

The UN-REDD Programme

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Expert Consultation on Safeguards and SIS

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Day 1, Session 3: Assessing Existing PLRs against the Cancun Safeguards: VIETNAM

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Background to the Process for Assessing Existing PLRs in Vietnam

- Safeguards requirements have been adopted under the UNFCCC, and several multilateral initiatives/bilateral agreements funding REDD+ activities - it is important 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
- A PLR gap analysis was undertaken with assistance from SNV;
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”*

Background to the Process for Matching PLR to Cancun Safeguards in Vietnam

- Serves as a communications ‘tool’ (Permitting GoV to articulate level of ‘compliance’).
- Essential analytical first step (Basis for country approach to REDD+ safeguards)
- Second revision of the PLR gap analysis builds upon an initial (v1.0) draft and had been completed in June 2014



The Process of the PLR Matching

- Version 1.0 drew on UN-REDD, WB, REDD+ SES frameworks
- Revised roadmap carried out a new identification of PLRs based on revised interpretative framework. It includes 30 forestry PLRs and 30 non-forestry PLRs
- 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
- Multi-stakeholder approach: 2 meetings of STWG on Safeguards (May/December 2013); consultation with VNFOREST in March 2014
- Both versions (v1.0 and 2.0) were widely shared in Vietnam REDD+ Network and have greatly benefited from feedback and comments

Results/Achievements of the PLR Matching

- 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



Main Gaps- Cancun Safeguard B

1. 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 2013 Draft LEP and the 2013 Draft Law on Access to Information, (if adopted) will address most gaps identified.

Main Gaps- Cancun Safeguard C

1. 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’

2. Recognition of traditional knowledge

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

3. 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

- 1. Access to information to effectively participate in decision making**
 - As for Safeguard B, there are gaps in the legal framework
 - The 2013 Draft LEP and the 2013 Draft Law on Access to Information, (if adopted) will address gaps identified
- 2. 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
- 3. 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

1. 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 or officials.

2. 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 & G

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

1. 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.

2. 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 With the PLR Matching:

- 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.



Questions/Advice to UN-REDD:

- Support Government of Viet Nam to identify and implement an approach to meet Cancun Safeguards requirements while undertaking REDD+ activities;
- Support to implement next steps of the roadmap: assess the legal frameworks in practice, analyse the institutional and compliance frameworks;
- Support to develop the SIS Framework;
- Improve the FPIC guidance especially indicate the procedures of how to implement FPIC.

Thank You

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