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Title Regional Stakeholder Engagement Specialist

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1. Practice area: BPPS, Sustainable Development and Resilience Cluster

2. Mission period (incl. of travel days)

From: 19 – 23 July

3. Type of mission: Technical backstopping

4. Clients

UNDP/UN-REDD Vietnam CO and National PMU staff

5. Purpose of mission

(a) Provide technical support and review the pilot GRM training in Bac Kan province, conducted as part of BDS/SiRAP, with a view to improve training manual and materials for future ToT.

(b) Revise and finalise concept note and terms of reference for the IMB.

6. Documents, materials, resources

Recommendations to improve pilot GRM

7. Mission member

Celina Yong

8. Costs

UNDP/UN-REDD Vietnam CO budget

9. Brief summary of the mission

The GRM, introduced in conjunction with the SiRAP and BDS piloting, largely builds on existing mechanisms that have been created to deal with 4 different categories of cases as identified by law, e.g., conflicts and disputes; denunciation (violations); complaint; and concern and recommendation. The bedrock of these mechanisms is the Grassroots Mediation Group (GMG) at the village level, assisted by a Technical Support Group (TSG) at the commune level. The TSG is a mandated establishment as listed in article 20 of MARD Decision No. 5399. TSG members have been selected by the CPC during the initial stages of the SiRAP process. Training for the proposed Grievance Redress Mechanism (GRM) commenced in Lao Cai from 12 – 13 July, followed by Bac Kan from 20 – 21 July, with the remaining provinces scheduled to be completed by early to middle of August: Ca Mau 25 – 26 July; Binh Thuan 28 – 29 July; Lam Dong 2 – 3 August; Ha Tinh to be determined. These pilot trainings target GMG members, particularly the village headpersons who are de facto leaders of the GMG, TSG members and CPC. Repeated concerns have been raised regarding the impartiality of the TSG members who are nominated by Chairman of the CPC, the viability of mediation as the primary solution to resolve grievances, as well as clear steps in the GRM at village, commune, district, province and national levels. While the issue of mediation as the primary solution has been clarified during the Bac Kan training, the feasibility and impartiality of the TSG remains unclear.

9.a Findings

Pilot GRM Training in Bac Kan, 20 – 21 July

- There were 3 women among the 29 participants - a village headwoman from Quang Phong Commune, a village representative from the Women's Union and another from the CPC. The headwoman was vocal and actively participated in the training because she heads the GMG in her village.
- The term "GMG" is misleading as its actual duties extend beyond mediation. It is often the first point of contact for every type of inquiries or complaints by villagers. Most cases occur within and between households such as domestic violence for the former, and boundary disputes for the latter. The GMG in Bac Kan is frequently able to resolve these cases based on "Village Regulation", a common book of do's and don'ts that have been drawn up by all the villages.
- Cases beyond the GMG are often related to "Red Books" or Land Use Rights Certificates (LURCs) and Forest Land Allocation. For these cases, the Land Law 2013 and Law on Complaints offer conflicting steps. If "Red Books" have been issued, the Land Law requires the CPC to mediate as a form of resolution, later referring to District Court, then Provincial Court and National Court when all available options have failed. In reality, mediation at the CPC is attempted to fulfil legal requirements, but will almost always be referred to higher levels. Confusingly, the Law on Complaints state that complainants can file their case directly with the administrative agencies in charge of the concerned matter. But the law caters to broader categories of cases than land issues. As a result, the procedures

outlined in the Land Law are more preferable because it is a substantive law. Because the process is time-consuming, the villager that first submit the inquiry do not receive immediate resolution.

- The feasibility of the TSG remains unconvincing. Bac Kan's TSG members: representatives from the mass organisations, forest ranger and legal aid officer, have been nominated by the chair of the CPC, but not all were in the training. More clearly defined and differentiated role between the GMG, TSG, CPC, and legal aid officers is required. Once all the pilot trainings have been completed, a quick review needs to be conducted before the second batch of trainings.
- Outreach to the DPC and PPC, particularly in the pilot provinces, also needs to be made to build support for the GRM. This needs to be factored and conducted before finalization of the GRM proposal.

Concept Note for IMB

- The key request from VNFOREST was a clearer differentiation of the roles between the PMU, PEB, EG and IMB. It had also stated that the IMB is a requirement of the Programme because it is not mandated by ODA Laws.
- Based on suggestions from the NPC, minor revisions were made. A revised concept note has now been shared with the Programme Secretariat who will seek feedback from Norway.

Institutional Capacity to Implement PLR

- Discussions with VRO revealed that the report was relatively weak because some of the institutions listed, particularly for safeguards b, e and f, have been changed. These comments need to be reflected in the revised report. It was also shared that the national consultants are constrained by this consultancy because they are not experts in of the legal system.
- Initial discussions point to an agreement to postpone the delivery of the policy brief as its contents are unsuitable to fulfil the needs of a brief.

9.b Results achieved (key outputs)

- Revised concept note for IMB.
- Revised GRM training manual and materials.

9.c Expected outcomes and impacts

- Proposed GRM are adequately placed to receive and address grievances related to SiRAPs, including clear and feasible options for redress at sub-national and national levels.

10. Key counterparts

- UNDP CO – Ngo Thi Loan
- National PMU – Fabien Monteils (CTA), Huu Dzung

11. Follow up action matrix

Action to be taken	By whom	Expected completion date
Revised IMB concept note	Celina	Completed
Story of Village Headwoman	Celina, Loan	25 July
Compile a comments matrix for the (i) GRM report and (ii) training manual and materials	Celina	5 August

12. Distribution list

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Annex 1: Recommendations for remaining GRM trainings

Sections	Content-related	Methodology	Supporting documents
Classification of cases			
		<p>More time in plenary to discuss and differentiate</p> <ul style="list-style-type: none"> • Categories of cases • Types of cases in each category 	<p>Simple check list that can be used to classify cases.</p> <p>Handouts with simple explanations of the different categories of cases, different types of cases in each category, and different options to resolve these types of cases.</p>
Introduction to current mechanism for resolutions			
	<p>Consider how the information for this section will be reinforced during the session to develop the “work flows”.</p>	<p>Build on the classification exercise to identify options for resolution.</p>	
Introduction on GRM			
	<p>Briefly introduce key principles, e.g., accessibility, transparency, neutrality, and why they are important.</p> <p>Show how these principles are then put into practice through the mediation steps proposed for the GMG.</p>	<p>Operational: Need to ensure that the TSG members also attend the training.</p>	<p>Present the roles and responsibilities of the GMG, TSG, FMB, CPC, PMU in a tabular form.</p>
Role plays			

	<p>Include SiRAP/BDS as a topic in the role play. For example, Mr Quon, the defendant, has entered into a “commitment note” with the CPC to implement certain REDD+ activities.</p> <ul style="list-style-type: none"> • How would this affect his negotiations with his brothers? • How would the mediator handle these? <p>Consider how the TSG can be written into the role play.</p> <p>Give other participants clear idea of what they should observe and provide feedback for (see checklist).</p>	<p>A short coaching with participants identified to play the role of the mediator.</p> <p>Longer plenary discussion regarding approach used, and alternative approaches.</p> <p><i>Note: To show there is not just one right way, but options that should fit the situation.</i></p> <p>May want to consider exercises to build facilitation skills, listening skills, recording skills.</p>	<p>Checklist for the mediators in preparing, conducting and evaluating the mediation.</p> <p><i>Note: The checklist should be treated as guide and not as a “strict rulebook”.</i></p>
Identify appropriate GRM processes at each level according to law			
	<p>Develop “workflows” or “processes” for recurring types of cases:</p> <ul style="list-style-type: none"> • Benefit sharing • Overlapping land boundaries • Issuance of Red Books • Others that are specific to the provinces <p>Important to show the overall picture from village to national levels so that the chains of authority are clear and known.</p>	<p>Plenary or group work, supported by the trainers.</p>	
General recommendations			

		<p>Presentations should be short, preferably not longer than 20 mins.</p> <p>Additional supporting information should be shared through handouts.</p> <p>Adopt more interactive styles of presentation.</p>	
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Proposed:

1. At the end of the pilot GRM training, produce a brief 5-page report of
 - a. What worked
 - b. What did not work
 - c. Recommendations to improve (i) content; (ii) methodology

Recommendations beyond GRM trainings

1. Linking beyond GMG and CPC to other levels
2. Training days to be increased to 3 days to include legal knowledge, more time for role plays
3. How would GMG work with different actors, e.g., CPC, FMB