016 to review the NRAP and its implementation to date and to update and improve it accordingly.

The review process initiated a subsequent participatory process for the development of a new and revised NRAP involving several rounds of national and regional consultations and with the participation of a wide range of stakeholders, and which was ultimately approved by the Prime Minister in 2017, covers the period from 2017-2030⁷⁸. The revised NRAP aims to contribute to the implementation of sustainable forest development, national strategies on responding to climate change, and national strategies on green growth, linking to sustainable development, ensuring national environmental security and poverty reduction. The NRAP has been designed in compliance with the policies and laws of Vietnam, and is consistent with international treaties and agreements that Vietnam has participated or signed. It aims to ensure the consistency of the State in steering, management and coordination, optimizing the participation and monitoring of socio-political, professional associations, non-governmental organizations and communities, and utilizing mechanisms for effective international cooperation in the development and implementation of the REDD+ Program.

The new NRAP outlines 7 work packages with a total of 35 strategic Policies and Measures (PaMs) which provide clearer guidance on how Vietnam intends to achieve REDD+. The new NRAP is aligned with key forest sector objectives (Cancun safeguard a) and oriented in the wider context of green growth/sustainable development and calls for considerable inter-sectoral coordination in order to achieve REDD+ objectives, notably including work packages on integrated land use planning and sustainable agriculture. As such, NRAP clearly aims to achieve various non-carbon benefits. Another key difference is that the new NRAP is for the period 2017-2030.

Viet Nam's overall national forest protection efforts

Viet Nam's national **Forestry Development Strategy, 2006-2020**⁷⁹ sets out overall strategic goals and targets for Viet Nam's protection and sustainable development and

⁷⁸ Prime Minister's Decision No. 419/QĐ-TTg dated 5 April 2017. https://redd.unfccc.int/media/decision_419_nraps_vietnam_2017.pdf

⁷⁹ Approved by the Prime Minister according to Decision No. 18/2007/QĐ-TTg.

use of forests for the period, including targets on forest cover, socio-economic development, environmental protection and biodiversity conservation, poverty reduction and improved living standards in the country, and national defence and security.

In order to implement this strategy, the **Forest Protection and Development Plan, 2011-2020** sets out detailed actions for achieving national targets on forest cover, restructuring of the forestry sector, and achieving economic, livelihoods, poverty reduction, security and defence outcomes.⁸⁰

Viet Nam's **National Target Programme for Sustainable Forest Development, 2016-2020** aims to improve forest productivity, quality and value, contribute to disaster mitigation, ecological protection, responding to climate change, and addressing poverty reduction and improved socio-economic outcomes, defence and security. This programme incorporates key REDD+ targets.

Coordination and alignment of the NRAP with overall national forest protection and development efforts is ensured through the **State Steering Committee on Sustainable Forest Management** that brings together representatives from relevant government ministries, parliamentary committees including the Ethnic Council and the Committee for Science, Technology and the Environment, and other relevant stakeholders. The State Steering Committee is responsible for overall coordination and direction of both the National Target Programme for Sustainable Forest Development, 2016-2020 and the NRAP.⁸¹

The activities set out in the NRAP address, *inter alia*, the drivers of deforestation and forest degradation, forest governance issues, gender considerations and REDD+ safeguards, ensuring the full and effective participation of relevant stakeholders, *inter alia* local communities, ethnic minorities (the term indigenous peoples is not used in Viet Nam) and women. These activities are expected to be implemented in accordance with the specific context of Viet Nam as well as UNFCCC regulations, taking into consideration socio-economic conditions and associated risks. The NRAP contributes to progressively shifting national priorities to improving the quality of natural forest and plantations and reducing forest loss in order to maximize social, economic and environmental benefits, extracting more value from the environmental services from forests, and mobilizing financial resources for the protection and sustainable development of forests.

The overall goal and specific objectives of the NRAP

Overall goal

Contribute to protecting and improving the quality of the existing natural forests, expanding the forest area and improving the quality of plantation forests; linking with the implementation of national goals of reducing greenhouse gas emissions, forest protection and development, green growth; mobilizing international support, getting

⁸⁰ Approved by the Prime Minister according to Decision No. 57/2012/QD-TTg.

⁸¹ Approved by the Prime Minister according to Decision No. 886/2017/QD-TTg.

access to carbon markets; and improving people's lives and the country's sustainable development.

Specific objectives

For the period 2017-2020:

- a) Contribute to reducing greenhouse gas emissions through REDD+ activities; expand the forest cover to 42% and reach 14.4 million hectares of forest by 2020;
- b) Meet the requirements of REDD+ readiness, ensuring there is capacity to access financial resources for results-based payments as per international requirements;
- c) Improve the quality of natural forests and planted forests to increase carbon stock and environmental forest services; replicate effective models of forest plantation; sustainable management, protection and conservation of natural forests;
- d) Contribute to improve forest governance, create jobs, improve the living conditions of the people associated with the New Rural Programme and ensure security and national defence.

For the period 2021-2030:

- a) Stabilize the natural forest area by 2030 at, at least, the same level as 2020, and increase forest cover up to 45% of national territory, contributing to realize the national target of reducing total greenhouse gas emissions by 8% by 2030 compared with business as usual (BAU) scenario as committed in the Paris Agreement on climate change. This contribution may increase to 25% if receiving international support;
- b) Replicate highly effective models on REDD+ and sustainable forest management, integrate fully REDD+ into sustainable forestry development programmes;
- c) Complete policies, laws and action framework of the REDD+ programme and access financial resources for results-based payments in accordance with international requirements.

(Prime Minister's Decision No. 419/QĐ-TTg dated 5 April 2017)

NRAP Mid-Term Implementation Plan

REDD+ policies and measures (PaMs) are defined in the revised NRAP and elaborated in the corresponding the National REDD+ Mid-Term Implementation Plan (NRIP) completed in 2018,⁸² with the aim of turning the PaMs set out in the NRAP into concrete actions and quantified targets, supported by adequate financial resources. The NRIP also provide a description of related programs and projects.

The key contents of the NRIP include an overview of the national context, the strategic framework for REDD+ investments in the country, and an implementation framework that includes a logical framework together with a

⁸² Decision No 5264/QĐ-BNN-TCLN of MARD dated 28 December 2018 approving the NRAP Mid-Term Implementation Plan (NRIP) for the period 2017-2020.

budget and financial resource mobilisation plan, institutional and operational arrangements, a framework for monitoring and evaluation, and a risk management framework that incorporates REDD+ safeguards. The NRIP also includes a description of related programmes and projects.

Provincial REDD+ Action Plans

Provincial REDD+ Action Plans (PRAPs) provide a basis for consultation, planning, implementation and monitoring of REDD+ actions within a particular province, and for mobilising and coordinating the utilisation of resources from different sources for these actions, contributing to overall REDD+ and forest protection and development efforts in the country.

Drawing on initial piloting of the PRAP process, national guidelines have been issued for the development of PRAPs.⁸³ These guidelines set out the expected scope, stakeholders, contents, implementation arrangements, resourcing, and monitoring and evaluation of the PRAPs, including a standardised template. The PRAPs are developed based on analysis of direct and indirect drivers of deforestation and degradation as well as barriers to enhancing forest carbon reserves and identification of areas with the potential to implement REDD+ activities.

As of March 2018, 19 of Viet Nam's 63 provinces and centrally-administered cities have approved PRAPs. The full list of PRAPs approved to date is provided in Table 8.

Table 8: Provincial REDD+ Action Plans (PRAPs)

| Province | Date Approved | Current Phase |
|-------------------|----------------|---------------|
| Bac Kan | June 2016 | 2015-2020 |
| Binh Thuan | June 2016 | 2016-2020 |
| Ca Mau | April 2016 | 2016-2020 |
| Dak Nong | January 2017 | 2016-2020 |
| Dien Bien | May 2015 | 2017-2020 |
| Ha Giang | July 2017 | 2017-2020 |
| Ha Tinh | June 2016 | 2016-2020 |
| Hoa Binh | September 2017 | |
| Kon Tum | August 2017 | 2017-2020 |
| Lai Chau | September 2017 | 2017-2020 |
| Lam Dong | January 2015 | 2014-2020 |
| Lao Cai | June 2016 | 2016-2020 |
| Nghe An | June 2016 | 2016-2020 |
| Phu Tho | June 2017 | 2017-2020 |
| Quang Binh | April 2016 | 2016-2020 |

⁸³ MARD Decision No. 5414/QĐ-BNN-TCLN on the approval of guidelines for the development of Provincial REDD+ Action Plans.

| | | |
|-----------------------|----------------|-----------|
| Quang Tri | September 2016 | 2016-2020 |
| Son La | August 2017 | |
| Thanh Hoa | December 2016 | 2016-2020 |
| Thua Thien Hue | December 2016 | 2016-2020 |

These PRAPs were adopted during the development of the current NRAP; going forward, it is anticipated that they will be progressively harmonized with the NRAP, integrating key contents of the NRAP relevant to the specific provincial context, needs and challenges.

4.2.3. ASSESSMENT OF ENVIRONMENTAL AND SOCIAL BENEFITS AND RISKS OF NATIONAL REDD+ IMPLEMENTATION

During the result period, following the approval of NRAP and in order to ensure its active implementation, a NRAP-Implementation Plan (NRIP) was developed and finally approved by MARD in December, 2018. In tandem with this process, a scoping assessment of environmental and social co-benefits and risks of the NRIP was conducted in 2018. This assessment identified key potential benefit and risks of the NRIP. The national guidelines for the development of Provincial REDD+ Action Plans also provide direction on environmental and social benefit and risk assessment of the REDD+ PaMs set out in these plans⁸⁴. The scoping assessment was consulted on through the STWG-SG, co-benefit enhancement and risk mitigation measures were also identified, helping to inform the identification of safeguards measures to be implemented and ensuring that REDD+ is implemented in a manner that is consistent with the Cancun safeguards and Vietnam’s CSF.

During 2014–2018, several key PaMs contributing to the emission reductions (ERs) either formally or practically imposed restrictions or altered land use, particularly in protection and special-use forests: (i) Measures to strengthen forest law enforcement underpin many social risks and, when properly enforced, can cause local communities to lose access to land or forest resources, which they were previously using informally; (ii) “Closing Natural Forests” Policy (Prime Minister’s Decision 2242/2014) reinforced the management of natural forest extraction and banned timber extraction from natural forest (with limited exemptions), reinforcing restrictions on resource access; (iii) Forest Land Allocation (FLA) policies sometimes resulted in land traditionally used for agriculture by local communities being classified as forest land and allocated to households/communities as forest managers, potentially leading to restricted access to resources and loss of livelihood, especially if restrictions were enforced.

⁸⁴ Ministry of Agriculture and Rural Development, Decision No. 5414/QD-BNN-TCLN dated 25 December 2015 on Approval of the Guidelines on Development of Provincial Action Plans on Reducing Greenhouse Gas Emissions Through Efforts to Reduce Deforestation and Forest Degradation, Sustainable Forest Management, and Conservation and Enhancement of Forest Carbon Stocks (REDD+).

FCPF Emission Reduction Program (ERP) systematically applied numerous formal instruments like the Resettlement Policy Framework (RPF) and Ethnic Minority Planning Framework (EMPF) (or equivalent Indigenous Peoples Planning Framework/IPPF).

In addition to the high level policy framework, the risks and mitigation measures were also identified in the project level. For example, the Strategic Environmental and Social Assessment (SESA) conducted during the FCPF Emissions Reduction Program development in the North-Central Coast Region (2014–2018) identified risks of reversals from fire, disease, illegal logging, unplanned agricultural expansion, infrastructure development, or climate change, which were categorized as ranging from low to medium risk. The main output from the SESA is the Environmental and Social Management Framework (ESMF). The ESMF examines safeguards issues and impacts in order to ensure that adverse environmental and social impacts are avoided or appropriately mitigated and/or compensated for. The specific purposes are to (i) establish clear procedures and methodologies for the environmental and social assessment, review, approval and implementation of interventions to be financed under the project; (ii) specify appropriate roles and responsibilities, and outline the necessary reporting procedures, for managing and monitoring environmental and social concerns related to program interventions; and (iii) determine the training, capacity building and technical assistance needed to successfully implement the provisions of the ESMF.

Other specific examples is the UN REDD+ programme supported the piloting of Grievance Mechanisms to mitigate conflict and ensure accountability in 17 sites in 2016 to scope and test a REDD+ Grievance Redress Mechanism (GRM) model. UN REDD+ program also supported the mitigation measures involved deploying forest contracting and leasing for forest development to ensure ethnic minority rights were respected. Mitigation measures moved beyond the policy level through concrete planning activities in specific provinces of Ca Mau, Nghe An, and Thanh Hoa that piloted environmental and social benefit/risk assessment procedures during the preparation of their PRAPs with support from SNV during the 2014–2018 period. The environmental and social safeguards assessment were also conducted for the preparation of a JICA-funded forest protection and development project in four North West provinces, a previous ADB-funded Forests and Livelihoods project in the Central Highlands (4 provinces).

During the result period, the monitoring was in place. The National Forest Monitoring System (NFMS) serves as the primary source of information to monitor the implementation of Policies and Measures (PaMs) to track changes in forest cover and quality, thereby informing actions to reduce the risks of reversals. PFES payment that contribute to the result has maintained the annual review and evaluation determined the effectiveness of management and protection, and the results were used as the basis for forest environmental services payment ensure fairness and transparency in the subsequent distribution of PFES benefits. Particularly, the monitoring seriously required by projects funded by donors. For

example, the UNREDD+ program included the safeguard specialist and field officers to operationalize the safeguard compliance in six provinces. Similarly, the FCPF maintained the safeguard monitoring in both central and six provincial levels to ensure the compliance with the donor requirement on safeguard.

Table 9. Examples of REDD+ Environmental and Social Benefits and Risks

| Potential Environmental Benefits | Potential Social Benefits |
|--|---|
| <ul style="list-style-type: none"> • Improved conservation and management of forest areas, with benefits for habitat for biodiversity • Enhanced provision of forest ecosystem services, such as protection from soil erosion and improved water quality, e.g. due to forest restoration in watershed areas • Reduced use of chemical pesticides and fertilizers through the promotion of more sustainable agricultural practices, e.g. as part of actions to support alternative livelihood models | <ul style="list-style-type: none"> • Clarified/improved tenure for communities and/or individuals over forest areas • Improved access to certain forest areas and/or resources for supporting livelihoods for forest-dependent communities, e.g. sustainable harvesting of non-timber forest products • Increased resilience for rural communities to climate change and disaster risks, e.g. through improved ecosystem services provision and diversified livelihoods |
| Potential Environmental Risks | Potential Social Risks |
| <ul style="list-style-type: none"> • Biodiversity loss resulting from the introduction/promotion of inappropriate forest management methods (e.g. conversion of natural forests to mono-crop plantations and use of non-native species) • Loss of ecological linkages and creation of ecosystem disturbances and imbalances due to land/resource use changes motivated by carbon stock values of forests (e.g. conversion of natural non-forest areas to forests) • Encouraged or spontaneous intensification of agricultural use with methods that are harmful to biodiversity • Increased unsustainable harvest of forest products, e.g. through poorly planned/managed actions to promote commercialization of forest products | <ul style="list-style-type: none"> • Misappropriation and inequitable distribution of REDD+ funds (particularly in weak governance contexts) • Displacement/relocation of indigenous peoples and forest-dependent communities from their customary or traditional territories • Loss of livelihoods and/or reduced livelihood security (increased vulnerability), e.g. due to restrictions on access to land/forests • Social exclusion and elite capture of REDD+ planning, implementation and/or benefit-sharing • Exclusion of women or other social groups in forest/natural resource management and planning |

4.2.4. FREL/FRL

The submission of the FREL/FRL to the UNFCCC in January 2016 was noted as a crucial milestone towards Vietnam's objective of receiving results-based payments under an international mechanism. The FREL was developed by Forest Inventory and Planning Institute (FIPI) with strong and active support/collaboration with international development partners namely NGOs and projects including FAO, JICA, SNV, GIZ, World Bank FCPF, and the FORMIS project supported by the government of Finland.

Vietnam has proposed to adjust its FREL/FRL and has provided details on how the national circumstances were considered as follows:

- Based on the forest cover maps generated by NFI, the actual forest area in Vietnam has increased to 13.7 million ha in 2010 from 11.3 million ha in 1995. Much of the increase has been due to establishment of new plantations, which account for 2.1 million hectares, and the re-designation and inclusion of previously omitted limestone forests
- The Government of Vietnam has invested in a number of nation-wide reforestation, restoration and forest protection programs; most notably the Programme No. 661 "Five million hectare reforestation program" (1998-2010) has made considerable contributions to the recent national forest cover trends.

To ensure the transparency of the data used to calculate the FREL/FRL, Vietnam will host the historical maps, tables of carbon stocks per eco-region and REDD+ initiatives on a web geoportal available on internet. Graphs representing the importance of the main activities from national to provincial level, the land use change matrix and the emissions and removals will be hosted on the portal.

4.2.5. MRV/NFMS

A National Forest Monitoring System (NFMS) including Measurement, Reporting and Verification (MRV): Vietnam's NFMS became operational in 2018 with results now openly displayed on the internet.

The development of a national MRV system is a national priority for Vietnam. This priority is reinforced in the Plan for Implementation of the Paris Agreement, issued by the Prime Minister under Decision No. 2053/ QD-TTg dated March 28, 2016. This plan sets out the implementation of MRV for mitigation, MRV for adaptation, and MRV for resource allocation.

Implementation of MRV for REDD + includes estimating greenhouse gas (mainly CO₂) emissions from sources and absorbed by man-made forest-related pools, forest carbon stocks, changes in carbon stocks and changes in forest area. This estimate should be based on field data and satellite monitoring. Data and

information should then be reported to the UNFCCC for technical analysis through submission of the REDD + Technical Annex in a Biennial Update Report (BUR). To implement MRV for REDD +, Vietnam has approved and implemented the Project “National Forest Resource Inventory, Evaluation and Monitoring” (NTP) for the period 2016-2020 as part of the Development Goals Program. Sustainable forestry 2016-2020 in the context of climate change. The main objective of the project is to meet the requirement of providing information and data on forest stocks, carbon stocks, and forest quality and forest ecology in the new context, for the main planning process, policies, development of strategies, master plans and plans for sustainable forest development and other national commitments to international sustainable development goals.

In order to receive result-based payments and performance-based payments for REDD + activities, Vietnam to calculate the amount of emissions reductions and increases in CO₂ sequestration from forests for the period 2010-2018 compared to the reference period (i.e. period 1995-2010) and report the results in a technical annex of the BUR to the UNFCCC.

The MRV system of Vietnam is based on a national biomass inventory based on multipurpose National Forest Inventory (NFI) and Participatory Carbon Monitoring (PCM) to assess carbon stocks and carbon stock changes (i.e. emission factors (EF)).

National Forest Monitoring System with support from Finland government has been also operational and institutionalized (<http://maps.vnforest.gov.vn>) which will help to monitor the forest information change and provide input for MRV.

The Japan International Cooperation Agency (JICA) through Sustainable Natural Resource Management (SNRM) Project has provided support to Vietnam in applying tablet-based forest monitoring that not only improves the quality of collected data but also makes the process of data collection and reporting far easier for users compared with existing paper-based methods. This improved system builds upon existing official National Forest Monitoring Systems under FPD, VNFOREST. It improves not only the quality of collected data but also makes data collection and reporting easier for users such as forest rangers. The system streamlines forest monitoring by improving data accuracy (through a GPS function), enhancing data credibility (through geo-referenced photos), reducing mistakes in reporting (through digital reporting forms), and removing inefficiency in data management (through digital data transfer and centrally-controlled servers). Improved forest monitoring is among the important prerequisites for better forest management and can also promote engagement by local communities through activities such as village-based forest patrolling.

Participatory Carbon Monitoring (PCM) has been also undertaken in Vietnam under wide range of development projects namely SNRM, Green Annamite, UNREDD, FCPF.... The key principles of PCM are Participation in forest management, including in monitoring for carbon (biomass). PCM is also a

meaningful means of engaging communities to promote awareness raising, by enhancing people's understanding of environmental values of forests in the context of climate change, and how they may better improve their forest management for carbon and other purposes. At the same time, the collaborative work experience will promote a culture of cooperation between forest owners/communities, local government officers and national institutions responsible for other tasks related to PCM.

The robust and transparent forest monitoring system is among the requirements for Vietnam to receive REDD+ result-based payments (RBPs) under an international climate change agreements namely FCPF, GCF...

4.2.6. REDD+ SAFEGUARDS

Key activities related to the development of a country approach to REDD+ safeguards are described below and involved considerable consultation and stakeholder engagement throughout the process:

- **A Sub-Technical Working Group on REDD+ Safeguards (STWG-SG) was established under the National REDD+ Network in 2012.** It provides a consultative, multi-stakeholder platform for sharing information and providing technical assistance and recommendations to the Government of Vietnam and other stakeholders on REDD+ Safeguards in line with Vietnam's international commitments and requirements as well as the national and local context. The STWG-SG plays a leading role in the organization and facilitation of consultations and stakeholder engagement processes informing the development of national and subnational REDD+ safeguards mechanisms and information reporting systems. It assists with the coordination of activities on the country approach to safeguards and related processes in the forestry sector. The STWG-SG also assists with building technical capacity on safeguard issues and co-benefit aspects of REDD+.
- The STWG-SG is chaired by Vietnam Administration of Forestry (VNFOREST) and co-chaired by an international NGO, SNV Netherlands Development Organization (SNV). Membership is open and meetings are attended by relevant government agencies, international and national NGOs, academic and policy/research organizations, and relevant experts. A core group was established in 2015 to ensure continuity of technical inputs in the development of the country approach to REDD+ safeguards.
- A Government Working Group was also established in 2017 to facilitate the development of the Safeguards Information System (SIS) and preparation of Vietnam's first Summary of Information (Sol) on REDD+ safeguards. Numerous government ministries and relevant line agencies participated in the consultations and provided input to the SIS and Sol development processes.

- **The development of a National Safeguards Roadmap version 1 and National Safeguards Roadmap version 2 published in 2013 and 2014** respectively outlined an approach and key elements towards developing a Country Approach to REDD+ Safeguards for Vietnam.
- **Interpretation of the Cancun Safeguards in the Vietnam context (2016-2018).** Extensive consultations were held with the STWG-SG core group on how the Cancun safeguards should be interpreted in the country context. The clarification was finalized in 2018.
- **Assessment of Vietnam's existing Policies, Laws and Regulations (PLRs) relevant to the Cancun Safeguards** was initially carried out throughout 2012-13. An updated assessment was completed in 2018 incorporating a number of new PLRs and provides considerably greater detail on the key mandates, substantive obligations and implementation guidance (contained in subsidiary legislation) to indicate how the Cancun Safeguards can be anchored to Vietnam's legal framework. Certain gap-filling recommendations are also provided to help Vietnam ensure that it can implement REDD+ in a manner consistent with the Cancun Safeguards.
- **SIS Technical Proposal (2016-2018).** A Technical Proposal for SIS of Vietnam was formulated and submitted in early 2017. The technical proposal provides objectives and scope of the SIS, a preliminary indication of information needs, an initial list of potential information sources and an outline of institutional arrangements for data collection, aggregation, analysis and dissemination.
- **Assessment of environmental and social co-benefits and risks associated with the implementation of the National REDD+ Implementation Plan (NRIP)** – see above section.
- **Strategic Environmental and Social Assessment (SESA) has been conducted and an Environmental and Social Management Framework (ESMF)** including Process Framework, Resettlement Policy Framework, Indigenous People Planning Framework, Gender Action Plan for the proposed Carbon Fund project area covering the North Central Coast region was prepared and approved together with the Emission Reduction Project Document in 2018 (<https://www.forestcarbonpartnership.org/country/Vietnam>).
- **Vietnam's first Summary of Information (SoI)** ⁸⁵. This document describes how Vietnam intends to address and respect the Cancun safeguards based on its own PLRs and institutional framework. As such, the document draws on the above-mentioned assessments and

⁸⁵ https://redd.unfccc.int/media/4850_1_first_soi_viet_nam_28eng_29.pdf

consultations. Vietnam's first Sol was submitted to UNFCCC in 2019 following several rounds of consultation:

Consultations with related national Government agencies were undertaken through the Government Working Group on the Safeguards Information System and the Summary of Information (the SIS and SOI Working Group). This group provided information and comments throughout the development of the Summary of Information. Six meetings of the SIS and SOI Working Group took place between July 2017 and April 2018.

Consultations with interested parties and stakeholders from the public, private and civil society sectors as well as academics and legal experts were undertaken through two meetings of the Sub-Technical Working Group on Safeguards (STWG-SG) established under the National REDD+ Network, and through a national stakeholder consultation workshop attended by 150 participants.

Public consultation was undertaken through the Vietnam REDD+ website (Vietnam-redd.org). The draft document was posted on <http://Vietnam-redd.org/en/home/index/> by the end of July 2018 with a request for comments from the public to be submitted via mail, e-mail or fax. A period of one month was given for submissions of public comments.

- **Safeguard Information System (SIS).** The development of the SIS for Vietnam commenced in late 2015⁸⁶. The inputs for the design of the SIS have been implemented by the coordination of Vietnam REDD+ Office (VRO) and technical assistance of the UN-REDD Program Phase II, together with the Division for Information Development (DID) of VNFOREST, and the FORMIS Project Phase II. During the process of SIS development, contributions from a wide range of stakeholders have been mobilized including via the STWG-SG, the STWG-SG core group, and the SIS-SOI Working Group. A web-based platform that primarily utilizes existing information sources and systems has been designed and is now operational. The SIS has a phased approach with the phase 1 have been developed and phase 2 was planned to developed to integrated with safeguard information from a range of sources
- **At subnational level,** the assessment of environmental and social benefits and risks as well as other safeguard related subjects (e.g. stakeholder participation...) are required according to MARD Decision 5414/QD-BNN-TCLN on Guidelines for the development of PRAPs (2015). In addition to assessing co-benefits and risks, this assessment process includes identifying recommendations are for enhancing environmental and social co-benefits (such as biodiversity conservation, ecosystem service maintenance or poverty reduction), and avoiding, minimizing or

⁸⁶ https://sis.kiemlam.gov.vn/vi_VN/web/guest/home

mitigating environmental and social risks. In particular, the integration of environmental and social benefits and risks have been conducted in PRAPs of Ca Mau, Thanh Hoa and Nghe An with supported by SNV/Germany BMU.

- **SNV**, in partnership with the State Steering Committee Office (SSCO) for the National Target Programme on Sustainable Forest Management and REDD+, is implementing a project titled “Operationalizing National Safeguards Requirements for Results-based payments from REDD+”, funded by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU). The project aims to support Vietnam to become eligible for results-based payments, through the establishment of a country safeguard framework, and improve institutional capacity for the implementation of REDD+ safeguards, monitoring and reporting at national and sub-national levels. In this regards, the Sub-National Guidelines on Implementation and Monitoring of REDD+ safeguards have been introduced.

4.2.7. APPLICATION OF RELEVANT GCF ESS/IS PSs IN PRACTICE

More structured, practical detail on how key safeguard provisions (GCF ESS/IFC PS 2-8) were applied during the implementation of past Policies and Measures (PAMs) or comparable projects (mostly under the North Central Region Emission Reductions Program Project- FCPF Project) during the REDD+ readiness period (2014-2018) in Viet Nam.

1. Labor and Working Conditions (PS2)

This standard applies to work performed by project staff, contractors (small works, nurseries), and community workers (forest patrols).

| Element | Applied in Practice |
|---|--|
| Identification and Management of Risks | The Vietnamese legal framework (Labor Code 2019) governs working conditions, non-discrimination, OHS, and child/forced labor. The FCPF project requires that potential risks related to child labor, forced labor, and workplace accidents be screened for in civil works contracts. |
| Occupational Health & Safety (OHS) in Forestry/Small Works | FCPF project mandate that the site-specific ESMP/ECOP must include OHS provisions. Contractors must be trained and required to adhere to good OHS practices. |
| Grievance Mechanism and lesson learned | ESS2 mandates a grievance redress mechanism (GRM) for project workers. The eventual project GRM for Viet Nam includes a mechanism for project staff and collaborators, distinct from the general community GRM. |

| | |
|--|---|
| | <p>A historical issue identified in Viet Nam’s context is unequal patrol payments (often indigenous people) regarding patrol duties, where some groups (often village elites) do not join patrols, increasing the burden on others.</p> <p>Benefit sharing plan under FCPF Project was developed based on actual contributions and transparent participation.</p> |
|--|---|

2. Resource Efficiency and Pollution Prevention (PS3)

This standard covers waste, water use, agro-chemicals, and energy efficiency.

| Element | Applied in Practice |
|---|---|
| Identification and Management of Risks | Risks include pollution from waste generation, runoff, and chemical use,. These are managed through site-specific ESMPs/ECOPs required by FCPF Project. The national framework supports this through the Law on Environmental Protection. |
| Pesticides/Agro-chemicals | The Viet Nam project design acknowledges the risk of increased pesticide use due to crop intensification. Management involves training farmers on Integrated Pest Management (IPM) and good agricultural practices. |
| Pollution from Small Works | For small-scale infrastructure (e.g., rural roads, irrigation), the FCPF Project requires ECOP detailed the water and wastewater management, waste disposal, dust control, and erosion mitigation (e.g., using silt fencing). |

3. Community Health, Safety, and Security (PS4)

| Element | Applied in Practice |
|---|--|
| Identification and Management of Risks | Risks include potential contraction of diseases (e.g., HIV/AIDS) due to labor influx. Mitigation requires frequent awareness-raising campaigns and ensuring contractors comply with the Workers' Code of Conduct (under the ECOP). |
| SEAH/GBV | FCPF has not specifically mentioned on SEAH/GBV. However, the SEAH/GBV has been addressed in Labor Code and Vietnam Women Union working framework. |
| UXO/Landmines | The risk of Unexploded Ordinances (UXOs) is inherent in certain areas of Viet Nam. Mitigation requires UXO risk assessment and site clearance by experts prior to starting construction activities. |

4. Land Acquisition and Involuntary Resettlement (PS5)

| Element | Applied in Practice |
|---|--|
| Avoidance and Exclusion | The project excludes activities involving involuntary resettlement/physical relocation and involuntary land acquisition. In the Viet Nam context, past project issues included land disputes and conflicts over access and unclear boundaries. |
| Economic Displacement/Access Restriction | The FCPF project acknowledges that conservation measures may restrict access to Non-Timber Forest Products (NTFPs) or forest areas, causing economic displacement,. Management mandates consultation and alternative livelihoods support to ensure no household is worse off. Vietnam has also strong legal framework to support the affected household's right. |

5. Biodiversity Conservation (PS6)

| Element | Applied in Practice |
|-------------------------------------|--|
| Identification and Exclusion | The Negative Checklist excludes conversion or degradation of natural habitat or areas with High Conservation Value (HCV). It prohibits new infrastructure in Special Use Forest (SUF) core zones. The overall aim is to promote positive impacts, recognizing that the proposed area has high biodiversity hotspots. |
| Invasive Species | The Negative Checklist prohibits the introduction of non-native species unless non-invasive. It will prioritize native species development. |

6. Indigenous Peoples/Ethnic Minorities (PS7)

| Element | Applied in Practice |
|-------------------------------|--|
| Consultation and FPIC | Free, Prior, and Informed Consultation (FPIC) is mandated for all activities that may adversely affect Ethnic Minority (EM) groups in FCPF project. The process must be culturally appropriate, involve local language(s), and ensure full, effective participation, especially for women. |
| Risk/Impact Management | The EM Planning Framework (EMPF) developed in FCPF project to ensures that adverse impacts on EMs are avoided, minimized, or compensated for, and that EMs receive culturally appropriate benefits. Past EM consultation identified issues of unclear boundaries and high dependency on forest resources. EMDP has required to mitigate the impacts as well. |
| Tenure/Land Rights | The legal framework mandates preferential allocation of forests to EMs. |

7. Cultural Heritage (PS8)

| Element | Applied in Practice | Source |
|------------------------------|--|--------|
| Tangible Heritage | The Negative Checklist prohibits damage/loss to physical cultural resources (PCR), including graves and temples. Chance Find Procedures are mandatory for any construction activity to manage accidental discovery of artifacts. | „ |
| Intangible Heritage | It was recognized that EM people have spiritual connections with forest areas (e.g., sacred sites) and that activities must not interfere with these sites. Planning activities, such as forest mapping, must take local cultural practices into consideration. The Negative Checklist prohibits damage/loss to any Intangible Heritage. | , |
| Traditional Knowledge | Traditional knowledge of EMs is respected and promoted, particularly in the context of sustainable forest management and pest control. | „ |

In practice, for a donor-funded project to proceed, it must comply with both Vietnamese law and the donor's safeguard policies. Where the donor's policy sets a higher or more rigorous standard than the national law (for example, on involuntary resettlement, public consultation, or environmental management, ethnic minority), the project is typically required to adhere to the donor's stricter standard to receive the funding. As such, for the areas that were outside the ERP region, any required safeguard tools must be prepared to follow donor's safeguard policies.

4.3. SUB-NATIONAL IMPLEMENTATION/PILOT ACTIVITIES

Provincial REDD+ Action Plans (PRAPs) provide a basis for consultation, planning, implementation and monitoring of REDD+ actions within a particular province, and for mobilizing and coordinating the utilization of resources from different sources for these actions, contributing to overall REDD+ and forest protection and development efforts in the country.

Drawing on initial piloting of the PRAP process, national guidelines have been issued for the development of PRAPs.⁸⁷ These guidelines set out the expected scope, stakeholders, contents, implementation arrangements, resourcing, and monitoring and evaluation of the PRAPs, including a standardized template. The PRAPs are developed based on analysis of direct and indirect drivers of deforestation and degradation as well as barriers to enhancing forest carbon

⁸⁷ Decision 5414/QD-BNN-TCLN of the MARĐ dated 25 December 2015 on the approval of guidelines for the development of Provincial REDD+ Action Plans.

reserves and identification of areas with the potential to implement REDD+ activities.

Environmental and social co-benefits, safeguards and multi-stakeholder engagement were strongly considered and addressed during the implementation of REDD+ activities. The section below describes the main types of REDD+ activities implemented at sub-national levels and provides details on stakeholder engagement and how environmental and social safeguards were applied in their relation.

Consultations with provincial authorities and other sub-national stakeholders were undertaken through three regional workshops organized in different areas of the country to sharing the experience on development of PRAPs. Provincial REDD+ Steering Committees in provinces (21 out of 63) with approved PRAPs were also requested to provide comments on the draft Sol.

What do the MARD PRAP Instructions say about environmental and social assessment?

Reducing environmental and social risks is part of the three **main principles** of the MARD PRAP Instructions. Environmental and social assessments are **included in the procedure** that must be followed to develop a PRAP:

1. **In the development of REDD+ interventions** - for each REDD+ intervention package:
 - The potential social and environmental benefits and risks associated with their implementation must be assessed.
 - The severity of risks must be estimated.
 - Measures to mitigate risks and enhance benefits must be identified.
 - For social risks of REDD+ interventions specifically, the way that they may correctly or indirectly affect relevant vulnerable groups such as women, children, the elderly, the poor and ethnic minority people, must be described.

2. **In the development of the PRAP's M&E framework** - Monitoring measures must be developed to support application of environmental and social safeguards, as well as REDD+ implementation; the indicators developed will depend on the local conditions in each province and may include aspects such as: the number, gender, ethnic group and age of participants in training courses; the area allocated to sustainable non-timber forest products production; the proportion of forest land for which land use right certificates are issued, and so on.

Source: MARD, Decision No. 5414/QD-BNN-TCLN dated 25 December 2015 on Approval of the Guidelines on Development of Provincial Action Plans on Reducing Greenhouse Gas

4.4. PAST CHALLENGE AND LESSON LEARNED FOR THE USE OF PROCEEDS

It is noted that potential areas of recommendation highlighted in the ESA are used to guide the measures recommended in the development of a comprehensive Environmental and Social Management Framework (ESMF) attached to the Funding Proposal (FP).

Identified past challenges/Gaps: The retrospective assessment identified three main categories of challenges in implementing safeguards under the existing Policies, Laws, and Regulations (PLRs) or donor projects:

Table 10: Past Challenge/Gap Results Period 2014-2018)

| Past Challenge/Gap | Vietnam |
|--|---|
| Consultation conducted but limited documentation and strong engagement | Consultation and documentation were conducted in the donor projects that contribute to the result period. However, there was a recognized need for <i>more public consultation</i> within planning, design, and monitoring, and existing regulations for SEA/EIA did not include adequate public consultation in a transparent manner. There was a lack of rigorous documentation to prove how stakeholder feedback was gathered and incorporated during NRAP review and PaM development. |
| Non-operational Grievance Mechanisms (GRMs) / Lack of Case Data | Limited report on the GRM case in Vietnam. Vietnam's GRM activities in the results period primarily involved piloting in 17 sites (starting 2016). The overall objective for 2017-2020 was still the <i>establishment, operationalization, and monitoring</i> of the GRM |
| Gender/Ethnic Minority (EM) Participation Gaps | Despite strong legal frameworks for participation, gender analysis had not been fully received the attention and efforts were insufficient. Significant gender inequalities remained regarding women's participation, access to land/resources, benefit sharing, and the collection of gender-disaggregated data. Data on the participation of ethnic minority and local communities (EMLCs) in consultation processes had not been fully available. |

Lessons Learned Inform the Use of Proceeds (UoP): The UoP phase should leverages the ESMF, Stakeholder Engagement Plan (SEP), Indigenous Peoples Planning Framework (IPPF), and Gender Action Plan (GAP) to directly remedy the identified retrospective gaps and prevent their recurrence.

Table 11: Lessons Learned Inform the Use of Proceeds

| Past Challenge | Mitigation and Integration into UoP |
|---|--|
| Limited Consultation Traceability/Documentation | SEP & ESMP Development: A Stakeholder Engagement Plan (SEP) should be prepared (and will be updated during inception) that outlines procedures for ongoing consultation. The ESMF emphasizes the full and effective participation of key stakeholders during the design, implementation, and monitoring of the project. The future ESMP will clearly describe key actions undertaken on public consultation. |
| Inconsistent Consultation Quality/Inclusivity | The UoP should mandates specific procedures to be developed to detail how village meetings and activities will be conducted for women and ethnic minority groups, ensuring their concerns are heard and their participation promoted. Inclusive awareness-raising measures will be implemented using different ethnic languages and tailored to lower education levels. |

| | |
|--|--|
| <p>Non-operational GRMs / Missing Case Data</p> | <p>The Central Project Management Unit (CPMU) will develop a detail guideline for GRM which must include written records for each individual case with detail descriptions of how such grievance is solved. The GRM must be gender- and age-inclusive and responsive and address access barriers for ethnic minority people. The staff in charge of the GRM will maintain a database of complaints received (including name, gender, ethnicity, and resolution status).</p> |
| <p>Gender/IP Participation Gaps & Inequalities</p> | <p>Gender Assessment (GA) and Gender Action Plan (GAP) should be prepared to address gender issues throughout all project activities. The project should employ the Collaborative Management Approach to ensure adequate participation of local forest-dependent communities, especially ethnic minorities. The GAP includes four gender mainstreaming targets and specific actions such as promoting women's economic and social empowerment and ensuring women have representations at various levels.</p> |
| <p>Institutional Weakness (M&E)</p> | <p>The Safeguards Information System (SIS) platform includes environmental and social risk indicators designed to monitor and report how safeguards are addressed and respected during REDD+ implementation. The UoP budget includes funds for operational and monitoring activities at central and provincial levels. The GAP also includes actions to update information about participation of women, ethnic minority people and other vulnerable groups in the SIS annually.</p> |

5. GRIEVANCE REDRESS MECHANISM

Vietnam has well-established mechanisms in place to receive and resolve grievances and while these are largely effective if correctly utilized they apply more to stakeholders physically or economically displaced by infrastructure investments that trigger involuntary social and to a lesser extent environmental safeguards.

Overall, existing GRMs relevant to REDD+ implementation in Vietnam have been identified based on the Land Law (2013), Law on Forest Protection and Development (2004), and Law on Environmental Protection (2014), the Law on Grassroots Mediation (2013), the Law on Commercial Arbitration (2010), the Law on Complaints (2011), the Civil Code (2015), Forestry Law (2017) and the Law on Legal Aid (2017). The following specific GRMs have been identified:

- Grassroots mediation at village level
- Mediation/conciliation at the Commune People's Committee
- Complaint settlement at commune level
- Commercial arbitration
- Dispute settlement by courts from district level upward

Regarding to disputes and grievances, Vietnam has established mechanisms that commence from rural village or urban neighborhood level whereby all grievances wherever humanely possible be resolved at this level on an informal basis. If the aggrieved parties cannot resolve they can then take their grievance to the Commune People's Committee (CPC). The CPC has maximum 15 days to respond and if it cannot resolve the grievance the aggrieved parties could bring the grievance to District People's Committee (DPC). As with the CPC the DPC is required to respond in 15 days. If the grievance not be resolved still, it shall be lodged with the Provincial People's Committee (PPC) which has maximum 30 days to respond. If the grievance has not been resolved by the PPC the aggrieved party/s can request a Court of Law to resolve. The court is required to issue a written judgement within 60 days from date of lodgment. Depending on workloads at all levels of the GRM there may be some slippage but the rule-of-thumb is that all grievances should be resolved within 180 days of being initially lodged with the CPC.

The UN-REDD Program has developed a national FGRM with cooperation from the FCPF project. This FGRM is based on not only the existing Grassroots Mediation Act 2013 but also international related requirements, and introduces a Grassroots Mediation Group which is supported by Technical Support Group (TSG) and the UN-REDD Program is piloting the TSG in 18 sites in the UN-REDD Program and is providing trainings for mediation and how the two groups should work together which takes place from August 2016, with a review and report due in December 2016. any aggrieved affected person has the full legal right without cost to themselves to pursue grievances in a court of law and there are detailed

grievance mechanisms already contained with a number of laws, for example, the Land Law 2013. It can also be noted that if grievance redress requires a court of law judgment this must be completed within 6 months of the aggrieved person lodging their grievance at the lowest administrative level in Viet Nam (Commune People's Committee). However, ideally all grievances should be resolved at the local level (and are often resolved for example at the commune and District level) and most affected people prefer grievance resolution at the local level.

In the following up, in 2018, MARD cooperated with UN- REDD program and FCPF program to develop a national Feedback Grievance Redress Mechanism (FGRM) which aimed to establish a process by which communities potentially affected by restricted natural resource access to the protection forest which were under the management authority of an FME engaged in a process of informed and meaningful consultations and negotiations to identify and implement means of reducing or mitigating every impact of restricted resource access. The FGRM is based on Grassroots Mediation Act 2013, the Laws on Complaint 2011 and other existing regulations of Vietnam with reference to international related policies.

The FGRM was prepared to deal with the affected communities or at least affected households who were utilizing natural resources in/from protection forest management boards, special use forests or state forest companies that receives assistance from the ER-P and who agreed to participate in the FMC and may be adversely impacted by improved conservation measures supported by the fund. They live (i) within an area owned by a PFMB, SUF or SFC and are affected by the improved management measures, or (ii) in the vicinity of forest owned by a PFMB, SUF, or SFC and are users of forest resources inside the special use forest affected by the improved management measures.

The implementation of these FGRMs has been complied with seven international principles for effective REDD+ GRMs. The role of local mediation within the framework set out in the Law on Grassroots Mediation (2013), including the following roles:

- Grassroots Mediation Groups at the village level act as focal points to receive, process, and provide an initial response to the grievances of local residents, leading to mediation and agreement on grievance resolution at this level where possible, and to transfer grievances to the Commune People's Committee where resolution through village-level mediation is not possible.
- Commune Mediation Groups at the commune level act as a focal point to receive, process, and respond to grievances at the commune level, including those that cannot be resolved at the village level, to advise the Commune People's Committee on resolution of grievances, and to advise local commune level is not possible.

District Legal Advice Committees at the district level provide legal advice to complainants on mechanisms and processes to seek redress. Legal advice is provided free to complainants from poor households.

Steps to be applied for grievance redress through mediation at the village and commune levels, and for referral to other GRMs in the case of grievances that cannot be resolved through mediation, have been identified. The GRM has been piloted in the six UN-REDD pilot provinces, and areas for potential improvement in future have been identified. In line with the joint FCPF /UN-REDD+ Programme for Vietnam, the developed FRGM processes included four relatively simple steps as follows:

- ✓ **Receive and Register Grievance** by the elected village representatives from the aggrieved party where village level constituent is seeking grievance redress for grievances that can be linked to Program activities.
- ✓ **Acknowledge, Assess and Assign** It is the responsibility of the elected village representative to ensure it is received by this entity. Although given that a representative from the PFMB, SUFMB or SFC should be proactive and visit each village at least once monthly the aggrieved party at the village level could also lodge their grievance during this visit. In acknowledging receipt of the grievance, the related entity must clearly state how the grievance will be processed, assess the eligibility of the aggrieved party to lodge the grievance, and assign organizational responsibility for proposing a response.
- ✓ **Propose a Response** will involve one of four actions as follows: (i) direct organizational response or action, which may be to CPC, DPC or line agency such as DARD or DONRE; (ii) stakeholder assessment and engagement, which would involve assessing the efficacy of the aggrieved party's grievance and then engaging with the stakeholder; (iii) if not able to be resolved within the existing benefit sharing mechanism (BSM), such as when involuntary resettlement impacts triggered by infrastructure projects are the cause of the grievance refer to that specific Program GRM; or (iv) based on the agreed criteria BSM decided whether the grievance is ineligible;
- ✓ **Agreement on Response** is either to agree to the party seeking grievance redress and implement the agreed response resulting in either the grievance being resolved successfully and closed to the satisfaction of the conflicting stakeholders or the grievance unable to be resolved. In this latter instance the grievance staff will be required to consider whether the aggrieved party/s should revise their approach for reconsideration or the grievance closed without further action. Opting for the latter course of action should result in the aggrieved party/s being able to have their grievance if it is considered very important to them adjudicated on in the District Court, which would provide a judgment that would be legally binding on all parties to the dispute or grievance.

- ✓ This FGRM was consistently applied throughout the implementation of the ER-P, including for the implementation of safeguard instruments as developed in the ESMF, and the implementation of the BSP itself. They build on conclusions from intensive piloting and consultation activities accomplished so far under the national REDD+ process, including to develop safeguard instruments.
- ✓ Meanwhile, the FRGM was accessible to all stakeholders including older ethnic minority people who are not competent in the use of the Vietnamese language, poorer village persons who cannot afford expenses associated with the cost of seeking grievance redress including litigation in a court of law, and on an individual, group or collective village basis.

Regardless of those efforts, the implementation of FGRM in Vietnam is still facing some challenges. A case study indicates that the development and implementation of REDD+ related activities has generated renewed competing claims and conflicts among social actors. They include incompatible notions of justice and associated rights, which lead different actors to accord legitimacy variously to the global norms brought about by REDD+, the customary resource practices of indigenous people, or to the state's laws. The study came up with a suggestion that any attempts to introduce simplified and uniform regulations for forest governance in REDD+ should be avoided, since local institutions and conceptions of justice will significantly influence what is regarded as legitimate policy and can thus be endorsed as inspiration for sustainable forest governance⁸⁸. Meanwhile, justice is the subject of contentions due to its plural and conflicting meanings, even if one dominant meaning replaces others⁸⁹.

In a final report on the GRM pilot in 6 provinces by UN-REDD which documented and categorized grievances, land disputes was reported the most popular issue. Most common form of land-related conflict involved disputes related to access to forest land managed by state forestry organizations. In some areas, there were historical and on-going disputes related to access to forest and agricultural related encroachment or land boundary disputes. However, in many cases the SUFMB had to accept the inevitable that it could not stop all NTFP collection. Therefore, the PFMB and SFCs would often try to arrive at a practical solution with a community by agreeing that no commercial quantities were allowed or no further encroachment took place in return for some NTFP collection. This report also indicated that Law enforcement activities and restrictions on forest resource use may negatively impact communities, especially the poor and forest-dependent households. Forest resources, such as timber, NTFPs, and wild animals are an important source for domestic consumption for people with high forest dependence. They are also an important source of cash where alternative income opportunities are limited. For this reason, benefit sharing approaches,

⁸⁸ Cam Hoang, et al, 2019

⁸⁹ Sikor & Hoang, 2016

alternative livelihood development, PFES, and participatory approaches are critical for addressing risks to local communities and help mitigate the problems they face and where necessary in conjunction with the MBs⁹⁰.

Another study also indicated that competition for land more than for timber lay at the core of these conflicts, although this might reflect the depletion of timber in these areas. The lack of access to productive land fuels villagers' insecurity over basic subsistence and deeper frustrations with the company and, more broadly, the government. A sense of injustice is the trigger for most land conflicts. Villagers were more likely to oppose companies if they felt their customary rights to land or livelihood were being violated and/or they perceive that land is unfairly allocated to outsiders. Meanwhile, authorities lack effective mechanisms to address land conflict at the local level. Even where FCs agree to transfer land to villagers, transfers are often stalled because a) local authorities lack the human and financial resources for implementation, b) land is given to private companies, or c) land is too distant from villagers or is not productive. LURCs have been ineffective in resolving conflicts since they are often issued without due diligence and they ignore established land uses by villagers as well as their customary rights to forest land⁹¹.

Unequal payment among households regardless of their actual work was another problem (e.g. in forest patrolling). While the amount of payment is based on group performance, in some cases, the elites or better off people in the village do not join the forest patrols placing increased burden on other group members (often indigenous people). The result being that for many members instead of patrolling three times per month, they have to go five times a month to meet the target. This was one of the reasons that created disputes among local stakeholders. However, conflicts were often underreported and latent because of the lack of openness in the political system and lack of open dissent. Currently, responsible institutions such as village and commune authorities, forest protection departments and police forces, all play limited roles in addressing conflict. Conversely, forest owners (e.g. Forest Management Boards (FMBs), state forest enterprises (SFEs), forest companies (FCs)) take on the responsibility of addressing conflict. There are reasons to doubt the fairness of such settlements due to conflicts of interest and power dynamics within given communities⁹².

Therefore, it is noted that during the results period (2014–2018), Vietnam's Safeguards Information System (SIS) and the dedicated REDD+ Grievance Redress Mechanism (GRM) were in the establishment and piloting phases. Consequently, systematic, disaggregated data on grievances received, resolved, and used to adapt PaMs or safeguards through the operational SIS is not comprehensively available for this period. The available evidence primarily

⁹⁰ Howard et al, 2013

⁹¹ To and Tran, 2013

⁹² RECOFTC, 2016

comes from the scoping studies and pilot evaluations⁹³ which identified systemic challenges like inconsistent documentation and complex legal workflows."

It should be also taken into UoP implementation that Specific GRM database should be maintained by the CPMU/PPMUs. This database will track critical information, including the name, gender, and ethnicity of the complainant, the nature of the complaint, and the resolution status. In addition to that the SIS design mandates the integration of relevant information from the Grievance Redress Mechanisms. Specific SIS components which were planned in the FP to review and design a data sharing system to collate, analyze and disseminate information about the performance of the GRMs, and link this system to the national REDD+ monitoring and evaluation framework and the safeguards information system. This linkage ensures that future grievances will inform the analysis of how safeguards are being respected. The GRM database and SIS reporting will support the overall monitoring and evaluation framework, allowing for adaptive management. Information analysis within the SIS is intended to offer a qualitative assessment to determine the extent to which safeguards are being addressed and respected. This analysis, informed by GRM data, will be used to guide adjustments to PaMs or safeguards over time.

The above analysis requires a concrete a detail FGRM for this proposed project, and it has been described in the ESMF together with this ESA.

⁹³ DEPOCEN 2016

6. CONCLUSIONS AND RECOMMENDATIONS

The Environmental and Social Assessment carried out indicates that the country had robust legal instruments to provide broad support to PLRs to be consistent with both the UNFCCC as well as the GCF safeguards. Additionally, the REDD+ related projects and programs supported by variety of international partners namely WB, ADB, UNDP, UNEP, JICA, KfW... have been applied the different safeguards but all are largely equivalent with such UNFCCC and GCF safeguards in Vietnam through 2014 to 2018. These were intended to avoid negative impacts while contributing to the sustainable development of the country in conformity with the international community. Resources were also invested in the implementation of complementary Policies and Measures throughout the national to subnational level with NRAP and PRAPs preparation and implementation. Overall, the elements reported demonstrate that the results obtained from reducing deforestation were achieved through the implementation of laws, policies, actions and measures that considered criteria for risk mitigation and application of safeguards.

However, there are still some concerns remains. For example, the safeguards provided in the Land and Forestry Laws in Vietnam and their subsidiary legislation are broadly consistent with the objectives and substantive requirements. Therefore, concrete actions have been taking to address the risks, the REDD+ activities through the development projects supported the piloting of best-practice procedures, particularly with regard to integrated land use planning, equitable FLA and piloting FPIC (consultation, co-management processes).

Local communities have an active role to play in forest protection and development in order to benefit from the forest and further development and institutionalization of REDD+ safeguards mechanisms is needed. Therefore, during the designed the ESMF for the use of proceed as well as the implementation of REDD+ activities, the effective involvement of local communities taking into account local circumstances, the cultural diversity of local communities living in the REDD+ areas and the needs of these actors to fully participate in REDD+ processes.

On the other hand, gender analysis has not been fully received the attention but is key to the application of safeguards. Some efforts were implemented in the period evaluated, but they are not sufficient. Sustainable development cannot be achieved without equal rights and opportunities for women, men, and key actors. Therefore, it is essential to identify and implement positive actions on gender equality during the ESMF implementation. It is acknowledged that an explicit, dedicated SEAH risk assessment was not carried out for the period 2014–2018 because such specific screening mandates were not standard requirements in international safeguards frameworks for the forest sector at that time, and the GCF SEAH policy was adopted subsequently. As such, it is confirmed that the UoP framework will address this gap by instituting systematic SEAH risk management measures. The screening and management plan for SEAH will be

done/prepared at the beginning of the UoP project implementation as soon as target areas and specific activities are determined and incorporated into the final GAP. The GRM, to be finalized in the detailed guidelines, must be gender- and age-inclusive and responsive. The GRM procedures should be designed to address human trafficking and sexual exploitation risks. UoP project should provide support to local government to communicate with villagers on issues of public health and safety, and human trafficking and sexual exploitation. The GAP for the UoP includes specific measures to provide women necessary trainings and skills so as they could actively response to GBV, which includes improving women's knowledge about their rights. The GAP also mandates the development and implementation of clear SEAH prevention measures in all stakeholder participation and capacity building activities.

This ESA recognizes the efforts made to establish the PLRs, institution and strengthen capacities to implement REDD+ throughout the years. It is necessary, however, to continue with this process by taking consideration the environmental and social safeguards into account with the implementation of policies, actions and measures. These recommendations along with the inputs compiled in this environmental and social assessment will inform the content of the Environmental and Social Management Framework that is linked to the future use of REDD+ results-based payments.

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ANNEXES

ANNEX I. OBJECTIVES OF RELEVANT INTERNATIONAL CONVENTIONS AND AGREEMENTS

Objectives of eighteen international conventions and agreements, relevant to REDD+, to which Vietnam is a party.

| <i>Instrument</i> | <i>Date</i> | <i>Objective</i> |
|--|-------------|--|
| 1. Convention on Biological Diversity (CBD) | 1992 | Conservation of biological diversity, sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources |
| 2. Cartagena Protocol on Biosafety to the Convention on Biological Diversity (The Biosafety Protocol) | 2000 | To contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focusing on transboundary movements. |
| 3. Convention on the Elimination of all forms of Racial Discrimination (CERD) | 1969 | To eliminate acts or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, act in conformity with this obligation. |
| 4. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) | 1979 | To ensure that States Parties condemn discrimination against women in all its forms and pursue by all appropriate means and without delay a policy of eliminating discrimination against women. |
| 5. Convention on the Protection and Promotion of the Diversity of Cultural Expressions | 2005 | To protect and promote the diversity of cultural expressions; to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner; to encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges in the world in favor of intercultural respect and a culture of peace; to foster inter-culturally in order to develop cultural interaction in the spirit of building bridges among peoples; to promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels; to reaffirm the importance of the link between culture and development for all countries, particularly for developing countries, |

| <i>Instrument</i> | <i>Date</i> | <i>Objective</i> |
|--|-------------|--|
| | | and to support actions undertaken nationally and internationally to secure recognition of the true value of this link; to give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning; to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory; to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions. |
| 6. Convention on the Rights of the Child | 1989 | That State Parties respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. |
| 7. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) | 1973 | Regulation of international trade in endangered species of wild fauna and flora. |
| 8. Convention for the Safeguarding of Intangible Cultural Heritage | 2003 | To safeguard the intangible cultural heritage; to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned; to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof; to provide for international cooperation and assistance. |
| 9. Convention on Wetlands of International Importance, especially Waterfowl Habitats (RAMSAR) | 1971 | The conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world. |

| <i>Instrument</i> | <i>Date</i> | <i>Objective</i> |
|---|-------------|--|
| 10. International Covenant on Civil and Political Rights (ICCPR) | 1966 | To ensure that State Parties respect and ensure to all individuals within its territory and subject to its jurisdiction the civil and political rights recognized in the Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. |
| 11. International Covenant on Economic, Social and Cultural Rights (ICESCR) | 1966 | To ensure that each State Party to the Covenant undertakes to take steps, individually and through international assistance and co-operation, with a view to achieving progressively the full realization of the economic, social and cultural rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures |
| 12. UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage | 1972 | To ensure that effective and active measures are taken by State parties for the protection, conservation and presentation of the cultural and natural heritage situated on their territory. |
| 13. United Nations Convention to Combat Desertification (UNCCD) | 1994 | To combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas. |
| 14. UN Convention against Corruption | 2005 | (a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively; (b) To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; (c) To promote integrity, accountability and proper management of public affairs and public property. |
| 15. United Nations Framework Convention on Climate Change (UNFCCC) | 1992 | To achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. |

| <i>Instrument</i> | <i>Date</i> | <i>Objective</i> |
|---|-------------|---|
| 16. Kyoto Protocol to the UNFCCC | 1997 | The Protocol shares the objective and institutions of the UNFCCC. |
| 17. United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) | 2007 | [The UNDRIP promotes the rights of indigenous peoples.] |
| 18. World Trade Organization (WTO) General Agreement on Tariffs and Trade (GATT) | 1994 | [The WTO GATT 1994) aims to promote international trade by reducing or eliminating trade barriers such as tariffs or quotas.] |

ANNEX II. RELEVANT LEGAL DOCUMENT OF VIETNAM

LAWS

- Constitution of Vietnam (2013)
- Civil Code (2015)
- Penal Code (2015)
- Law on Access to Information (2016)
- Law on Amending and Supplementing the Anti-Corruption Law (2012)
- Law on Anti-Corruption (2005)
- Law on Biological Diversity (2008)
- Law on Commercial Arbitration (2010)
- Law on Complaints (2011)
- Law on Conclusion, Accession and Implementation of International Treaties (2016)
- Law on Denunciations (2011)
- Law on Environmental Protection (2014) to be replace by Law on Environmental Protection (2020)
- Law on Forest Protection and Development (2004)
- Law on Forestry (2017, effective 1 January 2019)
- Law on Gender Equality (2006)
- Law on Grassroots Mediation (2013)
- Law on Handling Administrative Violations (2012)
- Law on Land (2013)
- Law on Legal Aid (2006)
- Law on Promulgation of Normative Legal Documents (2015)

ORDINANCES

- Ordinance on the Exercise of Democracy in Communes, Wards and Townships (2007)

GOVERNMENT DECREES

- Decree No. 156/2018/ND-CP dated November 16, 2018 on enforcement of the Law on Forestry
- Government Decree No. 13/2018/ND-CP dated 23 January 2018 Regulating Detailed Provisions and Measures for implementation of the Law on Access to Information (2016)
- Government Decree No. 34/2016/ND-CP dated 14 May 2016 on Detailing a Number of Articles and Providing Measures for Implementing the Law on Promulgation of Normative Legal Documents (2015)
- Government Decree No. 147/2016/ND-CP dated 2 November 2016 Amending Some Articles in Government Decree No. 99/2010/ND-CP dated 24 September 2010 on Payments for Environmental Services

- Decree No. 18/2015/ND-CP dated 14 February 2015 on the Regulations on Environmental Protection Planning and Environmental Assessment
- Decree No. 75/2015/ND-CP dated 9 September 2015 on the mechanism and policies for forest protection and development combined with rapid and sustainable poverty reduction and assistance to ethnic minorities, 2015-2020
- Decree No. 15/2014/ND-CP dated 27 February 2014 detailing several articles and measures to implement the Law on Grassroots Mediation
- Decree No. 43/2014/ND-CP dated 15 May 2014 Detailing a Number of Articles of the Law on Land (2014)
- Decree No. 47/2014/ND-CP dated 15 May 2014 on Regulations on Compensation, Support, and Resettlement when the State Compulsorily Acquires Land
- Decree No. 14/2013/ND-CP dated 5 February 2013 Amending and Supplementing a number of articles of the Decree No. 07/2007/ND-CP dated January 12, 2007 on Detailed Regulations and Guidance on the Implementation of a Number of Articles in the Law on Legal Aid (2006)
- Decree No. 05/2011/ND-CP dated 14 January 2011 on Ethnic Minorities
- Decree No. 117/2010/ND-CP dated 24 December 2010 on Management and Organization of Special Use Forests
- Decree No. 48/2009/ND-CP dated 19 May 2009 on Measures to Assure Gender Equality
- Decree No. 07/2007/ND-CP dated 12 January 2007 on Detailed Regulations and Guidance on the Implementation of a Number of Articles in the Law on Legal Aid (2006)
- Decree No. 23/2006/ND-CP dated 3 March 2006 on the Implementation of the Law on Forest Protection and Development (2004)
- Decree No. 119/2006/ND-CP dated 16 October 2006 Regarding the Organization and Operations of Forest Protection

PRIME MINISTER'S DECISIONS

- Decision No. 1600/2016/QD-TTg dated 16 August 2016 on Approval of the National Target Program for New Rural Development, 2016-2020
- Decision No. 34/2011/QD-TTg dated 6 May 2014 Amending and Supplementing a number of Articles in Decision No. 186/2006/QD-TTg dated 14 August 2006 on the Promulgation of the Forest Management Regulations
- Decision No. 07/2012/QD-TTg dated 8 February 2012 on Policies to Strengthen Forest Protection
- Decision No. 126/2012/QD-TTg dated 2 February 2012 on the Pilot Policy On The Benefit Sharing Mechanism In Management, Protection and Development of Special-Use Forests, Piloted in Bach Ma and Xuan Thuy National Parks

- Decision No. 63/2015/QD-TTg dated 10 December 2015 on Policy Assistance in Vocational Training and Job Search for Workers whose Land is Withdrawn by the State
- Decision No. 2053/2016/QD-TTg dated 28 October 2016 on the Promulgation of the Plan for Implementation of the Paris Agreement on Climate Change
- Decision No. 2085/2016/QD-TTg dated 31 October 2016 on Approval of the Policy on Support for Socio-Economic Development in Ethnic Minority and Mountainous Areas, 2017-2020

NATIONAL STRATEGIES AND PLANS ISSUED BY THE PRIME MINISTER

- Decision No. 18/2007/QD-TTg dated 5 February 2007 on approval of the Forest Development Strategy, 2006-2020
- Decision No. 2351/2010/QD-TTg dated 24 December 2010 on approval of the National Strategy on Gender Equality, 2011-2020
- Decision No. 57/2012/QD-TTg dated 9 January 2012 on approval of the Forest Protection and Development Plan, 2011-2020
- Decision No. 432/2012/QD-TTg dated 12 April 2012 on Approval of Vietnam's Sustainable Development Strategy, 2011-2020
- Decision No. 1250/2013/QD-TTg dated 31 July 2013 on Approval of the National Strategy for Biological Diversity to 2020, and the Vision to 2030 (issued together with the National Master Plan on Biodiversity Conservation)
- Decision No. 449/2013/QD-TTg dated 12 March 2013 on Approval of the National Strategy for Ethnic Minorities to 2020
- Decision No. 419/QD-TTg dated 5 April 2017 on Approval of the National Programme on the Reduction of Green-house Gas Emissions through the Reduction of Deforestation and Forest Degradation, Sustainable Management of Forest Resources, and Conservation and Enhancement of Forest Carbon Stocks (REDD+) by 2030 (NRAP, 2017-2030)
- Decision No. 886/2017/QD-TTg dated 16 June 2017 on Approval of the Target Program for Sustainable Forest Development, 2016 to 2020

GOVERNMENT RESOLUTIONS

- Government Resolution No. 30a/2008/NQ-CP dated 27 December 2008 supporting rapid and sustainable poverty reduction in 61 poor districts
- Government and the Central Committee of the Vietnam Fatherland Front Joint Resolution No. 01/2014/NQLT/CP-UBTUMTTQVN dated 18 November 2014 on guiding and coordinating the implementation of some provisions of the law on grassroots mediation.

PRIME MINISTER'S DIRECTIVES

- Directive No. 24/1998/CT-TTg dated 19 June 1998 on the Formulation and Implementation of Village Conventions

MINISTRY DECISIONS

- Decision No. 5414/QD-BNN-TCLN dated 25 December 2015 of the Ministry of Agriculture and Rural Development on Approval of the Guidelines on Development of Provincial Action Plans on Reducing Greenhouse Gas Emissions Through Efforts to Reduce Deforestation and Forest Degradation, Sustainable Forest Management, and Conservation and Enhancement of Forest Carbon Stocks (Guidelines for PRAP Development)
- Decision No. 246/2017/QD-TCLN-VP of the Ministry of Agriculture and Rural Development on the Establishment of the SIS and SOI Working Group
- Decision No.5399/2015/QD-BNN-TCLN dated 25 December 2015 of the Ministry of Agriculture and Rural Development on Issuing Regulations on Piloting REDD+ Benefit Distribution under the Framework of the UN-REDD Vietnam Phase II Programme.

MINISTRY CIRCULARS

- MARD, Circular No. 27 /2018/TT-BNNPTNT of November 16, 2018 on Regulations on management and traceability for the origin of forest products
- MARD, Circular No. 28 /2018/TT-BNNPTNT of November 16, 2018 on Regulations on sustainable forest management
- MARD, Circular No. 29 /2018/TT-BNNPTNT of November 16, 2018 on Regulations on solutions of silvicultural
- MARD, Circular No. 30 /2018/TT-BNNPTNT of November 16, 2018 providing a list of major forestry plant varieties; recognition of varieties and resources; management of major forestry varieties
- Circular No. 56/1999/BNN-KL dated 30 March 1999 of the Ministry of Agriculture and Rural Development Guiding the Development of Village Conventions for the Protection and Development of Forests
- Joint Circular No. 03/2000/TTLT-BTP-BVHTT-BTTUBTWMTTQVN dated 31 March 2000 of the Ministry of Justice, the Ministry of Culture and Information and the Central Committee of the Vietnam Fatherland Front Guiding the Formulation and Implementation of Village Conventions
- Joint Circular No. 04/2001/TTLT-BTP-BVHTT-BTTUBMTTQVN-UBQGDSKHHGD dated 9 July 2001 of the Ministry of Justice, the Ministry of Culture and Information, the Central Committee of the Vietnam Fatherland Front and the National Population and Family Planning Committee Guiding the Formulation and Implementation of Village Conventions and Agreements on the Implementation of Population and Family Planning Policies

- Circular No. 70/2007/TT-BNN dated 1 August 2007 of the Ministry of Agriculture and Rural Development Guiding the Formulation and Organization of the Implementation of Conventions for the Protection and Development of the Forest in Village Communities
- Ministry of Agriculture and Rural Development Circular No. 34/2009/TT-BNNPTNT dated 10 June 2009 on Criteria for Forest Identification and Classification
- Circular No. 78/2011/TT-BNNPTNT dated 11 November 2011 of the Ministry of Agriculture and Rural Development Stipulating the Detailed Implementation of Decree No. 117/2010/ND-CP dated 24 December 2010 on Management and Organization of Special Use Forests
- Circular No. 09/2014/TT-BNNPTNT dated 26 March 2014 of the Ministry of Agriculture and Rural Development Stipulating some Contents of Strategic Environmental Assessment and Environmental Impact Assessment Managed by the Ministry of Agriculture and Rural Development
- Joint Circular No. 06/2014/TTLT-BTP-TTCP-BQP dated 14 February 2014 of the Ministry of Justice, the General Inspectorate of the Government and the Ministry of Defense guiding complaints and settlement of complaints on state administration regarding administrative and administrative management activities determined by the Ministry of Justice, General Inspectorate of the Government and Ministry of Defense
- Circular No. 38/2014/TT-BNN dated 3 November 2014 of the Ministry of Agriculture and Rural Development on Guidelines for Sustainable Forest Management Planning
- Joint Circular No. 14/TTLT-BNNPTNT-BNV dated 25 March 2015 of the Ministry of Agriculture and Rural Development and the Ministry of Home Affairs Guiding n the Tasks, Functions, Powers and Organization Structure of Agencies Specialized in Agriculture and Rural Development under the People’s Committees at Provincial and District Levels
- Circular No. 15/2015/TT-BNNPTNT dated 26 March 2015 of the Ministry of Agriculture and Rural Development providing guidelines on the tasks of the Sub-Department and specialized organizations under the Department of Agriculture and Rural Development
- Circular No. 27/2014/TT-BTNMT dated 29 May 2015 of the Ministry of Natural Resources and the Environment on Strategic Environmental Assessment, Environmental Impact Assessment and Environmental Protection Planning