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**Annex I**

**Term of Reference**

**Consultant: Analysis of legal basis for engagement of ethnic minorities in land use planning** (under Outcome 2)

**Responsible UN Agency:** UNDP

**National/International:** National

**Duration:**  5 days in Jan. 2010 (output to be submitted by Jan 22, 2010)

**Duty station:**  Home-based

**Background information:**

The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries in Viet Nam (UN-REDD Viet Nam Programme) will address complexities of developing REDD-readiness in Viet Nam through capacity building at two levels. Firstly (Outcome 1), it will build capacity at the national level to permit the Government of Viet Nam, and especially the REDD focal point, the Department of Forestry (DoF) in MARD, to coordinate and manage the process of establishing tools to implement a REDD programme that provides an effective, transparent and equitable system of demonstrating real and measurable reductions in emissions from deforestation and forest degradation, and transferring international payments for carbon conservation to local stakeholders in relation to performance standards. Secondly (Outcome 2), it will build capacity at the local level through pilots in two districts in Lam Dong province that demonstrate effective approaches to planning and implementing measures to reduce emissions, including participatory monitoring of C-stocks, and ensure fair and equitable distribution of benefits. The third Outcome of the UN-REDD programme will generate information to help identify what role REDD might play in reducing regional leakage of emissions from forests.

The UN‐REDD Programme partners, UNDP, UNEP, and FAO derive their mandates for engagement with Indigenous Peoples from the Charter of the United Nations[[1]](#footnote-1), which states: ‘*We the peoples ... reaffirm faith in fundamental human rights, in the dignity and worth of the human person... (and) promote social progress and better standards of life in larger freedom.*’ This mandate was reaffirmed in the UNDRIP. Furthermore, Article 42 of the UNDRIP states that: “*The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, … shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration*.”

Among the Guiding Principles for the UN‐REDD Programme[[2]](#footnote-2) is the principle that Free, Prior, and Informed Consent for indigenous peoples and other forest-dependent communities must be adhered to, and is essential to ensuring the full and effective participation in policy‐making and decision-making processes within UN‐REDD Programme activities.

The purpose of this assignment is to analyse legal basis for engagement of ethnic minorities in land use planning.

**Specific responsibilities of the consultant are as follows**:

* Review Vietnamese national legal documents relating to engagement, and rights of ethnic minorities in land use planning, particularly in respect to the process of securing Free Prior Informed Consent (FPIC), as per the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)
* Prepare a brief (2 pages) document, in English, summarizing the conclusions of the review
* Compile a document, consisting of all relevant legal instruments in Vietnamese
* Compile a document, consisting of English translations of all those relevant legal instruments which have been translated into English

**Output:**

* 2 page brief document in English summarizing the conclusion of the review
* a document , consisting of all relevant legal instruments in Vietnamese
* a document, consisting of English translations of all those relevant legal instruments which have been translated into English

**Qualifications, Experience and Competencies**

* Post graduate degree in Law, Social Sciences, or similar.
* At least 15 years of working experience on local peoples rights in Vietnam.
* Strong inter-personal skills, especially oral communication skills.
* Proficiency in both spoken and written English.
* Good computer literacy.

**Reporting:**

The Consultant will report to the National Programme Director of the UN-REDD Programme/Viet Nam (NPD).

1. <http://www.un.org/en/documents/charter/> [↑](#footnote-ref-1)
2. <http://www.un-redd.org/Home/EngagementofIPs/tabid/1033/language/en-US/Default.aspx> [↑](#footnote-ref-2)