

**FIRST SUMMARY OF INFORMATION ON HOW SAFEGUARDS FOR  
REDD+ WOULD BE ADDRESSED AND RESPECTED IN VIET NAM**

**November, 2018**

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## Glossary

CAS	Country approach to safeguards
EIA	Environmental Impact Assessment
FCPF	Forest Carbon Partnership Facility
FIPI	Forest Inventory and Planning Institute
FLEGT	Forest Law Enforcement, Governance and Trade
FORMIS	Forestry Sector Management Information System
FREL	Forest Emission Reference Level
FRL	Forest Reference Level
GCF	Green Climate Fund
GRM	Grievance and redress mechanisms
NFMS	National Forest Monitoring System
NRAP	National REDD+ Programme
NRIP	NRAP Mid-Term Implementation Plan
PaMs	Policies and Measures
PFES	Payment for environmental services
PGA	Participatory Governance Appraisal
PLR	Policies, laws and regulations
PRAP	Provincial REDD+ Action Plan
REDD+	Reducing emissions from deforestation and forest degradation plus the conservation of forest carbon stocks, sustainable management of forests and enhancement of forest carbon stocks
SIS	Safeguard Information System
SOI	Summary of Information
State Steering Committee Office	Office of the State Steering Committee for the Target Program on Sustainable Forest Development and REDD+ Implementation
STWG-SG	Sub-Technical Working Group on Safeguards
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries
VNFOREST	Viet Nam Administration of Forestry

## 1. INTRODUCTION

### 1.1 UNFCCC requirements on REDD+ safeguards

The Cancun Agreements (Decision 1/CP. 16)<sup>1</sup> of the United Nations Framework Convention on Climate Change (UNFCCC) call on countries that will implement REDD+ to address and respect seven broad safeguards related to governance, social and environmental risks and benefits, as well as emission reductions risks. In addition, the Durban Outcome (Decision 12/CP.17)<sup>2</sup> states that a safeguard information system (SIS) should provide information on how all of the Cancun safeguards are addressed and respected. This was reiterated by the Warsaw Framework for REDD+ (Decision 9/CP.19)<sup>3</sup> requiring countries to submit, among other things, a summary of information (SOI) on how all of the safeguards have been addressed and respected before they can access result-based payments.

Developing countries seeking to receive results-based payments for REDD+ are expected to provide the most recent summary of safeguards information upon commencing implementation of REDD+ actions. Country summaries will be made publicly available. Once the first SOI has been submitted, the frequency of subsequent summaries should be consistent with the provisions for submissions of national communications. Additionally, a country may submit a summary of information directly to the UNFCCC REDD+ web platform at any time. There is no specific UNFCCC-required structure for a country's summary of safeguards information. However, the UNFCCC provides an indication of the proposed contents of the Summary of Information in Decision 17/COP21, including, where appropriate:

- a) Information on national circumstances relevant to addressing and respecting the safeguards;
- b) A description of each safeguard in accordance with national circumstances;
- c) A description of existing systems and processes relevant to addressing and respecting safeguards, including the information systems referred to in decision 12/CP.17, in accordance with national circumstances; and
- d) Information on how each of the safeguards has been addressed and respected, in accordance with national circumstances.<sup>4</sup>

### 1.2 Addressing and Respecting the Cancun safeguards

While there is no official definition of the terms 'addressed' and 'respected' with respect to the Cancun safeguards and the provision of information on the national context by Parties to the UNFCCC, Viet Nam applies these terms in its SIS and this SOI in line with their generally understood meaning,<sup>5</sup> as follows:

- **Addressed:** the governance arrangements of the Party that are relevant to the contents of the Cancun safeguards, including policies, laws and regulations (PLRs), institutions, grievance and redress mechanisms (GRMs), etc.

<sup>1</sup> The full text of the Cancun Agreements is available at <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

<sup>2</sup> The full text of the Durban Outcome is available at <https://unfccc.int/resource/docs/2011/cop17/eng/09a01.pdf>

<sup>3</sup> The full text of the Warsaw Framework for REDD+ is available at <https://unfccc.int/sites/default/files/resource/docs/2013/cop19/eng/10a01.pdf>

<sup>4</sup> The full text of UNFCCC Decision 17/CP.21 is available at [http://unfccc.int/files/meetings/paris\\_nov\\_2015/application/pdf/sbsta\\_42\\_agenda\\_item\\_further\\_guidance\\_on\\_ensuring\\_transparency\\_cop\\_a\\_uv\\_template.pdf](http://unfccc.int/files/meetings/paris_nov_2015/application/pdf/sbsta_42_agenda_item_further_guidance_on_ensuring_transparency_cop_a_uv_template.pdf)

<sup>5</sup> In line with common good practice of other countries as informed by the findings of an expert workshop convened by the UNFCCC Subsidiary Body for Scientific and Technological Advice, held in October 2011, where "addressed" was broadly considered to mean that relevant institutions, policies, regulations, strategies, agreements, etc. are in place. "Respected" was broadly understood to mean the safeguard was being implemented successfully.

- **Respected:** how these governance arrangements are working in practice, together with the resultant outcomes of their implementation.

### 1.3 Objectives of the Summary of Information

In view of the progress made in Viet Nam to date on REDD+ readiness in line with the UNFCCC requirements, and the country's long-term interest in accessing results-based payments for REDD+ actions, Viet Nam is now submitting its first Summary of Information.

This Summary of Information is intended to provide the UNFCCC with an overview of Viet Nam's country approach to REDD+ safeguards, including up-to-date information on the status of designing and implementing the national Safeguard Information System, the national clarification of the Cancun Safeguards and how these safeguards are addressed within Viet Nam's PLRs, and how Viet Nam will ensure that these safeguards are respected during national REDD+ implementation. The Summary of Information also outlines key initiatives, mechanisms and approaches related to REDD+ safeguards in Viet Nam, including the safeguards policies related to Viet Nam's proposed [Emissions Reduction Programme in the North-Central Region of Viet Nam](#) for the Carbon Fund of the Forest Carbon Partnership Facility (FCPF).

The submission and public dissemination of the Summary of Information at this stage also provides an opportunity for Viet Nam to receive feedback and recommendations from the UNFCCC and key related stakeholders both within and outside of the country. The Summary of Information provides information on remaining gaps and identifies key measures related to addressing the Cancun Safeguards. It is anticipated that subsequent Summaries of Information will provide information on how these measures have been implemented, and will provide comprehensive information on how REDD+ safeguards are being addressed and respected in Viet Nam as a basis for accessing UNFCCC results-based payments.

### 1.4 Summary of Information development process

This first Summary of Information from Viet Nam has been developed by the Office of the State Steering Committee for the Target Program on Sustainable Forest Development and REDD+ Implementation (State Steering Committee Office), working closely with the Viet Nam Administration of Forestry (VNFOREST) of the Ministry of Agriculture and Rural Development, with technical support from the UN-REDD Viet Nam Phase II Programme, the Viet Nam FCPF Readiness Preparation Project supported by the World Bank, and the Project for Sustainable Forest Management in the Northwest Watershed Area (SUSFORM-NOW) funded by the Japan International Cooperation Agency (JICA).

The draft Summary of Information was also consulted widely with REDD+ stakeholders prior to finalisation through the following mechanisms and processes:

- **Consultations with related national Government agencies** were undertaken through the Government Working Group on the Safeguard Information System and the Summary of Information (the SIS-SOI Working Group)<sup>6</sup> throughout the development of the Summary of Information. Written comments were received

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<sup>6</sup> Further information on the SIS-SOI Working Group is provided in Section 3.1.1 of this Summary of Information.

from all 26 Government agencies represented in the SIS and SOI Working Group.

- **Consultations with interested parties and stakeholders from the public sector, the privatesector, social and professional organisations, non-governmental organisations, academics and legal experts** were undertaken through two meetings of the Sub-Technical Working Group on Safeguards (STWG-SG)<sup>7</sup> established under the National REDD+ Network, and through a national stakeholder consultation workshop.
- **Consultations with provincial authorities and other sub-national stakeholders** were undertaken through a national workshop and through official dissemination of the draft document for comments. Provincial REDD+ Steering Committees in provinces with approved Provincial REDD+ Action Plans (see Table 2 below) were also requested to provide comments on the draft Summary of Information.
- **Public consultation** was undertaken through the [Viet Nam REDD+ website](#).

## 2. NATIONAL REDD+ CONTEXT IN VIET NAM

### 2.1 Overview of Viet Nam's national forest estate

As set out in Viet Nam's Modified Submission on Reference Levels for REDD+ Results Based Payments under the UNFCCC (FREL/FRL),<sup>8</sup> much of Viet Nam's forest cover was removed between 1943 and 1993, declining from 43% to 28%. Since then Viet Nam has made considerable efforts to increase its overall forest cover.

Based on the results of the National Forest Inventory (NFI), the actual forest area in Viet Nam 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. It is generally acknowledged that the quality of natural forests continues to be more fragmented and degraded. As of 2010, over two-thirds of Viet Nam's natural forests are considered poor or regenerating, while rich and closed-canopy forest constitutes only 5 percent of the total. Between 1995 and 2010, the area of natural forest classified as rich decreased by 35,000 ha/year and medium forest reduced by 66,000 ha/year. These figures indicate that deforestation and forest degradation are still serious issues for Viet Nam.

Area statistics of forest and land use dynamics during 1995-2010, which were derived from NFI forest cover maps, are provided in Table 1.<sup>9</sup>

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<sup>7</sup> Further information on the STWG-WG is provided in Section 3.1.1 of this Summary of Information.

<sup>8</sup> Ministry of Agriculture and Rural Development, Viet Nam (2016) Viet Nam's Modified Submission on Reference Levels for REDD+ Results Based Payments under the UNFCCC: [https://redd.unfccc.int/files/vietnam\\_frl\\_modified\\_submission\\_final\\_for\\_posting.pdf](https://redd.unfccc.int/files/vietnam_frl_modified_submission_final_for_posting.pdf).

<sup>9</sup> Ibid. The historical NFI forest cover maps have been reviewed for correction, taking the 2010 forest cover map as a baseline and applying the most recent forest definition and a harmonised forest classification system. Where necessary, forest changes were checked against historical satellite imagery.

**Table 1: Areas of national forest and land use 1995 – 2010 (unit: 1,000 ha)**

No.	Forest and land use types	1995	2000	2005	2010
	<b>Total area</b>	<b>33,015</b>	<b>33,015</b>	<b>33,017</b>	<b>33,017</b>
<b>I</b>	<b>Forest</b>	<b>11,357</b>	<b>11,938</b>	<b>12,741</b>	<b>13,661</b>
1	Evergreen broadleaf – rich	856	804	693	681
2	Evergreen broadleaf – medium	2,004	1,889	1,783	1,674
3	Evergreen broadleaf – poor	1,918	1,785	1,621	1,581
4	Evergreen broadleaf – regrowth	2,399	2,699	3,283	3,654
5	Deciduous	751	722	665	646
6	Bamboos	526	547	490	441
7	Mixed timber – bamboos	734	751	751	748
8	Coniferous	172	177	164	162
9	Mixed broadleaf - coniferous	64	56	54	53
10	Mangrove	199	178	134	142
11	Limestone forest	740	749	759	757
12	Plantation	994	1,582	2,343	3,122
<b>II</b>	<b>Bare land</b>	<b>7,979</b>	<b>7,264</b>	<b>6,249</b>	<b>4,893</b>
13	Limestone without trees	232	224	207	205
14	Other bare land	7,748	7,039	6,042	4,688
<b>III</b>	<b>Agriculture and other land</b>	<b>13,678</b>	<b>13,814</b>	<b>14,027</b>	<b>14,463</b>
15	Water body	824	846	851	870
16	Residential area	1,498	1,569	1,669	1,798
17.	Agriculture and other land	11,356	11,399	11,507	11,796

## 2.2 Identified drivers of deforestation and forest degradation and barriers to sustainable management of forests, reforestation, restoration of forests and forest conservation

### 2.2.1 Drivers of deforestation and degradation of forests

Key current drivers of deforestation and forest degradation in Viet Nam include:

- (i) Conversion of forest lands for agriculture and other purposes;
- (ii) Infrastructure development such as roads and hydropower plants;
- (iii) Unsustainable logging; and
- (iv) Forest fires.

### 2.2.2 Barriers to sustainable management of forests, reforestation and forest conservation

Barriers to sustainable management of forests, reforestation and forest conservation have also been identified:<sup>10</sup>

- (i) **Barriers to sustainable management of natural production forests** include the quality of forest resources, low production volumes and high production costs, lack of clear management rights, as well as a lack of incentives for state

<sup>10</sup>McNally, R., Vu Tan Phuong, Nguyen The Chien, Pham Xuan Phuong, Nguyen Viet Dung (2016) Issues and options: support for the revision of Viet Nam's National REDD+ Action Programme (NRAP), 2016-2020.

forest companies to engage in sustainable forest management in economically viable forests or to rehabilitate degraded natural forests.

- (ii) **Barriers to the sustainable management of plantations** include production practices that are not yet effective, limited market options and ineffective governance and support.
- (iii) **Barriers to reforestation and restoration of forests** include limited economic benefits support for forest rehabilitation, a lack of support for reforestation, and insufficient incentives for local communities to partake in forest land restoration activities.
- (iv) **Barriers to effective forest conservation** include limitations in the institutional capacity to manage special-use forests, lack of engagement with nearby communities, and ineffective and limited financing for conservation.

## 2.3 National REDD+ Implementation Plans

### 2.3.1 National REDD+ Programme

In June 2012, the Prime Minister approved the country's first National REDD+ Programme (NRAP), covering the period 2011-2020.<sup>11</sup> A review of progress of the NRAP was carried out at the end of the 1st phase of its implementation (2011-2015). The report highlighted that while some good progress had been made, it also revealed the necessity to revise the direction of the NRAP so as to better guide implementation under Phase II of REDD+.

An inter-sectoral drafting team was established, and a transparent and participatory process was applied, including extensive direct, bilateral and informal consultations with the public sector, the private sector, social and professional organisations, non-governmental organisations, universities, institutes and international organisations, and circulation of drafts for comments through the National REDD+ Network and on the Viet Nam REDD+ website.

Viet Nam's revised NRAP was approved by the Prime Minister in April 2017, and covers the period from 2017-2030.<sup>12</sup> The 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 Viet Nam, and is consistent with international treaties and agreements that Viet Nam has participated or signed. It aims to ensure consistent steering, management and coordination by the responsible authorities, optimising the participation and monitoring of socio-political, professional associations, non-governmental organisations and communities, and utilising mechanisms for effective international cooperation in the development and implementation of REDD+ in Viet Nam.

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<sup>11</sup> Prime Minister's Decision No. 799/QĐ-TTg dated 27 June 2012 on Approval of the National Program on Reduction of Green-house Gas Emissions through Efforts to Reduce Deforestation and Forest Degradation, Sustainable Management of Forest Resources, and Conservation and Enhancement of Forest Carbon Stocks, 2011-2020.

<sup>12</sup> Prime Minister's Decision No. 419/QĐ-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.

The NRAP sets out key overall policies and measures (PaMs) to be implemented during the period from 2017-2020 (further detail on these is provided below), together with information on the overall arrangements and responsibilities for NRAP implementation, monitoring and evaluation.

### **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; mobilising international support, getting 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) Stabilise 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 realise 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 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.)*

### 2.3.2 NRAP Mid-Term Implementation Plan

Following the adoption of the revised NRAP in April 2017, the Ministry of Agriculture and Rural Development is currently working closely with all relevant stakeholders in the country as well as international partners on a consultative process to formulate an NRAP Mid-Term Implementation Plan (NRIP), turning the policies and measures set out in the NRAP into concrete actions and quantified targets supported by adequate financial resources.

### 2.3.3 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.<sup>13</sup> 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 October 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 2.

**Table 2: Provincial REDD+ Action Plans (PRAPs) approved to date**

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

<sup>13</sup>Ministry of Agriculture and Rural Development, Decision No. 5414/QĐ-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+).

<b>Quang Tri</b>	September 2016	2016-2020
<b>Son La</b>	August 2017	2017-2020
<b>Thanh Hoa</b>	December 2016	2016-2020
<b>Thua Thien Hue</b>	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 harmonised with the NRAP, integrating key contents of the NRAP relevant to the specific provincial context, needs and challenges.

## 2.4 REDD+ Activities in Viet Nam

The NRAP identifies the following REDD+ activities in Viet Nam:

- i. Reducing emissions from deforestation (“Deforestation”);
- ii. Reducing emissions from forest degradation (“Degradation”);
- iii. Enhancement of forest carbon stocks from reforestation (“Reforestation”);
- iv. Enhancement of forest carbon stocks from forest restoration (“Restoration”);
- v. Conservation of forest carbon stock and sustainable management of forests.

Specific PaMs to implement these REDD+ activities in Viet Nam are set out in Section 2.5 of the NRAP.

In addition, Viet Nam’s Submission on Reference Levels for REDD+ Results Based Payments under the UNFCCC (2016)<sup>14</sup> sets out the methodology and REDD+ activities for the calculation of Viet Nam’s national FREL/FRL.

## 2.5 National REDD+ Policies and Measures

Viet Nam’s NRAP for the period 2017 to 2030, adopted according to Prime Minister’s Decision No. 419/QD-TTg dated 5 April 2017, sets out the REDD+ Policies and Measures to be implemented during the period, covering the following main programme contents:

### *a) Policies and Measures to reduce deforestation and forest degradation*

- Continue the review and adjust the land use master plan and land use plans to ensure the target of 16.24 million hectares of forest land is achieved by 2020.
- Promote sustainable and deforestation-free agriculture and aquaculture.
- Improve forest governance and livelihoods for people living near and in the forest.
- Strengthen law enforcement.

### *b) Policies and Measures to conserve and enhance forest carbon stocks and sustainable management of forests*

- Evaluate and replicate enhanced forest production and long-term rotation timber plantation business models.
- Pilot, evaluate and replicate sustainable models for natural forests enhancement, protection and conservation.
- Enhance the economic and financial enabling environment for forests.

<sup>14</sup>Ministry of Agriculture and Rural Development (2016) Viet Nam’s Modified Submission on Reference Levels for REDD+ Results Based Payments under the UNFCCC. These five national REDD+ activities are consistent with UNFCCC Decision 1/CP.16 paragraph 70.

*c) Policies and Measures to achieve full REDD+ readiness and engage in step-wise improvements*

- Finalise and upgrade the core REDD+ instruments, in accordance with step-wise principle, and in compliance with UNFCCC's provisions.
- Set up and implement financial management mechanisms for REDD+.
- Strengthen international and regional cooperation to promote REDD+ and mitigate risks of displacement.
- Effectively coordinate, backstop, communicate, build capacities and monitor NRAP implementation.

Further detail on these Policies and Measures during the period 2017-2020 is provided in an annex to the NRAP.

## 2.6 Policies and Measures set out in the Provincial REDD+ Action Plans

Based on analysis and participatory consultations, the PRAPs set out overall policies and measures in the province for forest protection and development, as well as priority actions to address the five nationally adopted REDD+ activities. The national guidelines on the development of PRAPs set out a standardised structure for these actions.<sup>15</sup>

### **Standardised structure for action planning in the PRAPs**

#### *Component 1: Actions for the protection and development of forests*

1. Afforestation
2. Forest care, rehabilitation and restoration
3. Forest protection and zoning for regeneration
4. Scattered tree planting
5. Construction of silviculture works (including works and equipment for firefighting and forest protection and management)
6. Other related activities

#### *Component 2: Priority actions*

1. Limiting deforestation
2. Limiting forest degradation
3. Enhancing forest carbon stocks through reforestation
4. Enhancing forest carbon stocks through restoration
5. Conservation of forest carbon reserves
6. Sustainable forest management

<sup>15</sup>Ministry of Agriculture and Rural Development, Decision No. 5414/QĐ-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+).

## 2.7. Environmental and social co-benefits and risks of the proposed policies and measures

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* ethnic minorities and woman in local communities. These activities are expected to be implemented in accordance with the specific context of Viet Nam as well as UNFCCC guidance, 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 maximise social, economic and environmental benefits, extracting more value from the environmental services from forests, and mobilising financial resources for the protection and sustainable development of forests.

The NRIP will further detail NRAP PaMs on reducing deforestation and forest degradation and on conserving and enhancing forest carbon stocks and sustainable forest management. Environmental and social co-benefits and risks of these programmes have been assessed, and co-benefit enhancement and risk mitigation measures identified.

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 plans.<sup>16</sup> Assessments of environmental and social benefits and risks of REDD+ PaMs, in specific sub-national locations, have also been carried out through the Strategic Environmental and Social Assessment (SESA) during the development of the FCPF Emissions Reduction Programme in the North-Central Region of Viet Nam, and through the assessment of Environmental and Social Considerations for the SUSFORM-NOW project funded by the Japan International Cooperation Agency (JICA).

## 3. VIET NAM'S REDD+ COUNTRY SAFEGUARDS FRAMEWORK

### 3.1 Viet Nam's REDD+ Country Safeguards Framework – key elements and process

#### 3.1.1 Multi-stakeholder institutional arrangements for the development of the Country Safeguards Framework

##### ***Sub-Technical Working Group on Safeguards***

The Sub-Technical Working Group on Safeguards (STWG-SG) is established under the National REDD+ Network. It provides a consultative, multi-stakeholder platform for sharing information and providing technical assistance and recommendations to the Government of Viet Nam and other stakeholders on Safeguards in line with Viet Nam's international commitments and requirements as well as the national and local context relevant to REDD+ safeguards. The STWG-SG plays a leading role in the organisation 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

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<sup>16</sup>Ministry of Agriculture and Rural Development, Decision No. 5414/QĐ-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+).

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 Viet Nam Administration of Forestry (VNFOREST) and co-chaired by an international NGO, SNV Netherlands Development Organisation. Membership of the STWG is open to all interested parties and stakeholders, and members come from the public sector, the private sector and socio-professional organisations, including members of the Vietnamese NGO FLEGT network (VNGO-FLEGT) and representatives from the REDD+ Ethnic Minority Network supported by the UN-REDD Viet Nam Phase II Programme. Efforts are made to ensure the participation of representative stakeholders, particularly at subnational and local levels.

### ***Safeguards Core Group***

The Safeguards Core Group of the STWG-SG leads the convening and organisation of technical discussions on REDD+ safeguards related issues, providing a forum for consultations in order to facilitate and provides expert advice in the development of key national REDD+ safeguards milestones or outputs including the Viet Nam Safeguards Roadmap and the national Safeguard Information System (SIS). The Safeguards Core Group supports activities for the implementation of Safeguards data collection, leads capacity building activities related safeguards, and promotes public participation through information sharing and stakeholder consultations.

The Safeguards Core Group has 19 standing members with expertise across key thematic areas related to safeguards. The members of this advisory body include the staff of Government bodies, social and professional organisations and non-governmental organisations as well as individual experts.

Each step of the development of Viet Nam's REDD+ Country Safeguard's Framework, as outlined in subsections 5.1.2 to 5.1.6 below, has included extensive consultations with the STWG-SG. The outputs of each step have been revised multiple times based on these consultations.

### ***Government Working Group on the Safeguard Information System and the Summary of Information***

The Working Group on the Safeguard Information System and the Summary of Information (SIS and SOI Working Group) was established by the Viet Nam Administration of Forestry (VNFOREST)<sup>17</sup> to provide information and comments on the content of the SIS and the SOI during their development, with a particular focus on internal review and approval processes involving relevant government bodies. This working group contains 26 members from Ministry of Agriculture and Rural Development and other line ministries. The first meeting of the SIS and SOI Working Group was organised in July 2017.

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<sup>17</sup> Ministry of Agriculture and Rural Development Decision No. 246/2017/QĐ-TCLN-VP on the Establishment of the SIS and SOI Working Group.

### 3.1.2 Goals of the country's approach to safeguards

The development of Viet Nam's Country Safeguards Framework is fully consistent with Viet Nam's commitments under the UNFCCC, and with the overall goal of Viet Nam's National REDD+ Programme (NRAP) for the period 2017 to 2030:

*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; mobilising international support, getting access to carbon markets; and improving people's lives and the country's sustainable development.*<sup>18</sup>

It is also directly in line with NRAP objective (b) for the period 2017-2020: "the importance of meeting the requirements of REDD+ readiness, ensuring there is capacity to access financial resources for results-based payments as per international requirements;" and with NRAP objective (c) for the period 2021-2030: "Complete policies, laws and action framework of the REDD+ programme and access financial resources for results-based payments in accordance with international requirements."<sup>19</sup>

Accordingly, Viet Nam's Country Safeguards Framework aims to address the potential risks and effectively promote the benefits REDD+ could achieve through the implementation of REDD+ Policies and Measures, in order to demonstrate fulfilment of Viet Nam's commitments under the UNFCCC, and in so doing to fulfil a key prerequisite for obtaining results-based payments under the REDD+ mechanism.

In future, the Country Safeguards Framework will also be expected to meet safeguards requirements for all applicable REDD+ financing channels, including results-based payments under the GCF, parallel multilateral financing mechanisms such as the FCPF, and other financing for key REDD+ actions, progressively working towards an efficient and effective unified approach to all relevant REDD+ safeguards requirements.

#### ***Demonstrating fulfilment of Viet Nam's commitments under the UNFCCC***

Viet Nam, together with other Parties to the UNFCCC, has recognised that the implementation of REDD+ activities and related PaMs can pose significant environmental and social risks, and can also provide opportunities to promote multiple benefits. To address the potential risks and effectively promote the benefits REDD+ could achieve, the Parties to the UNFCCC have jointly agreed on the need to implement appropriate safeguards when implementing REDD+ PaMs.

The REDD+ safeguard-related requirements set out in the UNFCCC are: (i) to ensure consistency with the UNFCCC REDD+ safeguards (i.e. the Cancun safeguards); (ii) to develop a national Safeguard Information System (SIS) to capture information on how the Cancun safeguards are being addressed and respected; and (iii) to submit the most recent summary of information (SOI) on how all of the Cancun safeguards are being addressed and respected.

To date, Viet Nam's country-based approach has primarily focused on the REDD+ safeguard-related requirements set out in the UNFCCC. The Cancun safeguards have been clarified in the national context, existing governance arrangements have been

<sup>18</sup> NRAP, 2017-2030 (2017), Article 1(2.1).

<sup>19</sup> NRAP, 2017-2030 (2017), Article 1(2.2.1.b and 2.2.2.c).

assessed to identify and progressively resolve gaps in order to ensure that safeguard requirements are addressed, and existing national information systems have been assessed to identify necessary sources of information to establish a national SIS that provides information on how the safeguards are being respected.

***Meeting safeguards requirements for all REDD+ financing sources***

In addition to the Cancun Safeguards, Viet Nam anticipates the need to demonstrate compliance with a range of safeguards requirements for REDD+ results-based payments and financing for REDD+ actions. Meeting these requirements has been considered across the three REDD+ phases of readiness, implementation, and results-based payments.

***REDD+ Phase I: Readiness***

In parallel to the UNFCCC process, several multilateral initiatives and bilateral agreements have been providing funding for REDD+ readiness activities. They may apply safeguard frameworks applicable to the REDD+ readiness and demonstration activities that they financially support. It has been noted that the different safeguard frameworks and requirements from the various multilateral initiatives have distinct differences in terms of content and process, and could therefore become a potential burden, leading to overlapping activities, increased transaction costs and hindering the country's efforts to effectively implement the Cancun safeguards and achieve co-benefits.

***REDD+ Phase II: Implementation***

Viet Nam anticipates the need to access financing for the implementation of key REDD+ PaMs and related actions, for example for restructuring supply chains in key sectors to reduce national emissions. Viet Nam's NRIP will set out the specific PaMs and expected financing levels and sources.

***REDD+ Phase III: Results-based payments***

**UNFCCC results-based payments through the Green Climate Fund (GCF)**

Viet Nam has noted that the primary vehicle for making results-based payments for REDD+ under the UNFCCC is expected to be the Green Climate Fund (GCF). Eligibility criteria, presented in the request for proposals for the pilot programme for REDD-plus results-based payments<sup>20</sup> include, *inter alia*, 'a SIS to inform how the safeguards are addressed and respected, and a summary of information on how all the Cancun REDD-plus safeguards were addressed and respected during the period for which payment for results is being requested.' This first summary of information does not attempt to meet the GCF safeguard requirements for results-based payments, but it does anticipate them by providing:

1. a description of the SIS design and plans for further design refinements and operations (subsection 3.1.7);
2. information on how all the Cancun safeguards *will be* addressed and respected during future periods for which payment for results will be requested (section 5);
3. a description of stakeholder engagement in the processes to develop the SIS (subsection 3.1.6) and this first summary of information (subsection 1.4);

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GCF (2017) GCF Decision B.18/07, dated 2 November 2017 (Request for proposals for REDD-plus results-based payments)

4. a description of the REDD+ grievance redress mechanism (GRM), specifying how the mechanism *will be* accessed and complaints received and resolved (subsection 3.2.2); and
5. information on the nature, scale and importance of non-carbon benefits (and risks) for the long-term sustainability of REDD+ activities (subsection 2.7)

**Results-based payments through the FCPF Carbon Fund**

Viet Nam expects to access results-based payments in future from the Carbon Fund of the FCPF, administered by the World Bank through a sub-national Emissions Reduction Programme in the North-Central Region of Viet Nam. According to the FCPF guidelines, these programmes will be required to adhere to relevant World Bank safeguards, and should also promote the UNFCCC safeguards (i.e. the Cancun safeguards).

To date, safeguards-related activities as part of the preparations for FCPF financing for the Emissions Reduction Programme in the North-Central Region of Viet Nam, such as the application of the Strategic Environmental and Social Assessment (SESA) process and the Environmental and Social Management Framework (ESMF) instrument, have been conducted as a standalone activity (see subsection 3.2.1 below), separate from the development of the country approach to the Cancun safeguards.

***Progressively working towards an efficient and effective unified national approach***

Dealing with multiple safeguards, policies and requirements is likely to lead to overlapping activities and increased transaction costs, and to hinder national efforts to ensure compliance with the safeguards and the social and environmental sustainability of REDD+. Taking this challenge into account, Viet Nam’s country approach to safeguards ultimately aims to enable the development of a unified Country Safeguards Framework that can fulfil the requirements of the key forms of REDD+ financing through the different phases.

**Table 3: REDD+ financing sources, safeguard requirements and the proposed country response**

<i>REDD+ Phase</i>	<i>REDD+ financing source</i>	<i>Safeguard requirements</i>
<b>I. Readiness</b>	Multilateral initiatives and bilateral agreements	FCPF Readiness Fund: World Bank safeguards framework (operational policies) adhered to Norway-Viet Nam Joint Declaration on REDD+ and the UN-REDD Programme: “ensure that the UNFCCC REDD+, UN-REDD and FCPF Common Approach to Safeguards are fully respected, implemented, and reported” <sup>21</sup>
<b>II. Implementation</b>	Financing from public or private sector financial institutions for key REDD+ actions	Safeguards frameworks of the relevant financial institutions

<sup>21</sup> Joint Declaration between the Socialist Republic of Viet Nam and the Kingdom of Norway on REDD+ dated 05 November 2012.

<b>III. Results-based payments</b>	Results-based payments from the Green Climate Fund (GCF)	Cancun safeguards GCF Accredited Entity's standards that meet the GCF Environmental and Social Standards
	Results-based payments from the FCPF Carbon Fund	World Bank safeguards framework adhered to Cancun Safeguards promoted

Currently, the main focus of the country approach to REDD+ safeguards has been the Cancun safeguards. As noted above, safeguards-related activities carried out as part of the preparations for FCPF-Carbon Fund results-based payments have been conducted separately to date. In the coming period, Viet Nam will continue preparations to access results-based payments at the national level through the GCF.<sup>22</sup>

Viet Nam expects to take the following key future actions towards achieving a unified national REDD+ safeguards system:

- Continuing to roll out the country approach to the Cancun safeguards, including operationalisation of the SIS.
- Completing the NRIP, thus identifying key funding needs and expected resources for REDD+ actions.
- Clarifying the safeguard-related requirements of the GCF mechanism for REDD+ results-based payments as they are finalised.
- Mapping the safeguard frameworks and requirements of the different identified REDD+ funds and financial resources, and identifying common requirements and potential overlaps in the different safeguard frameworks and requirements.
- Identifying options to broaden the application of the Country Safeguards Framework to address the different safeguards-related requirements.
- Implementing the selected options.

### 3.1.3 Assessment of policies, laws and regulations as part of *addressing safeguards*

An initial assessment of Viet Nam's PLRs was completed in 2013, with further assessments carried out in 2014 and 2017.<sup>23</sup> These studies looked at how the Cancun safeguards are addressed within Viet Nam's governance mechanisms. Key results from these studies informed the description of each safeguard in accordance with national circumstances (Section 4), in addition to information on how each of the safeguards will be addressed (Section 5.1).

<sup>22</sup>GCF (2017) GCF Decision B.18/07, dated 2 November 2017 (Request for proposals for REDD-plus results-based payments)

<sup>23</sup>Annandale, D., Doan Diem, Ngo Huy Toan, Nguyen Thu Ha (2013) Roadmap for Environmental and Social Safeguards for Vietnam's National REDD+ Action Programme (v1.0): Gap Analysis of Existing Policies, Laws and Regulations. Rey, D., Hoang Ly Anh, Doan Diem, Le Ha Phuong & S.R. Swan (2014) Safeguards Roadmap (v2.0) for Viet Nam's National REDD+ Action Plan: a contribution to a country-led safeguards approach. SNV Netherlands Development Organisation, REDD+ Programme, Ho Chi Minh City. SNV Netherlands Development Organisation (2018) Ensuring the Implementation of Viet Nam's National REDD+ Action Programme is Consistent with the UNFCCC REDD+ Safeguards: A Guidance Document Identifying and Explaining Viet Nam's Safeguards-relevant Legal Framework.

### 3.1.4 Implementation of policies, laws and regulations as part of *respecting safeguards*

The State Steering Committee on Sustainable Forest Management is the steering body for the implementation of the NRAP.<sup>24</sup> Specific roles and responsibilities for ministries and ministry-level bodies in the implementation of the NRAP are set out in the NRAP. The key institutional responsibilities for implementation of relevant PLRs are set out in the table at Section 5.1 of this SOI. Further activities will also be undertaken to support the implementation of these PLRs, including the development of guidelines and regulations to implement safeguards-relevant PLRs to ensure consistency with the UNFCCC safeguards requirements, and institutional capacity-building to implement safeguards-relevant PLRs.

Once the national SIS is completed and put into operation, it will provide regular ongoing information on the extent to which the Cancun safeguards are being respected in during the implementation of REDD+ policies and measures.

### 3.1.5 Clarification of the Cancun safeguards

Based on the 2014 analysis of PLRs relevant to the Cancun safeguards (see subsection 3.1.3 above), the national clarification of the Cancun safeguards was developed and refined through regular consultations with the core group of the Sub-Technical Working Group on Safeguards (STWG-SG). The objective of this clarification, in addition to responding to UNFCCC guidance,<sup>25</sup> was to clarify how the broad principles embodied in the Cancun safeguards are translated into rights and obligations anchored to Viet Nam's existing legal framework. Based on this, Viet Nam's Country Safeguards Framework has been prepared based on the Cancun safeguards (these are outlined in detailed under Section 4 below).

### 3.1.6 Development of the national Safeguard Information System

The development of the SIS for Viet Nam commenced in late 2015. The inputs for the design of the SIS are being coordinated by the State Steering Committee Office, with technical assistance of the UN-REDD Programme Phase II, together with the Department for Information Development of VNFOREST, and the FORMIS Project Phase II. During the process of SIS development, contributions from a wide range of stakeholders have been mobilised including via the STWG-SG, the safeguard core group, and the SIS-SOI Working Group.

The design of Viet Nam's SIS to address the key requirements for a national SIS as set out in the UNFCCC guidance has drawn on the outputs of the three distinct but related steps conducted earlier on in the development of the Country Safeguards Framework:

- (1) PLR assessment;
- (2) PLR implementation assessment; and
- (3) National clarification of the Cancun safeguards.

The related steps for design and establishment of the national SIS include:

- i) Identifying the objectives of the SIS.
- ii) Identifying SIS information needs and structure.

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<sup>24</sup>Prime Minister's Decision No. 419/2017/QĐ-TTg 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.

<sup>25</sup>UNFCCC (2015) Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 13 December 2015: UNFCCC Decision 17/CP.21 paragraph 5

- iii) Identifying and assessing existing information systems and sources.
- iv) Developing parameters linked to information systems and sources, and data collection methods.
- v) Developing an SIS database.
- vi) Integrating safeguards information in monitoring frameworks.
- vii) Institutionalising functional responsibilities for SIS operations.
- viii) Further integration of safeguards related to REDD+, including consideration of safeguards frameworks for the FCPF and GCF.
- ix) Strengthening institutional capacity to operationalise the SIS
- x) Refining national and provincial information collection.

A description of the national SIS is provided in Section 3.3 of this SOI.

### 3.2 Other relevant processes

This section of the SOI provides information on several other relevant processes that are ongoing in Viet Nam, often with the support of Official Development Assistance (ODA) activities providing assistance for REDD+ readiness activities. These do not yet form a direct part of Viet Nam's country safeguards approach. However, in the coming time these processes will be integrated into the unified country safeguards framework, providing additional information relevant to the Cancun safeguards to the SIS, particularly during the period when the SIS is not yet fully operational.

#### 3.2.1 Forest Carbon Partnership Facility (FCPF) Strategic Environmental and Social Assessment, and Environment and Social Management Framework (SESA-ESMF)

Viet Nam expects to access REDD+ results-based payments from the World Bank-administered FCPF-Carbon Fund through the Emissions Reduction Program in the North-Central Region. As part of the preparation process for this program, a Strategic Environmental and Social Assessment (SESA) has been conducted, as a basis for developing an Environmental and Social Management Framework (ESMF) for the proposed Emissions Reduction Program landscape.<sup>26</sup>

The ESMF for the proposed Emissions Reduction Program in the North-Central Region of Viet Nam notes that the programme is expected to trigger a number of Operational Policies within the World Bank's safeguards framework, including: Environmental Assessment (OP 4.01), Natural habitats (OP 4.04), Forests (OP 4.36), Pest Management (OP 4.09), Physical and Cultural Resources (OP 4.11), Indigenous Peoples (OP/BP 4.10), and Involuntary Resettlement (OP/BP 4.12). The ESMF also notes that other applicable World Bank Operational policies, notably those relating to gender and development (OP 4.20), are not safeguard policies per se but rather cross-cutting issues to ensure the social inclusiveness of projects wholly or partially financed or supported by the World Bank. Additionally, the Cancun Safeguards also apply to this programme.<sup>27</sup>

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<sup>26</sup> Ministry of Agriculture and Rural Development, Viet Nam (2016) Forest Carbon Partnership Facility (FCPF) Carbon Fund: Environmental Social Management Framework (ESMF) for the Emission Reduction-Program in the North Central Coastal Region of Viet Nam, Draft version 2.2, November 2016

<sup>27</sup> *ibid.* p26.

Stakeholders from national to local levels were consulted during the SESA and ESMF implementation. A Grievance Redress Mechanism (GRM) has also been designed as part of the ESMF.

### 3.2.2 Grievance redress mechanism

REDD+ implementation may result in significant impacts on the dynamics of conflicts over forest resources, land and other resources in forest areas.<sup>28</sup> Effective mechanisms to address contentious issues, complaints and disputes during REDD+ implementation, collectively referred to here as Grievance Redress Mechanisms (GRMs), are necessary as part of addressing and respecting the Cancun safeguards, particularly with respect to safeguards (b), (c), and (d). Information on the application of these GRMs provides an important source of information for the national SIS. National GRMs also form part of the expected criteria for accessing REDD+ results-based payments from key REDD+ financing channels including the FCPF-Carbon Fund<sup>29</sup> and the GCF pilot programme for REDD+ results-based payments.<sup>30</sup>

Existing GRMs relevant to REDD+ implementation in Viet Nam 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), and the Law on Legal Aid (2017).<sup>31</sup> The following specific GRMs have been identified:

- Grassroots mediation
- Mediation/conciliation at the Commune People's Committee
- Complaint settlement
- Commercial arbitration
- Dispute settlement by courts

The implementation of these GRMs has been assessed against seven international principles for effective REDD+ GRMs.<sup>32</sup> This assessment identified the importance of local mediation within the framework set out in the Law on Grassroots Mediation (2013), including the following roles:

- i. **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.
- ii. **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

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<sup>28</sup>FCPF and UN-REDD Programme (2015) Joint FCPF/UN-REDD Programme Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms, June 2015

<sup>29</sup>FCPF (2016) FCPF Carbon Fund Methodological Framework, June 22, 2016

<sup>30</sup>GCF (2017) GCF Decision B.18/07, dated 2 November 2017 (Annex X1: Draft terms of reference for the pilot programme for REDD+ results-based payments)

<sup>31</sup>Development and Policies Research Centre (DEPOCEN) (2016) The Development of Grievance Redress Mechanisms (GRMs) for REDD+ in Viet Nam. Some differences were noted in the definition of "conflicts," "disputes," "complaints," and "inquiries" in these PLRs.

<sup>32</sup>FCPF and UN-REDD Programme (2015)

community members on referral of their grievances to other GRMs where resolution through mediation at the village or commune level is not possible.

- iii. **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.

### 3.2.3 Free, prior, and informed Consent (FPIC)

Free, prior, and informed consent (FPIC) is an important principle set out in the United Nations Declaration on the Rights of Indigenous People (UNDRIP).<sup>33</sup> Specific FPIC aspects set out in UNDRIP are relevant to Cancun safeguard (c).

Viet Nam, with the support of UN-REDD, was one of the first countries to pilot free, prior and informed consent for REDD+ in Lam Dong Province in 2010. An independent evaluation and verification of the process was completed in November 2010,<sup>34</sup> and the recommendations were considered in the development of national guidelines on the application of FPIC in REDD+ in Viet Nam<sup>35</sup> alongside a reflection of lessons learnt from the pilot period.<sup>36</sup> These guidelines were later incorporated into the process to develop and revise the NRAP, as well as the national guidance to provinces on the development of their PRAPs.<sup>37</sup>

### 3.2.4 Participatory Governance Assessment (PGA)

With support from the UN-REDD Programme, Viet Nam has carried out initial work to assess participatory governance in a number of pilot provinces. Participatory Governance Assessment (PGA) is a participatory approach to developing governance data that is measurable over a period of time. A PGA aims at assessing how the information generated can be used by both government and other stakeholders for enhanced decision-making and for increased accountability.

The PGA for REDD+ aims to contribute to the development of national systems providing relevant information on how safeguards are being promoted, addresses and respected, as recommended in the Cancun Agreements. The PGA process is expected to define a set of governance indicators agreed by REDD+ stakeholders that can be used to assess REDD+ governance arrangements. Over time, it is expected that the indicators developed through the PGA will inform the SIS, for example, through incorporation as appropriate within the national SIS database and information collection templates and mechanisms.

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<sup>33</sup>United Nations General Assembly (2007) United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

<sup>34</sup>RECOFTC (2010) Evaluation and Verification of the Free, Prior and Informed Consent Process under the UN-REDD Programme in Lam Dong Province, Viet Nam.

<sup>35</sup>UN-REDD Viet Nam Phase I Programme (2013) Guidelines for applying FPIC in the preparation and implementation of REDD+ in Viet Nam

<sup>36</sup>VNFOREST (2010) Brief Report: Applying the Principle of Free, Prior and Informed Consent in the UN-REDD Programme in Viet Nam, August 2010, Ministry of Agriculture and Rural Development.

<sup>37</sup>Ministry of Agriculture and Rural Development, Decision No. 5414/QĐ-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+).

### 3.3 Description of the national Safeguard Information System

#### 3.3.1 Objectives of Viet Nam's SIS

The design and implementation of the national SIS in Viet Nam is expected to address both the short-term and longer-term objectives of the NRAP, following a step-wise approach. Two key objectives have been identified for Viet Nam's SIS based on two phases of development:

1. 2016-2020: provide information on how the Cancun safeguards are being addressed and respected throughout the implementation of REDD+ PaMs in line with the Country Safeguards Framework. The short-term objective of the SIS in Viet Nam is, therefore, to meet UNFCCC safeguards reporting requirements and produce the summaries of information. It is also proposed that the SIS should gather and provide information on safeguards implementation for the proposed FCPF Emissions Reduction Program for the North Central Region, during this period.
2. After 2020: the objective should be to support monitoring of priority activities in the forestry sector, such as Payments for Forest Environmental Services (PFES), and contributing to the enhancement of governance in the forestry sector, by supporting the monitoring of policy implementation and law enforcement.

#### 3.3.2 Types and sources of information needed for the SIS

The initial information needs for the SIS have been defined on the basis of the Cancun safeguards in line with the Country Safeguards Framework (see section 4) and the proposed national REDD+ PaMs set out in the NRAP.

Existing information systems and sources have been identified and an assessment of the extent to which they can provide the necessary information to respond to the SIS information needs. Some specific gaps have been identified that will need to be filled through additional sources of information during the course of SIS operationalisation.

##### ***Information on how the safeguards are being addressed:***

This type of information will largely be drawn from the national-level assessments<sup>38</sup> of the legal framework and can be periodically updated through:

- the national database on legal documents;<sup>39</sup>
- reports to relevant international conventions and agreements; and
- key REDD+ programme documents – the NRAP, NRIP and PRAPs.<sup>40</sup>

##### ***Information on how safeguards are being respected:***

This type of information will be collected and aggregated directly from identified existing information systems and other information sources. A total of 12 national systems that collect information relevant for the SIS have been identified (see Table 4).

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<sup>38</sup>Most recently: SNV Netherlands Development Organisation (2018) Ensuring the Implementation of Viet Nam's National REDD+ Action Programme is Consistent with the UNFCCC REDD+ Safeguards: A Guidance Document Identifying and Explaining Viet Nam's Safeguards-relevant Legal Framework

<sup>39</sup> Providing updates on any PLR reforms issued by the Government of Viet Nam.

<sup>40</sup> Particularly in terms of providing information on addressing Cancun safeguards (a – policy coherence), (f – reversals) and (g – displacement).

Information reporting in future SOIs on how the REDD+ safeguards are being respected will be produced directly through the collection, compilation, aggregation and analysis of the information from these existing systems through the SIS and be supplemented by selected information sources and monitoring and evaluation information related to the implementation of the REDD+ PaMs, at both national and provincial levels.

**Table 4: National information systems and sources that will contribute to Viet Nam's SIS**

<i>System/Information Resource</i>	<i>Institution responsible</i>	<i>Information on relevant safeguards</i>
1. FORMIS (and REDD+ Information Portal, Viet Nam REDD+ website)	VNFOREST – Ministry of Agriculture and Rural Development	(a), (b), (c), (d) (e), (f), (g),
2. National Database of Legal Documents	Ministry of Justice	(a), (b), (c), (d)
3. National Database on Preventing and Fighting Corruption	Government Inspectorate	(b)
4. Information System for Monitoring and Evaluation of Investment Projects using State Budgets	Ministry of Planning and Investment	(b)
5. National Set of Statistics Criteria on Gender Equity	General Statistics Office – Ministry of Planning and Investment	(b), (d)
6. National Database on Addressing Complaints and Denunciations	Government Inspectorate	(b), (c)
7. National Database on Labour and Jobs	General Statistics Office - Ministry of Planning and Investment	(b), (d), (e)
8. National Database on Land Resources	General Department of Land Administration – Ministry of Natural Resources and Environment	(b)
9. National Database on the Socio-Economic Situation of Ethnic Minorities	Committee for Ethnic Minority Affairs	(c)
10. National Database on Inventory of Rural Agriculture and Fisheries	General Statistics Office - Ministry of Planning and Investment	(d), (e)
11. National Database on Biodiversity	General Department of the Environment - Ministry of Natural Resources and Environment	(a), (e)

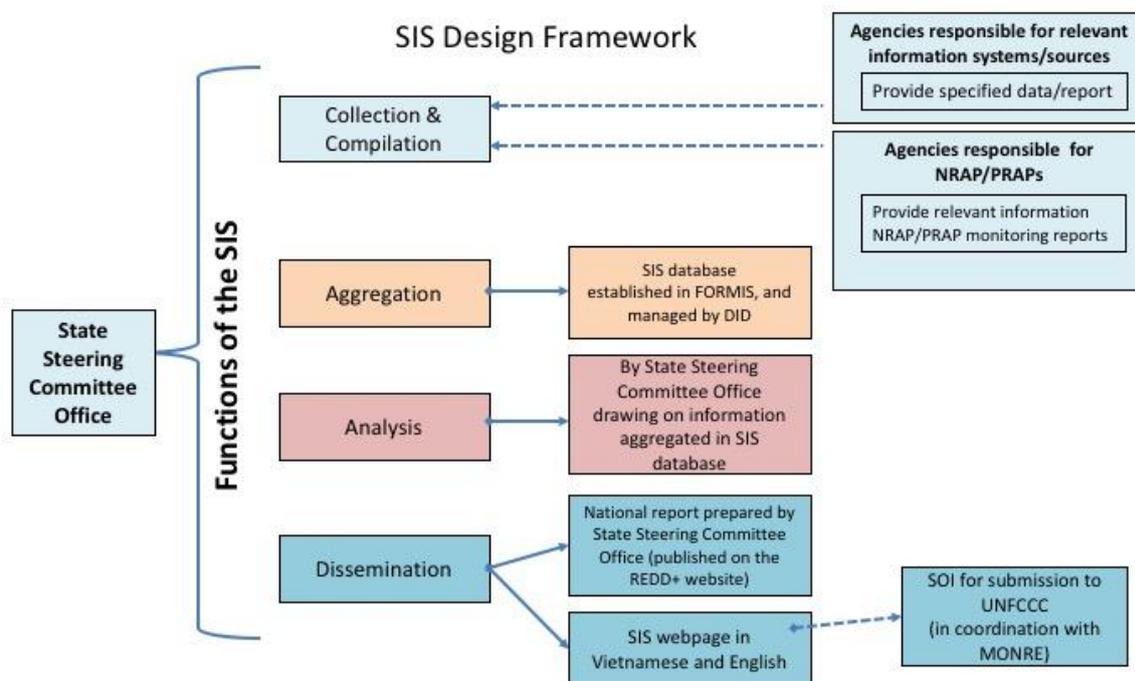
12. National Information System on Resources and the Environment	Department of Information Technology - Ministry of Natural Resources and Environment	(a), (e)
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### 3.3.3 Proposed institutional arrangements and functional responsibilities for Viet Nam’s safeguard information system

The SIS will be operationalised, institutionalised and improved overtime in two stages: short-term (2017-2020) and longer-term (after 2020), meeting the system’s stated objectives (see above). Basic functions of the SIS – information collection, compilation/aggregation, analysis and dissemination - will be implemented during the short-term focusing on priority information systems and sources. The State Steering Committee Office, in collaboration with VNFOREST’s Department for Information Development, who manage the FORMIS platform, will take responsibility in implementing the main SIS functions, as outlined below (see Figure 1):

1. Information collection - The State Steering Committee Office shall coordinate with the 12 existing information systems (Table 4) in collecting information through information collection methods tailored to each system. The State Steering Committee Office shall also provide support and guidance to Provincial REDD+ Steering Committees in collecting sub-national information through monitoring of PRAP implementation.
2. Information compilation/aggregation - The State Steering Committee Office shall coordinate with the Department for Information Development in compiling and aggregating collected information and populating and maintaining the SIS database within FORMIS. The SIS database shall use the same technological solutions as FORMIS as well as drawing on information from the REDD+ Information Portal, so that relevantgeospatial and tabular data of the two systems can be linked.
3. Information analysis - The State Steering Committee Office shall be responsible for and coordinate the process of data/information analysis to offer a qualitative assessment of the information in order to determine to what extent the safeguards are being addressed and respected.
4. Information dissemination - The State Steering Committee Office shall be responsible for and coordinate the process of preparation of reports, based on the analysis of information. Reports shall be made accessible to the public (published on the Viet Nam REDD+ website – see Figure 1) to provide comments and feedback, and reviewed. The State Steering Committee Office shall coordinate with the Ministry of Natural Resources and the Environment during the formulation and submission of SOI, as the Ministry of Natural Resources and the Environment is the entity responsible for submission of national communications to the UNFCCC.

**Figure 1: Institutional arrangements and functional responsibilities for Viet Nam’s safeguard information system**



### ***Integration of the SIS with the National Forest Monitoring System (NFMS)***

The UNFCCC acknowledges that country’s national forest monitoring system (NFMS) may provide relevant information for the purposes of the SIS.<sup>41</sup> As such, the UNFCCC encourages countries to explore synergies and efficiencies between these systems. The synergies between NFMS and SIS could be twofold:

1. NFMS provides safeguards information *to* the SIS; and
2. NFMS disseminates information *from* the SIS.

Both links are built into the design of Viet Nam’s SIS.

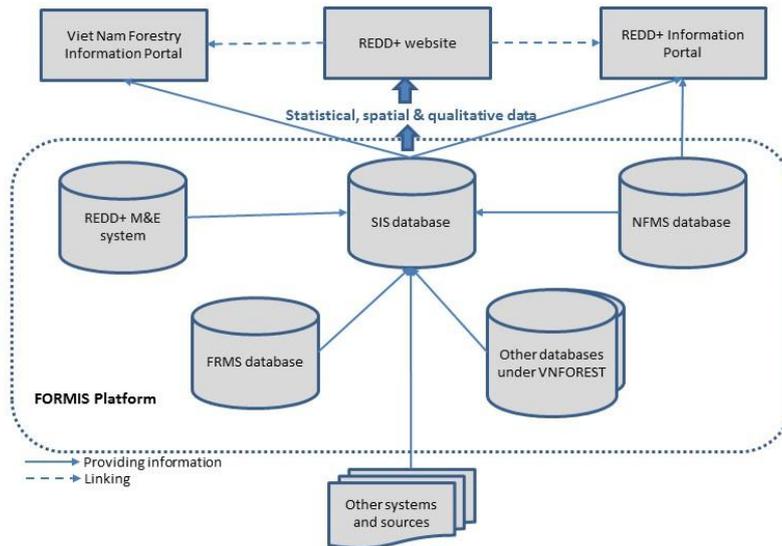
The Forest Management Information System (FORMIS), the Government’s information system for the forestry sector, constitutes the NFMS in Viet Nam. [The SIS database](#)<sup>42</sup> has been developed and housed within the FORMIS platform. Online access to REDD+ information, including safeguards, will be through three existing web portals associated with REDD+ in Viet Nam: 1) the [REDD+ Viet Nam website](#); 2) the [Viet Nam Forestry Information Portal](#); and 3) the REDD+ Information Portal (see Figure 2). The SIS will also exploit the information technology infrastructure of FORMIS and the REDD+ Information Portal to provide tabular and geospatial

<sup>41</sup> UNFCCC (2013) Report of the Conference of the Parties on its nineteenth session, held in Warsaw from 11 to 23 November 2013: UNFCCC Decision 11/CP.19 paragraph 5

<sup>42</sup><http://sis.vietnam-redd.org>

information where possible, especially time series datasets such as forest status maps, which are already a strong feature of FORMIS.

**Figure 2: Viet Nam’s safeguard information system as an integral part of the Forest Management Information System platform, with multiple online portal access**



#### 4. DESCRIPTION OF EACH SAFEGUARD IN ACCORDANCE WITH NATIONAL CIRCUMSTANCES

##### 4.1. Safeguard (a) – national and international policy coherence

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

***Key term 1: Actions***

In Viet Nam, the actions referred to in this safeguard are defined as the specific PaMs taken by the Government of Viet Nam during the implementation of the overall REDD+ activities in Viet Nam, as described under Section 3 of this SOI, consistent with UNFCCC Decision 1/CP.16 paragraph 70. Priority PaMs for the country as a whole are defined in the revised NRAP approved in 2017.<sup>43</sup> Priority PaMs for specific provinces are defined in the PRAPs noted under Section 3 of this SOI.

<sup>43</sup> See the NRAP (2017). Also see Section 2.3 of this Summary of Information.

**Key term 2: National forest programmes**

National forest programmes in Viet Nam include the overall national forest sector strategy, and specific plans and programmes that are issued within the framework of this strategy, that are approved by the Prime Minister.

Currently, the two most significant national forest programmes in force in Viet Nam are the Forestry Development Strategy for the period 2006-2020,<sup>44</sup> and the National Target Programme for Sustainable Forest Development for the period 2016-2020.

**Objectives of Viet Nam's key national forest programmes**

*Objectives of the Forest Development Strategy for the period 2006-2020:*<sup>45</sup>

- To establish, manage, protect, develop and sustainably use 16.24 million ha of land planned for forestry;
- To ensure the wider participation of various economic sectors and social organisations in forestry development in order to increase their contribution to socio-economic development, protection of the ecological environment, conservation of biodiversity, provision of ecosystem services, reducing poverty and improving living standards for rural people in mountainous areas and contributing to national defence and security.

*Overall objective of the National Target Programme for Sustainable Forest Development for the period 2016-2020:*<sup>46</sup>

- To improve the productivity, quality and value of each type of forest, increasing the value of production forest per area unit; to contribute to fulfilling the requirements for disaster mitigation, protection of the ecological environment, and responding to climate change and sea level rise; to create jobs, raise incomes, and support hunger eradication and poverty reduction, improving the livelihoods of people earning a living from forests in association with the process of building new rural areas, ensuring security, defence, order and social security.
- to increase the value of forestry production from 5.5% to 6% per year, reach national forest cover of 42%, and increase the value of timber and forest exports to US\$8-8.5 billion, maintaining 25 million jobs.

**Key term 3: consistent with relevant international conventions and agreements**

Viet Nam is a party to 17 international conventions and agreements that are relevant and applicable to the four REDD+ activities encompassed by the NRAP and PRAPs.

**Relevant international conventions and agreements to which Viet Nam is a party**

1. Convention on Biological Diversity (CBD), 1992
2. Cartagena Protocol on Biosafety to the Convention on Biological Diversity (The Biosafety Protocol), 2000
3. Convention on the Elimination of all forms of Racial Discrimination (CERD), 1969
4. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979

<sup>45</sup> Approved by the Prime Minister according to Decision No. 18/2007/QĐ-TTg dated 5 February 2007.

<sup>46</sup> Approved by the Prime Minister according to Decision No. 886/2017/QĐ-TTg dated 16 June 2017,

5. Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005
6. Convention on the Rights of the Child, 1989
7. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973
8. Convention for the Safeguarding of Intangible Cultural Heritage, 2003
9. Convention on Wetlands of International Importance, especially Waterfowl Habitats (RAMSAR), 1971
10. International Covenant on Civil and Political Rights (ICCPR), 1966
11. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
12. UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972
13. United Nations Convention to Combat Desertification (UNCCD), 1994
14. United Nations Convention against Corruption, 2005
15. United Nations Framework Convention on Climate Change (UNFCCC), 1992
16. Kyoto Protocol to the UNFCCC, 1997
17. United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007

***What this means in the context of REDD+***

Cancun safeguard (a), in the context of Viet Nam, means that the specific PaMs set out in the NRAP and the PRAPs are expected to be consistent with, or complement the objectives of, Viet Nam's national forest strategy, plan and target programme as set out above, and their guiding principles (which include rational use of natural resources), as required by the Constitution, as well as the objectives of the 17 international conventions and agreements listed above.

**4.2. Safeguard (b) – transparent and effective national forest governance**

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

***Key term 1: Transparent forest governance structures***

Forest governance is understood as a generic term for describing the way in which people and organisations rule and regulate forests. In other words, how they allocate and secure access to rights over, and benefits from, forests, including the planning, monitoring and control of their use, management and conservation.<sup>47</sup> In Viet Nam, the Government exercises the unified State management over forest protection and development, with the Ministry of Agriculture and Rural Development assigned responsibility for State management of forests (protection and development). The Ministry of Natural Resources and Environment, the Ministry of Public Security, the Ministry of Defence and the other ministries, as well as ministerial-level agencies, coordinate with the Ministry of Agriculture and Rural Development.<sup>48</sup> The Government has set out the organisation, tasks and powers of specialised forestry

<sup>47</sup>Maidell, M., Emelyne Cheney & Ewald Rametsteiner. (2012). A Common Framework to Assess and Monitor Forest Governance; see also FAO (2012) Strengthening Effective Forest Governance Monitoring Practice, by A.J. van Bodegom, S. Wigboldus, A. G. Blundell, E. Harwell and H. Savenije. Forestry Policy and Institutions Working Paper No. 29. Rome. <http://www.fao.org/docrep/015/me021e/me021e00.pdf>

<sup>48</sup>The Law on Forest Protection and Development (2004), Article 8.

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.

Transparent national forest governance structures are defined in Viet Nam as being structures that fulfil essential requirements in terms of two key dimensions, *access to information* and *accountability/prevention and control of corruption*.<sup>49</sup>

#### **a. Access to information**

In Viet Nam, access to information is defined as the reading, watching, listening, reproduction and photocopying of information, including details and data that are contained in existing documents and papers and stored in any forms such as writings, printouts, electronic texts, pictures, photos, drawings, tapes, disks, video recordings, audio recordings or in other forms produced by state agencies.<sup>50</sup> Information is to be freely accessible to citizens, except for information that is explicitly characterised as inaccessible or subjected to certain conditions.<sup>51</sup> Access to information includes both the disclosure of information to the general public as well as the provision of information upon request.<sup>52</sup>

#### **b. Accountability/prevention and control of corruption**

In Vietnamese law, accountability can be understood as “the provision of information by state agencies about the performance of their assigned duties and powers and responsibilities”.<sup>53</sup> More broadly, accountability relates to the transparency of the activities of public agencies, organisations and units, with the aim of ensuring a democratic approach to state management, recognising that society has a supervisory role to play.<sup>54</sup> In the case of the forest sector, Viet Nam has created 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 scrutinised by a parliamentary and governmental process, and information about the forest agencies budget should be made publicly available. Accountability is also linked to the adoption and implementation of PLRs to tackle corruption and possible misuse of funds.

#### **Key term 2: Effective forest governance structures**

In the context of Viet Nam, *effective forest governance structures* are considered to be forest governance structures that adequately address a number of key components,<sup>55</sup> including:

- a. *Rule of law*: In Vietnamese context, the term “rule of law” means that law is the main tool to govern society and all individuals and organisations must respect the law. In the context of REDD+, all public agencies are expected to act in accordance with their legal mandates and to follow the rules of behaviour established in Viet Nam's legal framework.

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<sup>49</sup> This approach draws on the experience of a range of countries as well as studies. See Rey, D., Roberts, J., Korwin, S., Rivera, L., & Ribet, U. (2013) A Guide to Understanding and Implementing the UNFCCC, ClientEarth, London, United Kingdom.

<sup>50</sup> The Law on Access to Information (2016), Article 2 (1,3).

<sup>51</sup> The Law on Access to Information (2016), Articles 5, 6 & 7.

<sup>52</sup> The Law on Access to Information (2016), Chapter II (disclosure of information) and Chapter III (provision of information upon request).

<sup>53</sup> Government Decree No. 90/2013/ND-CP, Article 3(1).

<sup>54</sup> Nguyen Tuan Khanh (2013) Improving the legal bases for accountability. <http://noichinh.vn/nghien-cuu-trao-doi/201309/hoan-thien-co-so-phap-ly-ve-trach-nhiem-giai-trinh-292197/>, 18 November 2013.

<sup>55</sup> These components reflect the framework of a Participatory Governance Assessment (PGA) developed with assistance from the UN-REDD Programme to assess forest governance structures at the provincial level. See also: Rey, D., Roberts, J., Korwin, S., Rivera, L., & Ribet, U. (2013) A Guide to Understanding and Implementing the UNFCCC, ClientEarth, London, United Kingdom.

- b. *Rights to use land and forest land*: In the context of REDD+ in Viet Nam, this means that there is a clear regulatory framework defining ownership, management, access to and use of forests that is implemented in practice towards achieving reduced deforestation/forest degradation and enhancement of forest carbon stocks. Governance arrangements are expected to be appropriate, fair and equitable, ensuring that poor and vulnerable forest-dependent communities in particular are not further marginalised nor excluded from lands and forest lands and are enabled to access benefits from forests.
- c. *Equitable benefitsharing*: In Viet Nam, the land and resources belong to the people and are managed uniformly by the State on behalf of the people—based on principles including social progress and equality alongside environmental protection—in its approach to independent socio-economic development based on its internal resources.<sup>56</sup> Forestry sector policy recognises the role of forests and sharing of benefits in terms of rural development and poverty reduction, in particular for ethnic minorities and other groups that are dependent on forest lands and resources for their livelihoods.<sup>57</sup> Viet Nam’s forest laws and regulations also recognise a wide range of benefits and services provided by forests and makes provisions 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.
- d. *Gender equality*: Gender equality is recognised in the Constitution of Viet Nam (2013)<sup>58</sup> as well as in the Law on Gender Equality (2006)<sup>59</sup> and throughout Viet Nam’s PLRs. Gender equality is expected to be addressed and respected throughout the implementation of the NRAP and PRAPs.
- e. *Cross-sectoral coordination*: In Viet Nam, REDD+ PaMs are linked to the mandates and jurisdictions of the land and forest sectors as well as other related sectors. Effective governance structures require adequate coordination between ministries and agencies during the elaboration and implementation of the NRAP and PRAPs.
- f. *Access to justice*: Access to justice is recognised under Vietnamese law as the right of all individuals and organisations to access formal and informal legal institutions and to ask for protection of their legitimate rights and interests. The legal framework also guarantees access to appeals, remediation, compensation and the enforceability of its decisions. In the context of REDD+, the relevant dispute and conflict resolution mechanisms are expected to be available to stakeholders throughout the implementation of the proposed REDD+ actions under the NRAP and PRAPs to address any disputes arising from their implementation.
- g. *Stakeholder participation*: this is detailed under safeguard (d) below.

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<sup>56</sup> The Constitution of Viet Nam (2013) Articles 50 & 53.

<sup>57</sup> The Forestry Development Strategy (2006-2020).

<sup>58</sup> The Constitution of Viet Nam (2013), Article 26.

<sup>59</sup> The Law on Gender Equality (2006), Article 6.

**What this means in the context of REDD+**

Cancun safeguard (b), in the context of Viet Nam, 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. 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 behaviour established in Viet Nam's legal framework. Existing land use rights and rights to forest land are expected to be identified, recognised 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. Gender equality and women's empowerment are to be promoted. 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.

**4.3. Safeguard (c) – indigenous peoples' and local communities' rights**

***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 term 1: Indigenous peoples and members of local communities**

Due to the historical conditions of the country, the term “indigenous peoples” is not used in Viet Nam. Viet Nam is a unified nation with 54 ethnic groups.<sup>60</sup> An ethnic majority group in Viet Nam is defined as “an ethnic group with a population accounting for over 50% of the country's total population according to national population survey,” while an ethnic minority group is defined as “an ethnic group with a population smaller than that of the ethnic majority group within the territory of the Socialist Republic of Viet Nam.”<sup>61</sup> These include “very low population” ethnic minority groups, defined as “ethnic minority groups with a population below 10,000 people.”<sup>62</sup> The ethnic majority group, the Kinh people, account for 86 percent of the population, while 53 ethnic minority groups account for 14 percent of the population. Ethnic minority groups are distributed throughout the country, mostly living in the mountainous regions. There are no ‘ethnic-specific’ areas in Viet Nam, or areas that may be referred to as “indigenous peoples’ territories” in other parts of the world.<sup>63</sup>

Viet Nam defines members of local communities as households and individuals living in the same village, hamlet or similar population quarters, typically having shared

<sup>60</sup> The Constitution of Viet Nam (2013), Article 5.

<sup>61</sup> Government Decree No. 05/2011/ND-CP, Article 4(2,3).

<sup>62</sup> Government Decree No. 05/2011/ND-CP, Article 4(6).

<sup>63</sup> Socialist Republic of Viet Nam (2011) Periodic Report of Viet Nam to International Committee on the Elimination of Racial Discrimination, pg.4.

traditions and customs, and/or shared descent.<sup>64</sup> Local communities in Viet Nam may comprise households and individuals from either the ethnic majority group or from ethnic minority groups.

**Key term 2: Respect for the knowledge and rights of indigenous peoples and members of local communities**

The *knowledge* of ethnic minorities and members of local communities is clarified in Viet Nam in line with the definition of ‘traditional knowledge’ in article 8(j) of the Convention on Biological Diversity,<sup>65</sup> ratified by Viet Nam, as including the “knowledge, innovations and practices...developed through the experiences of communities over centuries, adapted to local needs, cultures and environments and passed down from generation to generation.”<sup>66</sup>

In Viet Nam, the rights of ethnic minorities and members of local communities include the rights that accrue to all citizens of Viet Nam, as set out in the Constitution of Viet Nam (2013), as well as specific rights that have been set out and highlighted in specific PLRs.

**What this means in the context of REDD+**

Cancun safeguard (c)), in the context of Viet Nam, 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 and other relevant PLRs, are to be respected throughout the implementation of REDD+ actions under the NRAP and PRAPs.

**4.4. Safeguard (d) – full and effective participation of relevant stakeholders**

***Safeguard (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision***

**Key term 1: Relevant stakeholders**

REDD+ relevant stakeholders in Viet Nam have been identified through the country’s sectoral legislation, as well as in stakeholder analyses undertaken while developing Viet Nam’s Readiness Preparation Proposal for the FCPF Readiness Fund and by the UN-REDD Programme.<sup>67</sup>

The following main categories of stakeholders have been identified:

- i. **Elected governing bodies**, including the National Assembly and the People’s Councils at provincial, district, and commune levels, and relevant committees of these bodies such as the Ethnic Council of the National Assembly and the Committee on Science, Technology and the Environment of the National Assembly.
- ii. **The central government and its ministries and ministry-level bodies**, including the Prime Minister and the Office of Government, the Ministry of Agriculture and Rural Development, the Ministry of Natural Resources and

<sup>64</sup> The Law on Forest Protection and Development (2004), Article 3(13); the Land Law (2013), Article 5(3); the Law on Forestry (2017, effective 1 January 2019), Article 2 (24).

<sup>65</sup> <https://www.cbd.int/traditional>.

<sup>66</sup> Secretariat of the Convention of Biological Diversity (2011), Factsheet on Traditional Knowledge <https://www.cbd.int/abs/infokit/revise/web/factsheet-tk-en.pdf>.

<sup>67</sup> UN-REDD Programme (2014) Stakeholder Analysis and Stakeholder Engagement for the Implementation of National REDD Action Plan in Viet Nam.

Environment, the Ministry of Public Security, the Ministry of Defence, the Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Industry and Trade, the Ministry of Transport, the Ministry of Culture, Sports and Tourism, the State Bank of Viet Nam, the Committee on Ethnic Minority Affairs, and other related sectoral ministries and ministry-level bodies, and their specialised agencies and units.

- iii. **People's Committees at provincial, district and commune levels**, and their relevant sectoral agencies and personnel, such as the specialised agencies for forest protection and development at provincial and district levels and forestry officers at the commune level.
- iv. **Forest owners**,<sup>68</sup> including:
  - a. **Management boards for protection forests and special-use forests** assigned to manage forests or land assigned by the state for forest development.
  - b. **Economic organisations** (including publicly- and privately-owned enterprises) which are assigned or leased forests or land by the State for forest development or which have their forest use rights and ownership right over planted production forests recognised by the State or which are transferred with such rights.
  - c. **Domestic households and individuals** that are assigned or leased forests or land by the State for forest development or that have their forest use rights and ownership right over planted production forests recognised by the State or have such rights transferred to them.
  - d. **People's armed force units** which are assigned forests or land by the State for forest development.
  - e. **Organisations involved in forestry-related scientific research and technological development, training or vocational training**, which are assigned forests or land by the State for forest development.
  - f. **Overseas Vietnamese investing in Viet Nam** and assigned or leased forests or land by the State for forest development.
  - g. **Foreign organisations and individuals investing in Viet Nam** and leased forests or land by the State for forest development.
  - h. **Local communities** with allocated or contracted forests.
- v. **Entities required to pay for, and those entitled to enjoy payment from, forest environment services**,<sup>69</sup> including forest owners as identified above under points (iv) and (v) above, as well as organisations, households, individuals and village communities that have concluded contracts on stable and permanent forest protection with forest owners that are state organisations.
- vi. **Poor ethnic minority and ethnic majority households** living in communes with difficult socio-economic conditions in ethnic and mountainous areas, implementing one of the activities for protection and development of forests: protection and regeneration of natural forests; afforestation, non-timber forest

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<sup>68</sup>The Law on Forest Protection and Development (2004), Article 5. Note that the Law on Forestry (2017, effective from 1 January 2019), Article 8, includes "local communities" as a category of forest owners. The category of "overseas Vietnamese investing in Viet Nam" is no longer be included in the list of categories of forest owners in the new Law.

<sup>69</sup>Government Decree No. 99/2010/ND-CP, Article 8.

- products on land planned for forest development and allocated by the State for forest protection on contracts.<sup>70</sup>
- vii. **Management units and organisations assigned to manage conservation areas.**<sup>71</sup>
  - viii. **Local communities, households and individuals** living in or near forest protected areas and buffer zones.
  - ix. **Social and professional organisations**, including nationwide associations with chapters from central to local levels representing women, farmers, war veterans and young people, as well as unions, associations, networks and organisations at the national and local levels focused on science, technology, poverty reduction, sustainable development and other relevant sectors and areas.
  - x. **Stakeholders related to the target of value-added, sustainable and deforestation-free production of coffee, rubber, shrimp, cassava, pepper, and other related agriculture and aquaculture commodities**, including:
    - a. State-owned, private sector and smallholder commodity producers and other stakeholders within the value chains for these commodities;
    - b. Business associations and related entities such as the Vietnamese Chamber of Commerce and Industry (VCCI), the Viet Nam Association of Seafood Exporters and Producers (VASEP), the Viet Nam Coffee and Cocoa Association (VICOFA), the Viet Nam Rubber Association, and the Viet Nam Coffee Coordination Board (VCCB).
  - xi. **Financial institutions, State funds and financial service providers** providing credit and other financial services contributing to an enhanced financial and economic environment for forests.
  - xii. **The media**, in relation to transparency and provision of information about REDD+.

***Key term 2: Full and effective participation***

Viet Nam's legal framework recognises 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 recognise the right of citizens to participate in the management of the State.<sup>72</sup> 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.<sup>73</sup>

***What this means in the context of REDD+***

Cancun safeguard (d), in the context of Viet Nam, 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

<sup>70</sup>Government Decree No. 75/2015/ND-CP, Article 2.

<sup>71</sup> According to the Law on Biodiversity (2008).

<sup>72</sup>The Constitution of Viet Nam (2013), Article 28. See also: The Forest Protection and Development Law (2004), Articles 13 & 20; the Forestry Law (2017, effective 1 January 2019), Article 12; the Law on Biological Diversity (2008), Article 22; the Land Law (2013), Article 43; the Law on Environmental Protection (2014), Articles 21 & 146.

<sup>73</sup>Ordinance No. 34/2007/PL-UBTVQH11 dated 20 April 2007 on the Implementation of Democracy in Communes, Wards and Towns.

proposed REDD+ PaMs contained therein.

#### 4.5. Safeguard (e) – conservation of natural forests and biological diversity

***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 incentivise the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits***

##### ***Key term 1: Natural forests and biological diversity***

###### **a. Natural forests**

Viet Nam's natural forests are differentiated from planted forests based on the origin of the forest, with natural forests clearly defined as those “existing in nature or restored by natural regeneration.”<sup>74</sup> The natural forest can be categorised into different types and forms based on the extent of stable forest structure (primary forests and secondary forests). Primary forests are the forests which have not yet been or are less influenced by humans or natural disasters and have a relatively stable structure, while secondary forests are forests that are influenced by humans or natural disasters, leading to changes in their structure. “Secondary forest” includes naturally restored forests, which are forests formed through natural regeneration on land areas that were previously deforested due to agricultural expansion, forest fires or exhaustive exploitation, and post-exploitation forests, which are forests that have undergone the exploitation of timber or other forest products.

Natural forests can be classified according to three categories, depending on the purpose of use: production forests, protection forest and special-use forests.

###### **b. Biological diversity**

Viet Nam defines biological diversity as the abundance of genes, organisms and ecosystems in nature.<sup>75</sup>

##### ***Key term 2: Conversion of natural forests***

In Viet Nam, conversion of natural forests means a change in the forest classification and/or the forest use purpose. The requirements and conditions for repurposing of forests and the power to convert forest use are regulated by Vietnamese law.<sup>76</sup>

##### ***Key term 3: Conservation of natural forests and biodiversity***

Viet Nam defines conservation of natural forests as protection of forests. Activities that directly affect forest ecosystems, as well as the growth and development of forest organisms, must comply with the provisions of law.<sup>77</sup> From 1 January 2019, conversion of natural forests will be strictly prohibited, except in cases of nationally important projects, national defence projects, or other critical projects approved by the government.<sup>78</sup>

<sup>74</sup>Ministry of Agriculture and Rural Development Circular No. 34/2009/TT-BNNPTNT (2009), Article 5; the Law on Forestry (2017), Article 2(6).

<sup>75</sup> The Law on Biological Diversity (2008), Article 3(5).

<sup>76</sup> The Law on Forestry (2017), Articles 18-21.

<sup>77</sup> The Law on Forest Protection and Development (2004), Articles 41-44. See also: The Forest Development Strategy for the period 2006 to 2020; the Law on Environmental Protection (2014).

<sup>78</sup> The Law on Forestry (2017, effective 1 January 2019), Articles 18-21.

In Viet Nam, conservation of biodiversity means: the protection of the abundance of natural ecosystems which are important, specific or representative; the protection of permanent or seasonal habitats of wild species, environmental landscapes and the unique beauty of nature; the rearing, planting and care of species on the list of endangered precious and rare species prioritised for protection; and the long-term preservation and storage of genetic specimens.<sup>79</sup>

***Key term 4: Incentivising the protection and conservation of natural forests and biodiversity and their ecosystem services***

In Viet Nam, the term “forest environmental services” is defined as “the work to supply the use values of the forest environment” and include:

- Soil protection, reduction of erosion and sedimentation of reservoirs, rivers, and streams;
- Regulation and maintenance of water sources for production and living activities of the society;
- Forest carbon sequestration and retention, reduction of emissions of greenhouse gases through measures for preventing forest degradation and loss of forest area, and for forest sustainable development;
- Protection of natural landscapes and conservation of the biodiversity of forest ecosystems for tourism services;
- Provision of spawning grounds, sources of feeds, and natural seeds, use of water from forests for aquaculture.

To incentivise these forest environmental services means to put in place mechanisms that provide for monetary or non-monetary incentives for their protection.

***Key term 5: Enhance other social and environmental benefits***

In the Viet Nam context, this is understood as creating and implementing PaMs that seek to enhance socio-cultural, and economic and ecological, biological, climatic and environmental, contributions (benefits) of forest resources.

***What this means in the context of REDD+***

Cancun safeguard (e), in the context of Viet Nam, 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 will be consistent with the natural forest protection and biodiversity conservation provisions of Viet Nam’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 expected to include 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. Proposed REDD+ PaMs will be assessed and designed in way that they

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<sup>79</sup> The Law on Biodiversity (2008), Articles 3(1), 8, 11, and 25. See also: The Forest Development Strategy for the period 2006 to 2020 (2006); the Biodiversity Law (2008) and the National Biodiversity Strategy to 2020 with a vision to 2030 (2013) and the accompanying National Master Plan on Biodiversity Conservation adopted according to Prime Minister’s Decision No. 1250/2013/QĐ-TTg; the Law on Environmental Protection (2014); the Forestry Law (2017, effective 1 January 2019), Article 10.

promote ecological, biological, climatic, socio-cultural and economic benefits throughout the implementation of REDD+.

#### 4.6. Safeguard (f) – risks of reversals

##### ***Safeguard (f) Actions to address the risks of reversals***

###### ***Key term 1: Risks of reversals***

This term ‘reversal’ as used in this safeguard is specific to REDD+. Viet Nam defines the risk of reversals as:

- a) the possibility of reductions in greenhouse gas emissions from deforestation and forest degradation, achieved through the implementation of REDD+ policies and measures, increasing in the future;
- b) the possibility of greenhouse gases removed from the atmosphere, through the implementation of REDD+ policies and measures, being released back into the atmosphere in the future.

There are many potential causes of reversals, which can be both anthropogenic (such as logging) and natural (such as fire or pest outbreaks).

###### ***Key term 2: Actions to address the risks of reversals***

Actions to address the risks of reversals in Viet Nam include:<sup>80</sup>

- Analysing the risk of reversals of emissions reductions/removals.
- Selecting and designing REDD+ PaMs taking into account the risk of reversals. This may involve consideration of the long-term financial and ecological sustainability of planned PaMs, legal and regulatory frameworks, and potential changes in environmental conditions and the comprehensive analysis of drivers of deforestation and forest degradation;
- Designing and operating a National Forest Monitoring System to contribute to detecting and providing information on reversals;

###### ***What this means in the context of REDD+***

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 Viet Nam, risks of reversals are to be identified during the PaM development stage. The National Forest Monitoring System 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.

#### 4.7. Safeguard (g) – displacement of emissions

##### ***Safeguard (g) Actions to reduce displacement of emissions***

###### ***Key term 1: Displacement of emissions***

This term is understood to mean the displacement (also referred to as ‘leakage’) of deforestation and/or forest degradation, avoided in one forested area, to another, through the implementation of REDD+ PaMs. Displacement can occur within Viet Nam and across national boundaries.

###### ***Key term 2: Actions to reduce displacement of emissions***

Actions to reduce the risk of displacement of emissions from REDD+ include:<sup>81</sup>

<sup>80</sup>This definition of ‘actions to reduce the risk of reversals’ is in line with the approach taken in <http://www.unredd.net/documents/global-programme-191/safeguards-multiple-benefits-297/15925-country-approach-to-safeguards-framework-for-clarifying-the-cancun-safeguards-v112.html>.

- Implementing REDD+ at a national scale through the NRAP;
- Designing and selecting PaMs that address the underlying and indirect drivers of deforestation and land use change rather than only addressing direct drivers at specific locations;
- Taking actions to reduce displacement of emissions from REDD+ PaMs at the subnational scale, taking into account the potential impacts of REDD+ PaMs on livelihoods as well as the demand for and supply of forest and agricultural products;
- Designing and operating a NFMS designed to contribute to detecting and providing information on displacement at national and subnational levels;
- Analysing possible reasons for displacement of emissions, such as ineffective implementation of REDD+ PaMs, or REDD+ PaMs that are not designed to address underlying drivers of deforestation and forest degradation;
- Analysing risk of displacement and selecting and designing of REDD+ PaMs taking into consideration the risk of emissions displacement (including risk of displacement to other ecosystems, e.g. through draining of peatlands for agricultural use);
- Assessment, clarification and resolution of land use arrangements in the intervention areas.
- Regional actions on transboundary displacement issues, such as regional collaboration on REDD+ to ensure coherence in REDD+ implementation by various countries

***What this means in the context of REDD+***

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 area as 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, Viet Nam has cross-border collaboration agreements on forest management and trade with neighbouring countries (e.g. Lao PDR and Cambodia), which can help identify and reduce potential regional displacement.

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<sup>81</sup> This definition of measures to reduce the risk of displacement of emissions is in line with the approach taken in UN-REDD Programme (2015) Country Approach to Safeguards: Framework for Clarifying the Cancun Safeguards.

## 5. INFORMATION ON HOW EACH OF THE SAFEGUARDS ARE ADDRESSED AND RESPECTED

### 5.1 Addressing safeguards

This section provides information on how the Cancun Safeguards are addressed in Viet Nam’s PLRs, according to the national clarification of the Cancun Safeguards set out in section 4 above. It is based on assessment of Viet Nam’s PLR carried out in 2014 and updated in 2018.

<i>National Clarification</i>	<i>How the safeguard is addressed</i>	<i>Identified gaps</i>	<i>Measures to address these gaps</i>	<i>Implementation responsibilities</i>
<b>5.1.1 Cancun Safeguard (a)– national and international policy coherence</b>				
REDD+ actions complement or are consistent with the national forest strategy, plan and target programme	<p>Viet Nam’s REDD+ actions (PaMs) are set out in the NRAP and PRAPs. Prior to approval of the NRAP and each PRAPs, relevant government ministries and agencies were consulted to ensure consistency with national forest strategies, programmes and plans, including:</p> <ul style="list-style-type: none"> <li>• The Forest Development Strategy (2006-2020)<sup>82</sup></li> <li>• The Forestry Sector Master Plan (2011-2020)<sup>83</sup></li> <li>• The National Target Programme on Sustainable Forest Development (2016-2020)<sup>84</sup></li> </ul> <p>National guidelines on the development of</p>	No gaps identified	Not applicable	<p>The Ministry of Agriculture and Rural Development is responsible for organising consultations on the NRAP, seeking comments from relevant government ministries and agencies prior to approval.</p> <p>The Ministry of Justice is responsible for review of the NRAP, ensuring consistency with national forest strategies, plans and programmes.</p>

<sup>82</sup> Approved by the Prime Minister according to Decision No. 18/2007/QĐ-TTg.

<sup>83</sup> Approved by the Prime Minister according to Decision No. 57/2012/QĐ-TTg.

<sup>84</sup> Approved by the Prime Minister according to Decision No. 886/2017/QĐ-TTg.

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	PRAPs <sup>85</sup> also require provinces to ensure that the PRAPs are consistent with the Forest Protection and Development Plan for the period 2011-2020.			Provincial People's Committees are responsible for approval of the PRAPs, ensuring consistency with national forest strategies, plans and programmes.
REDD+ actions complement or are consistent with the objectives of 17 relevant international conventions and agreements	The Law on Conclusion, Accession and Implementation of International Treaties (2016) <sup>86</sup> states that international treaties take precedence over domestic legislation; in case of any inconsistency, international treaties apply. Prior to approval of the NRAP relevant government ministries and agencies were consulted to ensure consistency with relevant international conventions and agreements. Consultation on PRAPs also ensures that they are consistent with the Forest Protection and Development Plan for the period 2011-2020, and the NRAP, which have themselves were subject to consultation to ensure consistency with relevant international conventions and agreements.	No gaps identified	Not applicable	The Ministry of Agriculture and Rural Development is responsible for organising consultations on the NRAP, seeking comments from relevant government ministries and agencies prior to approval. The Ministry of Justice is responsible for review of national forest programmes and laws, including the NRAP, ensuring consistency with relevant international treaties. Provincial People's Committees are

<sup>85</sup>Ministry of Agriculture and Rural Development Decision No. 5414/2015/QĐ-BNN-TCLN.

<sup>86</sup> Law No. 108/2016/QH13, promulgated by the National Assembly dated 9 April 2016, Article 6(1).

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				responsible for approval of the PRAPs, ensuring consistency with these national forest strategies, plans and programmes, including the NRAP (which have been subject to consultation with the Ministry of Justice to ensure consistency with relevant international treaties).
<b>5.1.2 Cancun safeguard (b) – transparent and effective national forest governance</b>				
<b>Transparent forest governance structures</b>				
a. Access to information	The right to access to information is recognised in Viet Nam in the Constitution (2013) <sup>87</sup> and in the Law on Access to Information (2016) <sup>88</sup> as well as related documents including Government Decree No. 13/2018/ND-CP regulating detailed provisions and measures for implementation of the Law on Access to Information (2016) (Article 2). People may freely access information which is disclosed publicly or may request access to most information through submission of a form. <sup>89</sup> State	No gaps identified		The Ministry of Information and Communications is responsible for providing technical guidelines on the implementation of the Law on Access to Information (2016). The Ministry of Justice is responsible for monitoring overall implementation. The Government

<sup>87</sup>The Constitution of Viet Nam (2013), Article 25.

<sup>88</sup>The Law on Access to Information (2016).

<sup>89</sup>The Law on Access to Information (2016), Articles 10, 18 & 23.

	<p>agencies responsible for information provision of information are provided with instructions on the updating and disclosure of information for which they are responsible.<sup>90</sup> Guidance is also provided on how agencies should provide information following a request.<sup>91</sup> Some information is explicitly characterised as inaccessible or subjected to certain conditions.<sup>92</sup> Assurances of publicity and transparency with regard to information provision are also provided in the Anti-Corruption Law (2005). If access to information is refused, citizens have a right to complain according to the provisions of the Law on Complaints (2011).<sup>93</sup></p>			<p>Inspectorate is responsible to carry out overall State management of settlement of complaints under the Law on Complaints (2011) throughout the country.</p> <p>The Supreme People's Court, the Supreme People's Procuracy, the State Audit Office, the Office of the National Assembly, the State President's Office and other State agencies, as well as equivalent local bodies within their localities, manage the settlement of complaints within the scope of their functions, tasks and powers.</p> <p>The Vietnam Fatherland Front and its member organisations supervise</p>
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<sup>90</sup>The Law on Access to Information (2016), Articles 9 & 34.  
<sup>91</sup>The Law on Access to Information (2016), Articles 29 & 30.  
<sup>92</sup>The Law on Access to Information (2016), Article 6.  
<sup>93</sup>The Law on Complaints (2011), Articles 14 & 15.

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				the observance of the legislation on complaints according to the provisions of the Law.
b. Accountability/prevention and control of corruption	<p>Viet Nam'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 scrutinised by a parliamentary and governmental process, and information about the forest agencies budget should be made publicly available.</p> <p>The Anti-Corruption Law (2005) and Law No.27/2012/QH13 amending and supplementing the Anti-Corruption Law define corruption and corrupt acts, mandate the development of codes of conduct for public servants and place an obligation on public officials of a certain rank to declare their assets, and state that all public servants are expected to report acts of corruption where witnessed.<sup>94</sup> In addition, public</p>	No gaps identified	Not applicable	<p>The Central Steering Committee against Corruption has national responsibility for directing, coordinating, inspecting and promoting anti-corruption efforts.</p> <p>The National Assembly and its Standing Committee: supervise anti-corruption efforts in the domains that fall within their jurisdiction.</p> <p>People's inspection boards at all levels supervise anti-corruption efforts in their respective localities.</p> <p>The Government Inspectorate, ministerial inspectorate, provincial inspectorates, provincial Services' inspectorates</p>

<sup>94</sup>The Anti-Corruption Law (2005), Articles 1, 3, 36, 38 & 45.

	<p>procurement of goods and services needs to be transparent, and the order and procedures granting land use right certificates must be publicised.<sup>95</sup> Public scrutiny of draft socio-economic development plans, budgets and land-use planning decisions are also addressed in the law.<sup>96</sup> Where State Agencies have the authority to consider and approve projects and state budgets, explanations/justifications must be provided, and budgets must be audited.<sup>97</sup> If these are not satisfactory, complaints can be lodged with their superiors.<sup>98</sup> Denunciations can also be made by the public.<sup>99</sup> Government agencies are also required to report annually on corruption prevention activities undertaken within their respective jurisdictions.<sup>100</sup></p>			<p>district inspectorates: direct the inspection of the observation of legal anti-corruption provisions. Where such observation reveals corrupt acts, it shall request the designated government agencies to investigate and handle them. The State Audit is responsible for organising the audit function both to prevent and to detect corrupt activities in government operations and administration. The Supreme People's Procuracy is mandated to organise and direct the prosecution of corruption-related crimes and to control the related investigation, prosecution</p>
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<sup>95</sup>The Anti-Corruption Law (2005), Articles 13 & 21.

<sup>96</sup>The Anti-Corruption Law (2005), Articles 15 & 21.

<sup>97</sup>The Anti-Corruption Law (2005), Articles 20 & 28.

<sup>98</sup>The Anti-Corruption Law (2005), Article 72.

<sup>99</sup>The Anti-Corruption Law (2005), Article 84.

<sup>100</sup>The Anti-Corruption Law (2005), Article 33.

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				and enforcement of judgment in corruption-related crimes. Provincial Peoples Committees are responsible to deal with denunciations within their localities.
<b>Effective forest governance structures:</b>				
a. Rule of law	Article 2 of the Constitution of Viet Nam (2013) regulates the rule of law in the country.	No gaps identified	Not applicable	All public agencies are expected to act in accordance with their legal mandates and to follow the rules of behaviour established in Viet Nam's legal framework.
b. Rights to land use and forest land	Viet Nam's legal framework clearly regulates the ownership and rights to land use and forest land. The Constitution of Viet Nam states that all land and natural resources are public properties, coming under ownership of the entire people represented and uniformly managed by the State. <sup>101</sup> The Constitution and the Land Law	No gaps identified	Not applicable	The Ministry of Agriculture and Rural Development is responsible for overall forest management; provincial Departments of Agriculture and Rural Development are

<sup>101</sup> The Constitution of Viet Nam (2013), Article 53.

	<p>(2013)<sup>102</sup> recognise the right of organisations and individuals to be assigned or leased land and to have their land use right recognised 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. Households that have been allocated agricultural and residential land have their rights safeguarded under the Land Law (2013), including rights to compensation in the event of appropriation of land by the state and resettlement.<sup>103</sup> These rights may be important in the context of REDD+ PaMs involving changes in land use or measures strengthening the conservation of forests. The Land Law also provides for compensation to households that use agricultural land but have not been granted land use rights certificates.<sup>104</sup></p> <p><b>Land use planning:</b> The NRAP and PRAPs include land use planning activities that could potentially impact local people's land rights. The Land Law (2013) and Decree</p>			<p>responsible within their respective localities; provincial Departments of Natural Resources and the Environment are responsible for State management of land according to the law. Provincial Forest Protection Departments as well as Management Boards for Special Use Forests and Protection Forests under the provincial Departments of Agriculture and Rural Development are responsible for State management of forestry according to the law.<sup>110</sup> Forest Management Boards develop forest plans for respective areas; contract households to</p>
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<sup>102</sup>The Land Law (2013).

<sup>103</sup>The Land Law (2013), Article 77.

<sup>104</sup>The Land Law (2013), Article 77.

<sup>110</sup> Joint Circular No. 14/TILT-BNNPTNT-BNV dated 15 March 2015 of the Ministry of Agriculture and Rural Development and the Ministry of Home Affairs providing guidelines on the tasks, functions, powers and organisation structure of agencies specialised in agriculture and rural development under the People's Committees at provincial and district levels, and Circular No. 15/2015/TT-BNNPTNT of the Ministry of Agriculture and Rural Development dated 26 March 2015 providing guidelines on the tasks of the Sub-Department and specialised organisations under the Department of Agriculture and Rural Development.

	<p>43/2014/ND-CP detailing a number of articles of the Land Law (2014) provide a legal framework for these planning processes, including opportunities to address concerns where a change of land use may affect forest lands or existing land use rights certificate holders, including households, individuals and communities. 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 63/2015/QĐ-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.</p> <p><b>Forest land allocation:</b> The Forestry Law (2017) stipulates how forest lands are to be allocated by forest category, as follows:<sup>105</sup></p> <ul style="list-style-type: none"> <li>• Special-use forests are allocated to Special-Use Forest Management Boards; organisations operating in science and technology, training and</li> </ul>			<p>support forest protection and development. Provincial People's Committees approve forest plans, and receive and resolve disputes and grievances.</p>
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<sup>105</sup>The Forestry Law (2017, effective 1 January 2019) Articles 16-17.

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	<p>education, vocational training in forestry; communities; and economic entities.</p> <ul style="list-style-type: none"> <li>• Protection forests are allocated to Protection Forest Management Boards; organisations operating in science and technology, training and education, vocational training in forestry; households and individuals; communities; and economic entities. Protection forests are generally allocated to protection Forest Management Boards.<sup>106</sup> Where protection forests are not managed by a Forest Management Board, organisations, households or individuals can be allocated this forest land under contract for purposes permitted, but this land must be used for forest protection and development activities and cannot be used to secure a mortgage or other financial instruments. The same provision applies to special-use forests.<sup>107</sup></li> <li>• Production forests are allocated</li> </ul>			
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<sup>106</sup>The Land Law (2013), Article 136.

<sup>107</sup>The Land Law (2013), Article 137.

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	<p>without levy to households and individuals as well as Protection and Special-Use Forest Management Boards with production forest land located in the area of forest allocated to them<sup>108</sup>. The State also leases natural and planted production forests to economic entities, households and individuals, and collects rentals on a lump-sum or annual basis<sup>109</sup>.</p> <p>Where the land recovered by the State is forest land, compensation is regulated under the Forest Protection and Development Law (2004)/Forestry Law (2017) with detailed regulations provided under subsidiary legislation and can include assignment or lease of another forest area.</p>			
c. Equitable benefit sharing	<p>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.<sup>111</sup></p> <p>The Forestry Development Strategy (2006-</p>	<p>Detailed guidance has not yet been issued on the nationwide application of payment as well as distribution of benefits for</p>	<p>As part of the implementation of the NRAP, the Government will issue detailed guidance on the implementation</p>	<p>The Ministry of Agriculture and Rural Development is responsible for overall forest management; provincial Departments of Agriculture and Rural Development are responsible within their</p>

<sup>108</sup>Forestry Law (2017), Article 16.

<sup>109</sup> Forestry Law (2017), Article 17.

<sup>111</sup> The Constitution (2013), Articles 50 & 53.

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	<p>2020) recognises the role of forests in terms of rural development and poverty reduction, in particular for ethnic minorities and other groups that are dependent on forest lands and resources for their livelihoods.</p> <p>Viet Nam’s forest laws and regulations recognise 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>The Forestry Law (2017) makes provisions for allowable exploitation of all three forest types (special-use, protection, and production forests), enabling forest owners to develop plans and benefit from forests accordingly and in line with the forest purpose.<sup>112</sup> This includes that compensation</p>	<p>carbon-related services.</p>	<p>of a REDD+ benefit sharing mechanism, and on a co-management mechanism for special-use forests, drawing on the results of pilot activities on REDD+ benefit distribution,<sup>118</sup> and on a benefit sharing mechanism in the management, protection and development of special-use forests.<sup>119</sup></p>	<p>respective localities. Provincial Forest Protection Departments as well as Forest Management Boards under the provincial Departments of Agriculture and Rural Development are responsible for ensuring that forest land is managed/used according to legal purpose. National and Provincial Forest Funds are responsible for the distribution of payments for environmental services benefits from buyers to sellers.</p>
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<sup>112</sup> The Forestry Law (2017, effective 1 January 2019), Articles 52-60.

<sup>118</sup> Implemented according to Ministry of Agriculture and Rural Development Decision No. 5399/2015/QĐ-BNN-TCLN on issuing regulations on piloting REDD+ benefit distribution under the framework of the UN-REDD Viet Nam Phase II Programme.

<sup>119</sup> Implemented according to Prime Minister’s Decision No. 126/2012/QĐ-TTg 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.

	<p>is to be provided to providers of forest ecosystem services based on the principles of <i>'openness, democracy, <u>objectivity and equality</u>; and conformity with the Vietnamese law and international conventions'</i>.<sup>113</sup> The absorption and retention of forest carbon; reduction of greenhouse gas emissions by reducing deforestation and forest degradation, sustainable forest management (i.e. REDD+) are recognised as forest ecosystem services.<sup>114</sup></p> <p>The Law on Biodiversity (2008)<sup>115</sup> also states that organisations and individuals that benefit from biodiversity exploitation and use are required to share their benefits with concerned parties.</p> <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</p>			
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<sup>113</sup> The Forestry Law (2017, effective 1 January 2019), Article 62.

<sup>114</sup> The Forestry Law (2017, effective 1 January 2019), Article 61.

<sup>115</sup> The Law on Biodiversity No. 20/2008/QH12.

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	<p>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</i></p>			
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	<p><i>ratifies or joins, are ensured.</i><sup>116</sup> The decree also details the types of environmental services covered under the law (including carbon sequestration/retention, REDD+),<sup>117</sup> 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>			
d. Gender equality	<p>Gender equality is recognised in The Constitution<sup>120</sup> as well as in the Law on Gender Equality (2006).<sup>121</sup> The law outlines the overall goals, principles, policy and measures to promote gender equality and eliminate discrimination on the grounds of gender.<sup>122</sup> State agencies, political organisations, and social and professional organisations are expected to strive to meet these goals, to educate their members and to take additional measures, including the establishment of social welfare</p>	No gaps identified	Not applicable	The Ministry of Labour, Invalids and Social Affairs is the State Management Agency for the Law on Gender Equality (2006) and the National Strategy on Gender Equality (2011-2020).

<sup>116</sup>Government Decree No. 99/2010/ND-CP, Article 5

<sup>117</sup>Government Decree No. 99/2010/ND-CP, Article 4

<sup>120</sup>The Constitution of Viet Nam (2013), Article 26

<sup>121</sup>The Law on Gender Equality (2006), Article 6

<sup>122</sup>The Law on Gender Equality (2006), Articles 4, 6, 7 & 19

	<p>establishments and support services.<sup>123</sup></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)<sup>124</sup> 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 must be recorded in the certificate of land use rights and ownership unless otherwise agreed.<sup>125</sup> 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.<sup>126</sup></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,</p>			
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<sup>123</sup>The Law on Gender Equality (2006), Article 31

<sup>124</sup>Prime Minister's Decision No. 2351/2010/QĐ-TTg on approving the 2011-2020 national strategy for gender equality.

<sup>125</sup>The Land Law (2013).

<sup>126</sup>The Law on Promulgation of Normative Legal Documents (2015), Articles 5, 35, 69 & 87.

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	elaboration of new legislation and identifies budgetary sources to fund these activities. <sup>127</sup>			
e. Cross-sectoral coordination	<p>Viet Nam's legal framework defines mechanisms and institutional arrangements to support cross-sector coordination, including clear lines of communication between and across sectors and levels of government for forest management.</p> <p>With regard to the development of law, the Law on Promulgation of Normative Legal Documents (2015) requires that new laws are subject to scrutiny to ensure unity with other legislation, especially that from other sectors. Meanwhile the law development process also involves the participation of other line ministries in the development of a given law. The Law on Protection and Development of Forests (2004) and the Forestry Law (2017) request the support of other (non-forest) ministries and line agencies in their implementation.</p> <p>In terms of land use and forest sector planning (i.e. the planning processes of greatest relevance to REDD+), cross-sectoral coordination is required as part of both processes, as prescribed in the Land</p>	No gaps identified	Not applicable	<p>The State Steering Committee on Sustainable Forest Management is the steering body for the implementation of the NRAP. The State Steering Committee Office is the standing office of this committee.</p> <p>The NRAP identifies the implementation and coordination responsibilities of related ministries and agencies, including the Ministry of Agriculture and Rural Development, the Ministry of Natural Resources and the Environment, the Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Industry and Trade, the</p>

<sup>127</sup> 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.

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	<p>Law (2013)<sup>128</sup> and the Forestry Law (2017).<sup>129</sup></p> <p>With specific regard to REDD+, the NRAP (2017) calls for the <i>‘development of a mechanism to promote and monitor inter-agency cooperation at all levels, strengthen the linkages between the private and the public sectors including public–private partnership models; encourage the participation of socio-political, professional associations, non-governmental organisations and village communities in planning, implementation and monitoring of the REDD+ Programme.’</i></p> <p>Decision 5414/2015/QD-TTg provides guidance on PRAP planning procedures including the formulation of a PRAP Technical Working Group comprised of relevant or concerned provincial departments and line agencies who are to be consulted in PRAP elaboration. PRAPs also stipulate the role of different related and concerned ministries/line agencies and other stakeholders in implementation.</p>			<p>Ministry of Information and Communications, the Ministry of Justice, the Committee for Ethnic Minority Affairs, and the Provincial People’s Committees.</p>
f. Access to justice	The Constitution of Viet Nam (2013)	No gaps	Not applicable	At the local level, the

<sup>128</sup>The Land Law (2013), Article 35.

<sup>129</sup>The Forestry Law (2017), Article 12.

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	<p>recognises the right to access to justice,<sup>130</sup> while the Law on Complaints (2011)<sup>131</sup> 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 lawyers, or through legal aid if the complainant is entitled to enjoy legal aid services in accordance with the Law on Legal Aid (2006).<sup>132</sup> The Civil Code(2015)<sup>133</sup> provides that parties have the rights to ask lawyers or other people to defend their legitimate rights and interests. The Land Law (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.<sup>134</sup> The Law on Environmental Protection (2014) provides a</p>	<p>identified</p>		<p>heads of mass organisations, village heads, religious leaders, elders at village level, and Commune People’s Committees are responsible for dispute and grievance resolution. 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</p>
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<sup>130</sup>The Constitution of Viet Nam (2013), Article 30.

<sup>131</sup> 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).

<sup>132</sup>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.

<sup>133</sup> The Civil Code (2015), Article 9.

<sup>134</sup>The Land Law (2013), Articles 166 & 203. Specific procedures for settling land disputes are contained in Articles 89 to 91 of Government Decree No. 43/2014/ND-CP, including land disputes where parties do not have land use rights certificates. In this case, evidence on the origin and use process of the land needs to be presented by the disputing parties. Specific procedures regulating disputes related to compensation for land recovery by the State are contained in Article 4 of Joint Circular No. 06/2014/TILT-BTP-TTCP-BQP.

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	general provision on dealing with complaints and denunciations relating to environmental protection. <sup>135</sup> Additionally, the 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 local-level regulations and/or other informal channels. <sup>136</sup>			resolution of general complaints and grievances.
g. Stakeholder participation	This is addressed below under Safeguard (d): Relevant stakeholders			
<b>5.1.3 Cancun safeguard (c) – indigenous peoples’ and local communities’ rights</b>				
Respect for the rights and knowledge of ethnic minorities and local communities	The Constitution of Viet Nam (2013) affirms 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.” <sup>137</sup> The legal framework explicitly recognises and protects a number of rights with regard to ethnic minorities	No gaps identified	Not applicable	The Committee for Ethnic Minority and Mountainous Affairs (CEMA) is responsible for coordinating with ministries, ministerial-level agencies and agencies attached to the Government in realising specific policies and measures related to ethnic minorities in Viet Nam.

<sup>135</sup>The Law on Environmental Protection (2014), Article 128.

<sup>136</sup>The Law on Grassroots Mediation (2013). See also Government Decree No. 15/2014/ND-CP detailing several articles and measures to implement the Law on Grassroots Mediation, and Joint Resolution No. 01/2014/NQLT/CP-UBTUMTTQVN of the Government and the Central Committee of the Viet Nam Fatherland Front on Guiding and coordinating the implementation of some provisions of the law on grassroots mediation provide relevant guidance.

<sup>137</sup>The Constitution of the Socialist Republic of Viet Nam (2013): Article 5.

	<p>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). The right to non-discrimination is supported by Article 116 of the Penal Code (2015). Local communities may hold rights to land use and forest use,<sup>138</sup> and to have their lawful rights to use this land and the land-attached assets protected.<sup>139</sup></p> <p>Viet Nam's overall policy and legal framework of 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. Policies which aim to specifically promote economic development and inclusion for ethnic minorities and remote (often forest dependent) local communities include the National Sustainable Development Strategy (2011-2020),<sup>140</sup> the Forest Development Strategy (2006-2020), the National Target</p>			<p>As part of this role and through its provincial offices, CEMA is responsible for identifying and targeting support to ethnic minorities in Viet Nam.</p> <p>In relation to land use rights, the Ministry of Natural Resources and the Environment, and provincial Departments of Natural Resources and the Environment within their respective localities, are responsible for land use planning, land allocations, registration and transfers. Provincial, District and Commune People's Committees approve land use plans, and receive and resolve disputes and grievances.</p> <p>In relation to forests, the</p>
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<sup>138</sup>The Land Law (2013), Article 5. See also the Law on Forestry (2017, effective 1 January 2019), Article 2(9).

<sup>139</sup> The Land Law (2013), Article 26.

<sup>140</sup> Issued according to Prime Minister's Decision No. 432/2012/QĐ-TTg.

	<p>Programme on new rural development (2016-2020),<sup>141</sup> the Target Programme for Sustainable Forest Development (2016-2020),<sup>142</sup> and specific policies to support the socio-economic development of ethnic minority and mountainous areas in the period to 2020,<sup>143</sup> which all prioritise economic development and poverty reduction for ethnic minorities and the poorest households.</p> <p>The NRAP also includes specific PaMs intended to respect and strengthen the knowledge and rights of ethnic minorities and communities, for example e.g. awareness and propaganda activities, specific efforts to enhance the knowledge of communities on their legal rights, promoting forest land allocation to households and communities and promoting co-management of natural forests.</p> <p>The legal framework also provides safeguards for the knowledge and rights of ethnic minorities and communities with respect to land and natural resources:</p> <ul style="list-style-type: none"> <li>• Ethnic minorities have the same legal rights to land use and forest land as</li> </ul>			<p>Ministry of Agriculture and Rural Development, and provincial Departments of Agriculture and Rural Development, are responsible for forest allocation, assignment and lease, developing and implementing forest protection and development plans, and overseeing the management of forests.</p>
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<sup>141</sup> Issued according to Prime Minister's Decision No. 1600/2016/QĐ-TTg.

<sup>142</sup> Issued according to Prime Minister's Decision No. 886/2017/QĐ-TTg.

<sup>143</sup> Issued according to Prime Minister's Decision No. 2085/2016/QĐ-TTg and Government Decree No. 75/2015/NĐ-CP.

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	<p>other Vietnamese citizens. They may be allocated or assigned lands for use in accordance with the law (including based on customary use prior to 2004).<sup>144</sup></p> <ul style="list-style-type: none"> <li>• Communities, including ethnic minority communities, can be allocated forests for use and management in accordance with the law.<sup>145</sup></li> <li>• The 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.<sup>146</sup></li> </ul>			
<b>5.1.4 Cancun safeguard (d) – full and effective participation of relevant stakeholders</b>				
Full and effective participation of relevant stakeholders is recognised	Viet Nam’s legal framework recognises the importance of ensuring public participation, including in the context of environmental and biodiversity protection and forest development as well as in the elaboration of land-use plans and environmental impact	No gaps identified	Not applicable	

<sup>144</sup> The Land Law (2013); Articles 3, 19-30 & 32 of Decree No. 43/2014/ND-CP; Decree No. 47/2014/ND-CP; Decision No. 63/2015/QĐ-TTg.

<sup>145</sup> The Civil Code (2015); the Land Law (2013); the Law on Forest Protection and Development (2004) and the Forestry Law (2017, effective 1 January 2019).

<sup>146</sup> Prime Minister’s Directive No. 24/1998/CT-TTg; Joint Circular No. 03/2000/BTP-BVHTT-BTTUBTWMTTQVN; Joint Circular No. 04/2001/TTLT-BTP-BVHTT-BTTUBMTTQVN-UBQGDSKHHGD; Ministry of Agriculture and Rural Development Circular No. 70/2007/TT-BNN, 8/1/2007.

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	assessment and planning, and more broadly in socio-economic development planning. <sup>147</sup>			
Full and effective participation of relevant stakeholders is regulated	Viet Nam's PLRs set out detailed requirements about the types of information to be shared and the modes/mechanisms for participation of relevant stakeholders in policy and legislative development, planning and management in the forest sector, which are applicable to the development and implementation of the NRAP and PRAPs. Agencies that formulate master plans and plans on land use are required to organise consultations. <sup>148</sup> The Forest Development Strategy (2006-2020), the Forestry Master Plan (2011-2020) and the National Target Program on Sustainable Forest Development emphasise the role of local households and communities in managing, protecting and developing forests. Forest planning is required to be participatory and democratic, ensuring transparency and gender equality, and the participation of local people and ethnic minorities is required to be enabled in the management, protection and	No gaps identified	Not applicable	The Ministry of Natural Resources and the Environment, and provincial Departments of Natural Resources and the Environment within their respective localities, are responsible for developing land use, ensuring the participation of relevant stakeholders. They are also responsible for developing environmental protection plans, and for appraisal and approval of social and environmental impact assessments. The Ministry of Agriculture and Rural Development, and the provincial Departments of

<sup>147</sup>The Constitution of Viet Nam (2013), Article 28; the Forest Protection and Development Law (2004) Articles 13 & 20, and the Forestry Law (2017, effective 1 January 2019), Article 12; the Law on Biological Diversity (2008) Article 22; the Land Law (2013), Article 43; the Law on Environmental Protection (2014), Article 21 and 146.

<sup>148</sup>The Land Law (2013), Article 43; Government Decree No. 43/2014/ND-CP.

	<p>development of all forest categories (special-use, protection and production).<sup>149</sup> Agencies that are responsible for environmental impact assessments are required to take into account public input prior to the final decision.<sup>150</sup> During the formulation of legislative documents, drafting agencies must enable the public (other organisations and individuals), or directly impacted entities” to provide opinions their opinions on the project.<sup>151</sup></p> <p>People have the right to know, to contribute opinions, to decide, to exercise and supervise democracy at the commune level, including the right to provide comments on:</p> <ul style="list-style-type: none"> <li>• Draft plans on socio-economic development at the communal level; economic and production-restructuring options; schemes on sedentary farming, resettlement and new economic zones and production and business line development options of the communal level.</li> <li>• Draft detailed land use planning and plans and adjustment schemes; the</li> </ul>			<p>Agriculture and Rural Development are responsible within their respective localities, are responsible for developing forest protection and development plans, ensuring the participation of relevant stakeholders. Provincial People’s Committees are responsible for the appraisal and approval of provincial land use plans and forest protection and development plans. Forest Management Boards are responsible for developing site-level plans, ensuring the participation of relevant stakeholders.</p>
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<sup>149</sup> The Forest Protection and Development Law (2004), Article 13; the Forestry Law (2017) Article 10; Government Decree No. 23/2006/ND-CP; Ministry of Agriculture and Rural Development Circular No. 38/2014/TT-BNN, Articles 6 & 8; Ministry of Agriculture and Rural Development Circular No. 56/1999/BNN-KL and Ministry of Agriculture and Rural Development Circular No. 70/2007/TT-BNN.

<sup>150</sup> The Law on Environmental Protection (2014), Article 11; Decree No. 18/2015/ND-CP, Article 12.

<sup>151</sup> The Law on Promulgation of Normative Legal Documents (2015), Articles 57, 86, 97, 101 & 113.

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	<p>management and use of land areas of the communal level.</p> <ul style="list-style-type: none"> <li>• Draft plans on implementation of programs and projects in communal-level localities; undertakings and schemes on ground clearance compensation and supports, infrastructure construction, resettlement; schemes on population quarter planning.</li> <li>• Draft schemes on establishment, merger, division of administrative units, adjustment of administrative boundaries, directly related to communal-level localities.<sup>152</sup></li> </ul>			
<b>5.1.5 Cancun safeguard (e) – conservation of natural forests and biological diversity</b>				
Conversion of natural forests	<p>Under the Law on Forest Protection and Development (2004), changing the use purpose of natural forests to another use purpose must be based on the conversion criteria and conditions prescribed by the Government.<sup>153</sup> 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</p>	<p>Implementation guidelines have not yet been issued for the new Forestry Law (2017, effective 1 January 2019)</p>	<p>Implementation guidelines on the new Forestry Law will be prepared for consultation, revision and approval.</p>	<p>The Ministry of Agriculture and Rural Development is the focal point for implementation of forestry laws in Viet Nam. The Ministry of Defence, the Ministry of Public Security, the Ministry of Natural Resources and</p>

<sup>152</sup>National Assembly Ordinance No. 34/2007/PL-UBTVQH11 on the exercise of democracy in communes, wards and townships.

<sup>153</sup>The Forest Protection and Development Law (2004), Article 27; see also Government Decree No. 23/2006/ND-CP, and the Prime Minister's Decision No. 34/2011/QĐ-TTg.

	<p>government).<sup>154</sup> The requirements for Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA) in the development of master land use plans and PRAPs also prevent planning for the conversion of natural forests.<sup>155</sup></p>			<p>Environment, and other ministries and ministerial-level organisations are responsible for collaborating with the Ministry of Agriculture and Rural Development in performing state management of forestry within the scope of their tasks and powers.</p> <p>At the provincial level, the Departments of Agriculture and Rural Development is responsible for developing the PRAPs for appraisal and approval by the Provincial People's Committees.</p> <p>The Ministry of Natural Resources and the Environment, and provincial Departments of Natural Resources and the Environment within their respective localities, are</p>
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<sup>154</sup>The Forestry Law (2017, effective 1 January 2019), Article 14.

<sup>155</sup> Government Decree No. 18/2015/ND-CP; Ministry of Agriculture and Rural Development Decision No. 5414/2015/QĐ-BNN-TCLN.

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				responsible for oversight, appraisal and approval of social and environmental impact assessments.
Conservation of natural forests and biodiversity	<p>Conservation of natural forests is addressed through the new Law on Forestry (2017), which explicitly prohibits the conversion of natural forests (except in cases of national important projects, national defence projects, or other critical projects approved by the government).<sup>156</sup></p> <p>Viet Nam also has a number of PLRs that support the conservation of biodiversity. Stakeholder participation in forestry development, environmental protection, biodiversity conservation and the provision of environmental services is required, in order to help eradicate hunger, eliminate poverty and enhance living standards in rural mountainous areas.<sup>157</sup> Key ecosystems and biodiversity areas, threats to biodiversity, and priority in-situ and ex-situ conservation measures have been identified, and specific tasks assigned for the conservation of particular zones in the country, including the</p>	No gaps identified	Not applicable	<p>The Ministry of Natural Resources and the Environment, and provincial Departments of Natural Resources and the Environment within their respective localities, are responsible for special projects on biodiversity conservation throughout the country.</p> <p>Provincial Departments of Agriculture and Rural Development and Forest Management Boards (especially those for Special Use Forests), are responsible for the conservation of forests and wildlife within their respective localities and</p>

<sup>156</sup>The Forestry Law (2017, effective 1 January 2019), Article 14.

<sup>157</sup>The Forest Development Strategy, 2006-2020.

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	<p>development of conservation corridors.<sup>158</sup> Forestry planning is required to be consistent with national strategy on biodiversity.<sup>159</sup> Conservation of natural ecosystems which are important, specific or representative for an ecological region and the conservation of threatened species is prioritised.<sup>160</sup> The illegal extraction of natural resources is prohibited, and socio-economic assessments are required to be carried out on socio-economic development strategies as well as strategies and plans for the utilisation of natural resources.<sup>161</sup> Environmental impact assessments to be carried out in land parcels situated in wildlife sanctuaries, national parks, historical – cultural monuments, world heritage sites, biosphere reserves, scenic beauty areas that have been ranked or projects that can cause negative environmental impacts.<sup>162</sup> Environmental and social benefit and risk assessment is also required during the development of PRAPs, including consideration of the impact of</p>			sites.
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<sup>158</sup>Prime Minister’s Decision No. 1250/2013/QĐ-TTg.

<sup>159</sup>The Forestry Law (2017, effective 1 January 2019), Article 10.

<sup>160</sup>The Law on Biological Diversity (2008), Article 5.

<sup>161</sup>The Law on Environmental Protection(2014), Article 13; Decree No. 18/2015/ND-CP.

<sup>162</sup>The Law on Environmental Protection(2014), Article 18; Ministry of Natural Resources and the Environment Circular No. 27/2014/TT-BTNMT; Ministry of Agriculture and Rural Development Circular No. 09/2014/TT-BNNPNT.

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	PRAP measures on biodiversity. <sup>163</sup>			
Incentivising the protection and conservation of natural forests and biodiversity and their ecosystem services	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 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. Prime Minister's Decision No. 30a/2008/NQ-CP supporting rapid and sustainable poverty reduction in 61 poor districts provides a mechanism for poor households to receive funds to invest in planted forests and/or receive support for participating in forest protection and development in contracted areas. Decree No. 75/2015/ND-CP provides a mechanism to support poor and ethnic minority households through the provision of increased financial incentives for their participation in forest protection and development activities. Decree No. 117/2010/ND-CP on	No gaps identified	Not applicable	The Ministry of Agriculture and Rural Development, and the provincial Departments of Agriculture and Rural Development within their respective localities, are responsible for forest protection and development planning. Forest management boards are responsible for site-level planning, under the oversight of the provincial Departments of Agriculture and Rural Development, and for implementing conservation management and buffer zone development. Provincial, District and Commune People's Committees are responsible for implementing poverty

<sup>163</sup> Ministry of Agriculture and Rural Development Decision No. 5414/2015/QD-BNN-TCLN.

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	<p>Management and Organisation of Special Use Forests sets out the roles of management boards and their orientations towards supporting forest protection and biodiversity conservation. The decree also makes provisions for buffer-zone investment in support of community/livelihood development in neighbouring communes. Circular No. 78/2011/TT-BNNPTNN provides further details and guidance. Ministry of Agriculture and Rural Development Circular No. 38/2014/TT-BNN on guidelines for sustainable forest management planning provides for the participation of communities so that they may avail socio-economic benefits from sustainable forest management.</p>			<p>reduction programmes. Provincial Departments of Agriculture and Rural Development and Provincial Forest Fund agencies are responsible for collecting and distributing payments for environmental services.</p>
<p>Enhance other social and environmental benefits</p>	<p>Viet Nam’s policy framework, including the National Forest Development Strategy (2006-2020), the National Forest Sector Master Plan (2011-2020), the National Target Program on Sustainable Forest Development (2017-2020), and the National Target Program on New Rural Development and Poverty Alleviation (2016-2020), emphasises that the forest sector should contribute to economic growth, poverty alleviation and environmental protection. The Forestry Law (2017) requires that “sustainable forest management, harvesting</p>	<p>No gaps identified</p>	<p>Not applicable</p>	<p>The Ministry of Agriculture and Rural Development is the focal point ministry for the development and implementation of the NRAP. Provincial Departments of Agriculture and Rural Development are responsible to develop the PRAPs, for appraisal and approval by the Provincial</p>

	<p>and use of forests must go hand in hand with conservation of natural resources as well as enhancing forest economic, cultural and historical values, protecting the environment, responding to climate change, and improving people's livelihoods."<sup>164</sup></p> <p>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 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>Ministry of Agriculture and Rural Development Decision 5414/QD-BNN-</p>			<p>People's Committees.</p>
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<sup>164</sup>The Forestry Law (2017, effective 1 January 2019), Article 10

	TCLN (2015) includes a process for the consideration of environmental and social benefits/risks of proposed REDD+ activities in PRAPs in order to maximise benefits and mitigate risks as part of the PRAP design.			
<b>5.1.6 Cancun safeguard f) – risks of reversals</b>				
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 change<sup>165</sup> commits to increasing forest cover to 45% by 2030, and the NRAP mirrors this objective.</p> <p>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 and non-agricultural land is subject to the Prime Minister’s approval for areas of protection forest and special use forest greater than 20 ha, and to the People’s Council’s Resolution for areas of protection forest and special use forest less than 20 ha.<sup>166</sup></p> <p>The Forestry Law (2017) requires that forest planning should be based on 30- to 50-year</p>	Implementation guidelines have not yet been issued for the new Forestry Law (2017, effective 1 January 2019).	Implementation guidelines on the new Forestry Law will be prepared for consultation, revision and approval.	The National Assembly makes decisions on changing forest land to non-forestry purposes >50ha, and approves changes in forest type based on proposals by the Ministry of Agriculture and Rural Development Provincial People’s Committees may make decisions on change of forest land to non-forestry land up to 20ha for special use forests/protection forests and up to 50ha for production forests. Provincial People’s Committees also coordinate forest surveys

<sup>165</sup> Prime Minister’s Decision No. 2053/2016/QĐ-TTg.

<sup>166</sup> The Land Law (2013), Articles 57 &58.

	<p>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.<sup>167</sup> The recently approved Law on Forestry (2017, effective 1 January 2019), 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).<sup>168</sup> Projects proposing land/forest use changes are subject to environmental impact assessment, which would highlight the need for very high-level approvals for even small areas of forest land use change.<sup>169</sup> These controls contribute to addressing the risks of reversals.</p> <p>Viet Nam has systems for monitoring land use, land and forest cover change.<sup>170</sup> The NRAP includes a number of PaMs which aim to address the risk of reversals,</p>			<p>in their provinces.</p> <p>The Ministry of Agriculture and Rural Development makes proposals on changing forest type. The Ministry of Agriculture and Rural Development leads the coordination of forest surveys and leads the establishment of the NFMS.</p> <p>Provincial Departments of Agriculture and Rural Development and Forest Protection Departments report on forest status as part of their Provincial Forest Monitoring Systems.</p> <p>The Ministry of Natural Resources and the Environment is responsible for developing</p>
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<sup>167</sup>The Forestry Law (2017, effective 1 January 2019), Articles 9& 19-20.

<sup>168</sup>The Forestry Law (2017, effective 1 January 2019), Article 14.

<sup>169</sup>Government Decree No. 18/2015/ND-CP; Ministry of Natural Resources and the Environment Circular No. 27/2015/BTNMT.

<sup>170</sup>The Forestry Law (2017, effective 1 January 2019), Articles 32-36; Government Decree No. 23/2006/ND-CP, Articles 38-41; Ministry of Agriculture and Rural Development Circular No. 34/2009/TT-BNNPTNT; Ministry of Agriculture and Rural Development Circular No. 78/2011/TT-BNNPTNT.

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	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.			legal guidance on social and environmental impact assessment, and is responsible for their appraisal and approval for national and multi-province projects. Provincial Departments of Natural Resources and the Environment are responsible for appraisal/approval of environmental impact assessments within their respective localities.
5.1.7 Cancun safeguard g) –displacement of emissions				
Actions to reduce displacement of emissions	<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"> <li>• 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).</li> <li>• Support development and operation</li> </ul>	The VNTLAS has not yet been legalised.	Legalise the VNTLAS.	The Ministry of Agriculture and Rural Development is the national focal point for the VNTLAS.

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	<p>of the monitoring system of the State and independent body to ensure compliance to Viet Nam's VNTLAS.</p> <ul style="list-style-type: none"><li>• Measures to strengthen inter-agency forest law enforcement (which could include cooperation with customs officials on illegal transboundary trade).</li><li>• International cooperation measures including strengthening transboundary conservation in key conservation corridor landscapes e.g. between provinces in Viet Nam and neighbouring countries.deforestation-free agricultural supply chains in relevant industries.</li></ul>			
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## 5.2 Respecting safeguards

Viet Nam understands that respecting safeguards relates to the provision of information about how the governance arrangements, used to address the safeguards, are working in practice, in addition to information on the outcomes of their implementation (see Section 1.2). Viet Nam will respect the Cancun safeguards through implementation of the PLRs identified to address the national clarification of Cancun safeguards (a) through to (e). The national clarification of Cancun safeguards (f) and (g), because of their action- (not PLR-) based nature, will be respected through the implementation of the REDD+ *actions*(PaMs) identified to address these safeguards (see subsections 5.1.6 and 5.1.7). Improved implementation of both PLRs and PaMswill require strengthened institutional capacities in terms of mandates, procedures and (financial, human and technological) resources.

The respecting of safeguards will be demonstrated through the SIS (see subsection 3.1.6for details), which will compile and present the following types of information:

- national- and provincial-level<sup>171</sup> information on institutional capacities to implement PLRs from the 12 identified existing information systems and sources; and
- provincial-level information, related to the outcomes of the REDD+ PaMs, harvested through revised PRAP monitoring and evaluation protocols (reporting template development and testing ongoing throughout 2018 with the support of UN-REDD and other development partners).

In addition to the existing information systems, comprising the SIS, additional relevant sources for providing information on respecting safeguards will be further explored and defined during the SIS design improvement process. For example, outputs from the PGA, which is currently being piloted in threeprovinces by the UN-REDD Viet Nam Phase II Programme, as well as the ESMF of the North Central Region's Emissions Reduction Program.

Information on how the national clarification of the Cancun safeguards has been respected will be reported in subsequent summaries of information.

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<sup>171</sup> These systems capture information from all existing provincial information systems relevant to the Cancun safeguards, as provincial systems are sub-components of the national information systems.

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