

**The UN-REDD Programme  
Africa regional exchange on country  
approaches to safeguards**



**PLRs Gap Analysis of  
Vietnam**

**Nairobi, June 17-19, 2015**

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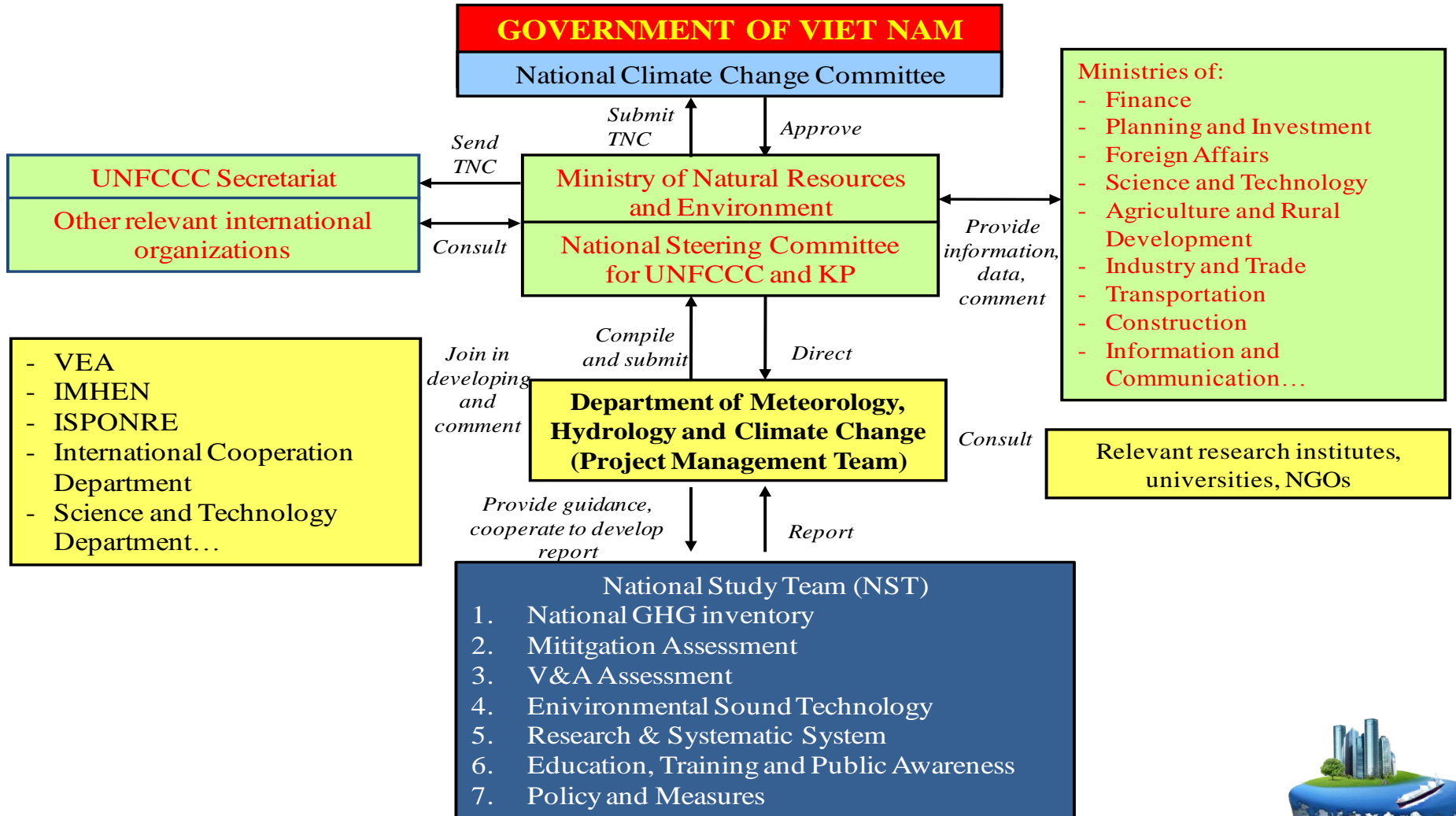


# ***Introduction***

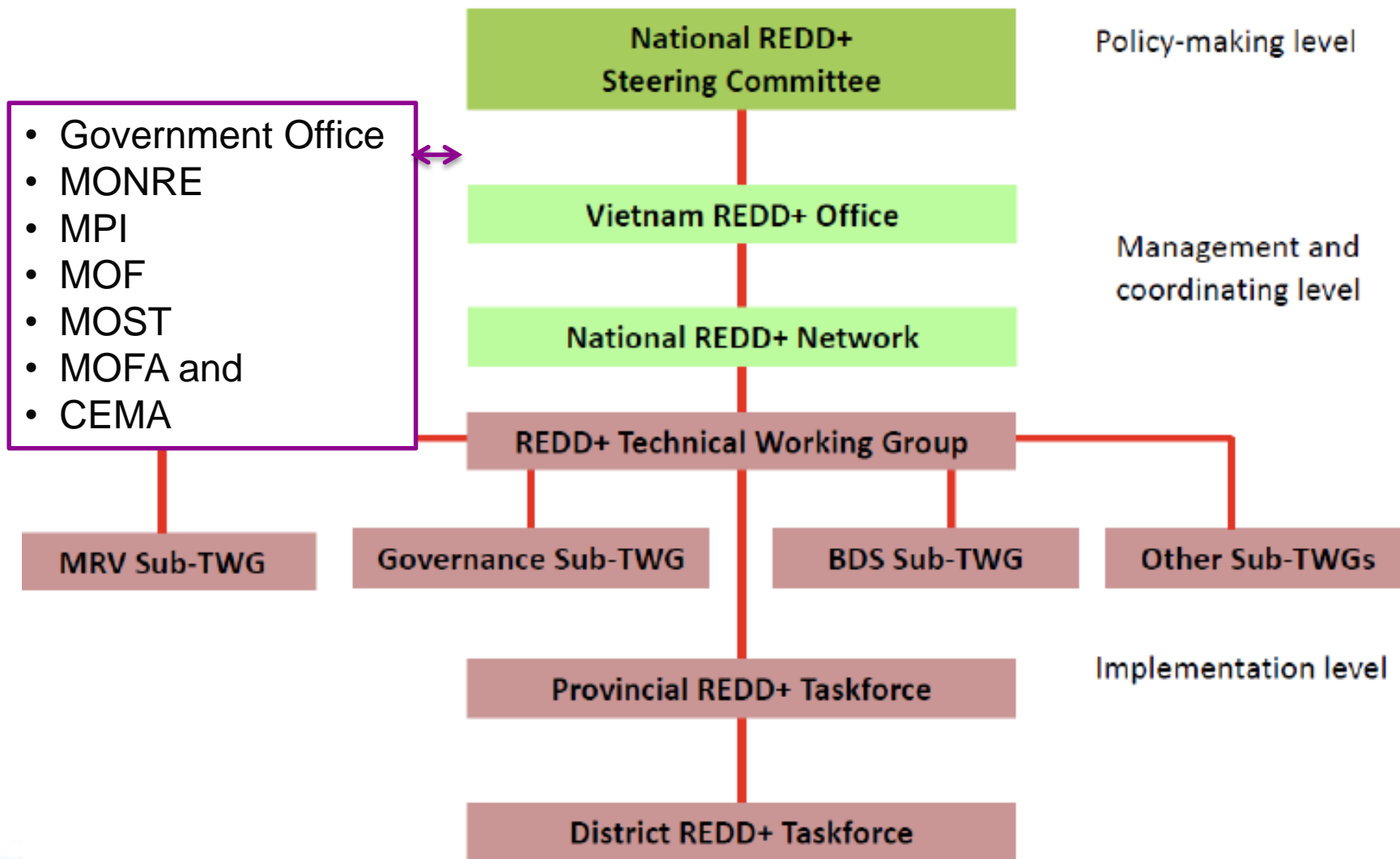
- Vietnam signed the UNFCCC 1992, ratified in 1994 and the signed Kyoto Protocol 1998 and ratified in 2002, a Non-Annex I Party under UNFCCC;
- The Ministry of Natural Resources and Environment is assigned as National Focal Point to implement UNFCCC and KP;
- Ministry of Agricultural and Rural Development is focal point for REDD+ Implementation – REDD+ National Steering Committee



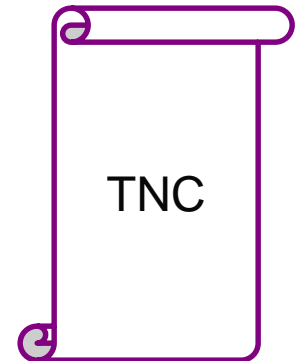
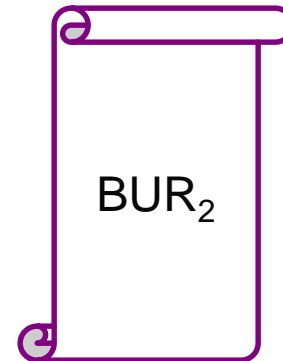
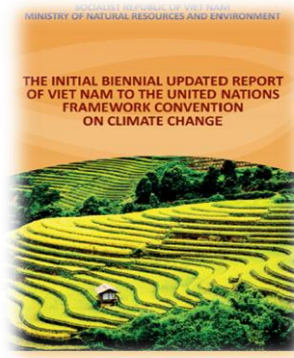
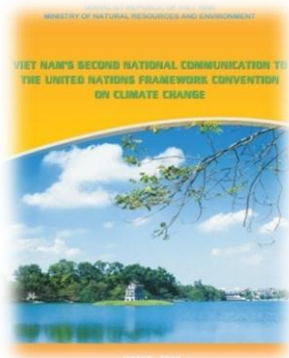
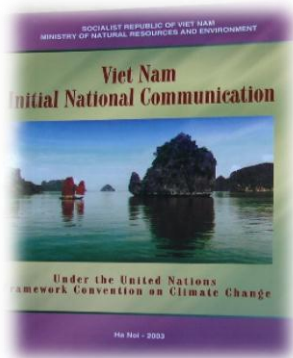
# Introduction- Institutional Arrangement for TNC CC



# Introduction- Institutional Arrangement for REDD+ Implementation



# Introduction – UNFCCC implementation



2003

2010

2014

2016

2018

Initial National Communication (INC)

Second National Communication (SNC)

Biennial Update Report (BUR1)

Biennial Update Report (BUR2)

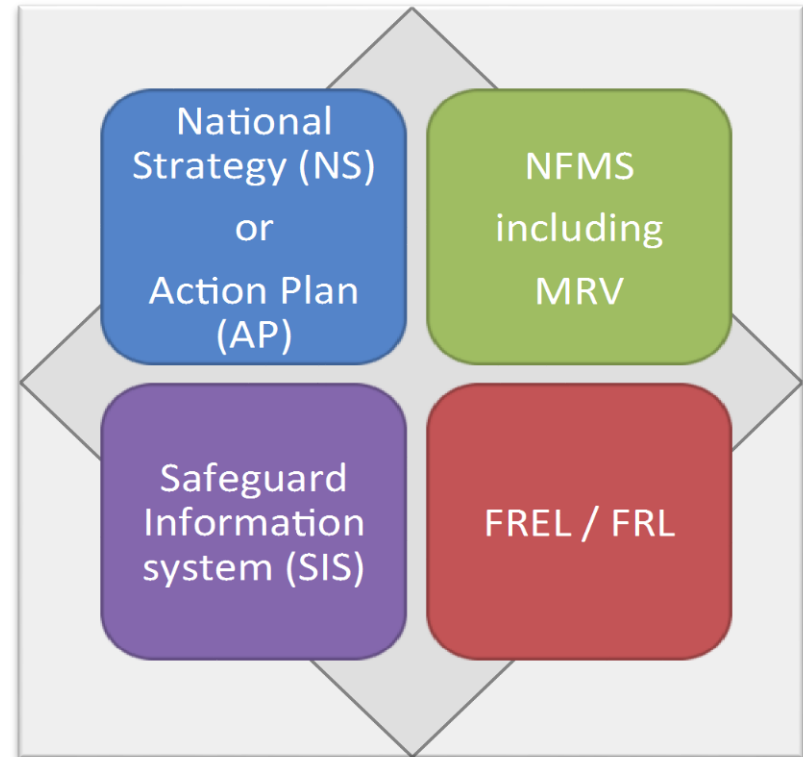
Third National Communication (TNC)



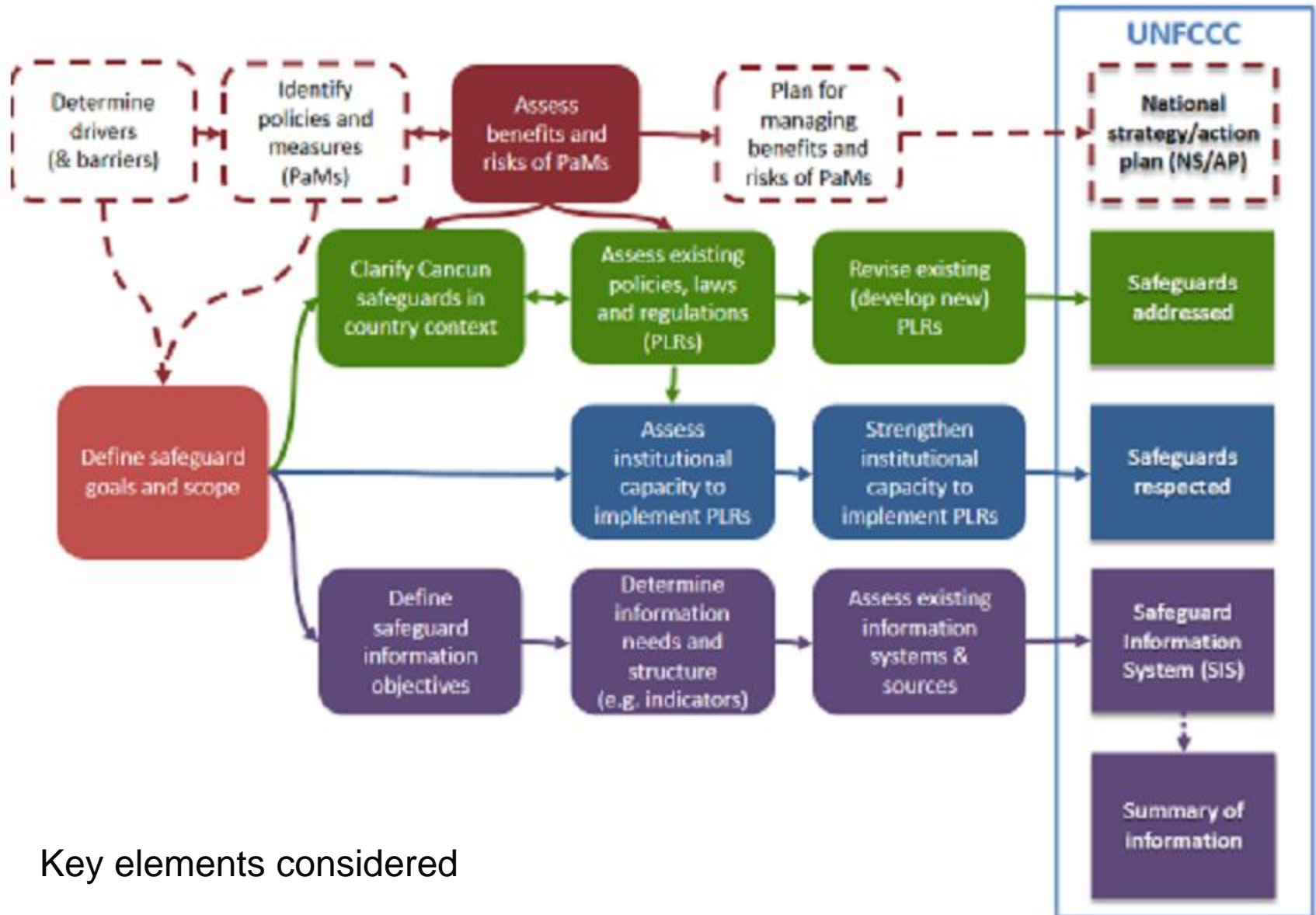


# ***REDD elements implementation progress***

- A national strategy or action plan (2012);
- A national forest reference emission level and/or forest reference level (FREL/FRL) planned Oct 2015;
- A national forest monitoring system (NFMS) planned 2016;
- A system for providing information on how the Cancun safeguards are being addressed and respected (SIS) planned .....



# Process of SG Development





## Policy Laws and Regulations (PLR) gap analysis

PLR gap analysis was undertaken with objective:  
“Provide options, priorities, milestones and recommendations on all aspects related to REDD+ safeguards in Vietnam, which are consistent with national regulations, capacities and circumstances, and UNFCCC REDD+ requirements and guidelines”.

To identify how Viet Nam can respond to a future UNFCCC agreement whilst being able to meet the multiple REDD+ safeguards requirements of the relevant REDD+ initiatives



# Methodology

To **identify** and **analyse** Vietnam's legal framework in relation to the Cancun safeguards, utilized a revised framework of interpretation drawn exclusively from Cancun safeguards language (30 forestry PLRs and 30 non-forestry PLRs)

Revision of the PLR gap analysis builds upon an initial (v1.0) draft

Consultation: 2 meetings of STWG on Safeguards (May/December 2013); consultation with VNFOREST in March 2014 (V1.0)

A new analytical matrix was developed with a revised set of principles and criteria against the Cancun safeguards language, and that includes set of indicators and diagnostic questions

Shared in Vietnam REDD+ Network for feedback and comments



# Methodology - Analytical matrix utilized

## With Interpretation criteria

Safeguard B		
Criteria B.1. Transparency		
Sub-Criteria B.1.1. Right of Access to Information <sup>1</sup>		
Diagnostic Question: To what extent do PLRs guarantee the right to access to information?		
Indicators	Mark accordingly	Explanation (identify articles/provisions)/Gaps identified
PLRs recognise the right to access to information		
PLRs provide a definition of 'information'		
PLRs require the active distribution of information		
PLRs require/guarantee passive access to information		

Cancun safeguards;  
 World Bank safeguard policies;  
 UN-REDD Programme Social and Environmental Principles and Criteria; and,  
 REDD+ Social and Environmental Standards.

<sup>1</sup> Builds upon criteria (b) 6 of first version of the framework



# *Results/achievements*

- ❖ Vietnam is largely consistent with Cancun safeguards language
  - Against the majority of interpretation criteria and indicators
  - 60 identified PLRs (forestry and non-forestry) could support the effective implementation of the Cancun safeguards
- ❖ Analysis doesn't assess practical implementation/ effectiveness
- ❖ Roadmap for SES for Vietnam's National REDD+ Action Programme (V.1.0 – April 2013)
- ❖ Safeguard Roadmap for Vietnam's National REDD+ Action Programme (V2.0 – Aug 2013) and completed in June 2014



# ***Main Gaps- Cancun Safeguard B***

## **Access to information**

- The legal framework recognises the right of access to information in several PLRs either explicitly or implicitly, including providing a definition of information, the methods, forms, formalities and procedures for securing this right.
- Nevertheless, the above-mentioned issues do have some gaps, in particular regarding the right to a passive access to information.
- The LEP No. 55/2014/QH13 and the 2013 Draft Law on Access to Information, will address most gaps identified



# *Main Gaps- Cancun Safeguard C*

## **Definition/recognition of Indigenous Peoples**

- The legal framework does not define ‘indigenous peoples’, as Vietnam utilizes the term ‘ethnic people’ and/or “ethnic minority” instead
- However, the legal framework does not provide a clear definition on ‘ethnic people’ or ‘ethnic minority’

## **Recognition of traditional knowledge**

- Limited recognition and regulation of traditional knowledge of ethnic minorities and local communities

## **Collective land rights**

- The legal framework recognizes collective ownership of forests. However, there are several legal issues that undermine such recognition and its effective protection
- Additionally, there is no legal recognition or protection of ethnic minorities’ **customary** collective rights to land and other natural resources





# ***Main Gaps- Cancun Safeguard D***

## **Access to information to effectively participate in decision making**

- As for Safeguard B, there are gaps in the legal framework
- The LEP 2013 and the 2013 Draft Law on Access to Information, (if adopted) will address gaps identified

## **Mechanisms to ensure full and effective participation**

- The legal framework does not define or regulate clear processes/ mechanisms for ensuring public participation in environmental decision-making processes

## **Free, prior and informed consent**

- Legal framework does not recognize nor regulate the right to Free Prior and Informed Consent (FPIC)



## *Main Gaps- Cancun Safeguard E*

### **Prohibiting the conversion of natural forests**

- Circular 58/2999 of MARD does not prohibit the conversion of natural forests. Conversion is allowed with the permission of Government institutions

### **Enhancement of other benefits**

- The legal framework has limited provisions that seek to maintain ecological, biological, climatic, socio-cultural, and economic contributions of forest resources. They lack operational measures



# ***Main Gaps- Cancun Safeguard F and G***

**Note:** these safeguards are largely technical and should not be expected to be covered by PLRs

## **Measures to Tackle Reversals and Displacement**

- The legal framework contains several provisions that will support tackling the risks of reversals and displacement of emissions. However, the legal framework has limited provisions dealing with risk mitigation mechanisms

## **International Cooperation**

- ❖ The legal framework promotes international cooperation and coordination to reduce cross-border displacement of deforestation. However, the legal framework has limited provisions promoting international cooperation on law enforcement to combat illegal trade of forest products



# Challenges encountered

- Many PLRs to assess.
- Legal documents are issued continuously, hard to select appropriate PLRs and read them and then divide them into each Cancun SG to assess.
- Complication of overlapping laws and regulations.
- Time and human resources constraint
- The most challenging is the implementation of these PLRs in reality







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